

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PERFORMING ANIMAL WELFARE)	<u>C.A. NO. 00-1641</u> (EGS)
SOCIETY, ET AL.)	
VS.)	WASHINGTON, D.C.
)	SEPTEMBER 23, 2003
RINGLING BROTHERS, ET AL.)	10:00 A.M.

TRANSCRIPT OF INITIAL STATUS CONFERENCE
BEFORE THE HONORABLE EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFFS: KATHERINE MEYER, ESQ.
KIMBERLY OCKENE, ESQ.

FOR THE DEFENDANTS: EUGENE GULLAND, ESQ.
JOSHUA WOLSON, ESQ.

COURT REPORTER: FRANK J. RANGUS, OCR
U. S. COURTHOUSE, RM. 6822
WASHINGTON, D.C. 20001
(202) 371-0545

PROCEEDINGS RECORDED BY ELECTRONIC STENOGRAPHY; TRANSCRIPT
PRODUCED BY COMPUTER.

1 FIVE MINUTES OR SO. DOESN'T THAT ADDRESS YOUR CONCERN?

2 MR. GULLAND: WELL, I THINK A DISMISSAL ON THIS GROUND
3 IS WITHOUT PREJUDICE NECESSARILY.

4 THE COURT: RIGHT, BUT I WOULD NOT NECESSARILY WANT TO
5 DO THAT RIGHT NOW.

6 BUT LET ME INVITE COUNSEL BACK TO THE PODIUM.

7 WHY SHOULDN'T I DISMISS YOUR COMPLAINT? FILE AN
8 AMENDED COMPLAINT WITHIN THE NEXT FEW DAYS OR SO, AND I'LL
9 DISMISS THIS COMPLAINT, AND WE'LL GET ON WITH THE BRIEFING
10 SCHEDULE AND DEAL WITH THIS CASE ON THE MERITS. WHAT'S THE
11 PREJUDICE TO YOU IF THE DISMISSAL OF THE PENDING COMPLAINT IS
12 WITHOUT PREJUDICE TO THE FILING OF AN AMENDED COMPLAINT WITHIN
13 (PAUSE) --

14 MS. MEYER: WOULD YOU BE ISSUING A RULING, THEN, YOUR
15 HONOR, THAT THE NOTICE REQUIREMENT --

16 THE COURT: ABSOLUTELY NOT.

17 MS. MEYER: WELL, I GUESS I'M CONFUSED ABOUT THE BASIS
18 FOR WHICH YOU WOULD DISMISS THE CASE.

19 THE COURT: WHY WOULD THERE BE A NEED TO HAVE TWO
20 COMPLAINTS CONSOLIDATED, TWO COMPLAINTS PENDING ON MY CALENDAR?

21 MS. MEYER: I GUESS WE COULD --

22 THE COURT: YOU'RE GOING TO FILE AN AMENDED COMPLAINT
23 THAT EXTENSIVELY ADDRESSES THIS NOTICE ISSUE, AND YOUR
24 COMPLAINT IS IDENTICAL TO THE COMPLAINT THAT'S PENDING BEFORE
25 THE COURT. WHY IS THERE A NEED FOR THE OLD CASE TO REMAIN, AND