

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

JAN - 8 2013

REG. U.S. District & Bankruptcy  
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)

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT FELD ENTERTAINMENT, INC. AND AS TO PLAINTIFF AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff American Society for the Prevention of Cruelty to Animals ("ASPCA") and Defendant Feld Entertainment, Inc. ("FEI"), through their attorneys, submit this Stipulation of Dismissal with Prejudice of ASPCA's claims against FEI, and FEI's claims against ASPCA, and request that the Court enter an order of dismissal and retain jurisdiction over the parties' Settlement Agreement and Release. In support thereof, FEI and ASPCA state as follows:

1. Plaintiffs ASPCA, Animal Welfare Institute ("AWI"), Fund for Animals ("FFA"), and Tom Rider filed a Complaint in the instant case asserting claims against FEI on September 26, 2003, Docket Entry ("DE") 1, which was the continuation of Civil Action No. 00-1641, which was dismissed "without prejudice to the prosecution of No. 03-2006 and any future request for attorney's fees," No. 00-1641, DE 56.

2. Plaintiffs filed a Supplemental Complaint adding the Animal Protection Institute (“API”) as a plaintiff on February 23, 2006. DE 180.

3. On December 30, 2009, the Court entered judgment for FEI, dismissing plaintiffs’ claims for lack of standing. DE 558-59. That judgment was affirmed by the Court of Appeals on October 28, 2011, 659 F.3d 13 (D.C. Cir. 2011), and plaintiffs’ petition for panel rehearing was denied on January 11, 2012.

4. FEI filed a motion on April 10, 2012, seeking attorneys’ fees and other relief against plaintiffs and their counsel, which is currently pending before the Court. DE 593.

5. FEI and ASPCA have entered into a Settlement Agreement and Release dated December 14, 2012 with respect to all claims asserted in this action by ASPCA against FEI and by FEI against ASPCA only, which reflects a settlement that FEI and ASPCA both believe is in their respective best interests.

6. The action remains pending and will not be dismissed as to any other plaintiff or person or entity against which FEI seeks relief in its attorneys’ fee motion, DE 593.

7. This Stipulation is made in accordance with the terms of the Settlement Agreement and Release executed by FEI and ASPCA which will be incorporated by reference into the Order sought herein.

8. As part of the Settlement Agreement and Release, FEI and ASPCA expressly agreed to request that the Court retain jurisdiction to enforce the terms of the Settlement Agreement and Release. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381 (1994).

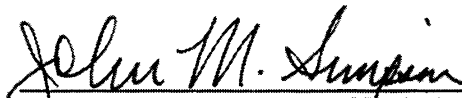
9. FEI and ASPCA each are to bear their own costs associated with this Stipulation.

WHEREFORE, FEI and ASPCA respectfully request that this Court enter an Order as follows:

(1) ASPCA's claims, and only ASPCA's claims, against FEI and FEI's claims against ASPCA, and only ASPCA, are dismissed with prejudice; and

(2) Jurisdiction over the Settlement Agreement and Release, which is incorporated by reference, is retained by the United States District Court for the District of Columbia.

Dated: December 28, 2012



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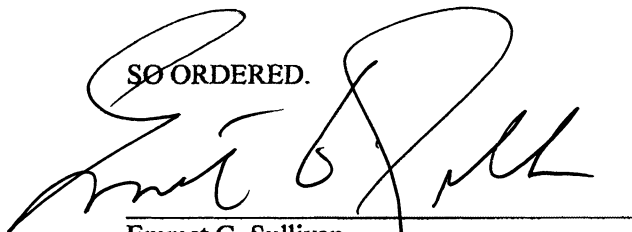
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of Cruelty to Animals

SO ORDERED.



Emmet G. Sullivan  
United States District Judge

Dated: 12/31/12