

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANIMAL WELFARE INSTITUTE, <i>et al.</i> ,)	
)	
)	
Plaintiffs,)	
)	
v.)	Civ. No. 03-2006 (EGS/JMF)
)	
FELD ENTERTAINMENT INC.,)	
)	
Defendant.)	

**NON-PARTY THE HUMANE SOCIETY OF THE UNITED STATES’S
RESPONSE TO THE COURT’S JUNE 12, 2013 ORDER
APPOINTING SPECIAL MASTER (ECF 629)**

In the Court’s June 12, 2013 Order Appointing Special Master, the Court noted that “HSUS is not a party to this case and there is no pending request that it be deemed a party; accordingly, HSUS has not had the opportunity to state its position whether the Special Master should determine its liability for fees as required under Rule 53(b)(1).” (ECF 629 at 3 n.2.)

On November 22, 2013, Defendant Feld Entertainment, Inc. (“FEI”) filed a motion to join non-party The Humane Society of the United States (“HSUS”) as a party plaintiff under Federal Rule of Civil Procedure 25(c). (ECF 672.) Having reviewed FEI’s request, non-party HSUS does not consent to the assignment of FEI’s Rule 25(c) motion and any related proceedings to Magistrate Judge Facciola, serving as Special Master.

FEI’s Motion for Entitlement to Attorneys’ Fees (ECF 593), and therefore the plaintiffs’ liability for FEI’s fees, was decided by this Court. (ECF 620.) FEI’s Rule 25(c) motion seeks to impose that same liability on HSUS, despite the fact that HSUS never was a party to this case.

HSUS respectfully suggests that this threshold question of HSUS' liability should appropriately be decided by this Court, rather than by a Special Master..

January 10, 2014

Respectfully submitted,

/s/ W. Brad Nes
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