

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS, et al.,

Plaintiffs,

v.

FELD ENTERTAINMENT, INC.,

Defendant.

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Case No.: 03-2006 (EGS/JMF)

DEFENDANT'S OPPOSITION TO THE HUMANE SOCIETY  
OF THE UNITED STATES'S MOTION TO STRIKE

EXHIBIT 1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

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3 AMERICAN SOCIETY FOR THE  
4 PREVENTION OF CRUELTY TO  
ANIMALS, ET AL

Docket No. CA 03-2006

5 Plaintiffs,

6 v.

Washington, D.C.

7 **May 30, 2008**

8 9:30 a.m.

9 RINGLING BROTHERS AND BARNUM  
& BAILEY CIRCUS, ET AL

10 Defendant.

11 -----X

12 **EVIDENTIARY HEARING**

13 BEFORE THE HONORABLE JOHN M. FACCIOLA  
UNITED STATES MAGISTRATE JUDGE

14 **APPEARANCES:**

15 For the Plaintiffs:

Meyer Glitzenstein & Crystal  
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23 The Humane Society of the United States

By: Mr. Jonathan R. Lovvorn

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Washington, D.C. 20037

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1 A I serve as vice president of Animal Protection Litigation  
2 for the Humane Society of the United States.

3 Q And how long have you had that position, sir?

4 A Since 2005, Your Honor.

5 Q All right. As you know from my order, I indicated I was  
6 going to ask you some questions and I wanted to direct your  
7 attention specifically to that portion of Defendants' brief in  
8 which they challenge your right to call yourself counsel of  
9 record in this case. Are you counsel of record?

10 A Yes, I am, Your Honor.

11 Q To whom?

12 A I am counsel of record to all the Plaintiffs in the case.

13 Q How do I know that, sir?

14 A I entered my appearance when I signed the original  
15 complaint in this action.

16 Q And you signed the complaint?

17 A Yes, Your Honor.

18 Q All right. Sir, as you know from reading this document  
19 as well -- You were present during the testimony today?

20 A Yes, Your Honor.

21 Q Were you also here on March 6?

22 A I was, Your Honor.

23 Q Okay. So you're familiar with the testimony in this  
24 case?

25 A Yes, sir.

1 December of 2007?

2 A I did, Your Honor.

3 Q Okay. Were you familiar with the obligations imposed by  
4 both those orders?

5 A What?

6 Q Were you familiar with the obligations imposed by both  
7 those orders?

8 A Yes, Your Honor. Although with regard to Your Honor's  
9 order directing the Humane Society, I do not represent the  
10 Humane Society with regard to the Rule 45 subpoena, so I'm  
11 less familiar with that order and the search than I am with  
12 the Fund For Animals' related orders.

13 Q Okay. Did you ever have to conduct the search to bring  
14 about complete compliance with the two orders, one by Sullivan  
15 and one by Facciola?

16 A I did not conduct them myself, Your Honor, but I am  
17 familiar with both charges.

18 Q And what is the nature of your familiarity, sir?

19 A The search that took place in late August and September  
20 with regard to Judge Sullivan's order directed to the  
21 Plaintiffs was undertaken by one of my subordinates, Ethan  
22 Eddy, in cooperation with Michael Markarian. It was conducted  
23 under my direction, although I did not carry it out  
24 specifically.

25 Q Okay. Did you review the documents after they were