

Wildlife Advocacy Project's
Exhibit D
(Civ. No. 03-2006 (EGS/JMF))

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November 16, 2005

BY FACSIMILE AND FIRST CLASS MAIL

Richard Thomas, Esq.
Lichtman, Trister & Ross, PLLC
1666 Connecticut Avenue, N.W., Suite 500
Washington, DC 20009

Re: ASPCA et al. v. Ringling Bros. and Barnum & Bailey Circus, No 03-2006 (D.D.C.)

Dear Mr. Thomas:

I am writing to confirm our conversation last Thursday (November 10) about the subpoena that defendant served on the Wildlife Advocacy Project in this case.

First, you told me that most of the communications between WAP and Tom Rider are oral communications. You said that WAP does not have any e-mails with Tom Rider. You also stated that WAP has produced all of the cover letters accompanying payments to Mr. Rider, as well as other instructions provided to Mr. Rider regarding those payments. You told me that it is your understanding that WAP frequently sends Mr. Rider checks with no instructions or cover memos. You also said that Mr. Rider sometimes provides receipts to WAP, but that he often receives "grants" for which no receipts are necessary. You told me that you did not believe there was a written schedule for payments from WAP to Mr. Rider. Please confirm that we have received all written communications between WAP and Mr. Rider, in any form, as well as any documentation about communications with Mr. Rider.

Second, you told me that WAP has not had any communications with any current or former employees of defendant other than Mr. Rider. Please confirm this, including the fact that WAP has not had any communications with Frank Hagan.

Third, you told me that WAP has produced all of its solicitations that are responsive to the subpoena. You stated that you understand that WAP sends out very few solicitations in order to raise money. Instead, you said that WAP receives money from its website, from grant proposals, and from Mr. Rider's mentions of WAP at public appearances and protests. You told me that you understand that WAP has produced all responsive grant proposals in its possession.

Fourth, you told me that you would prepare a proposed protective order governing information that WAP has redacted from its current production on grounds of confidentiality.

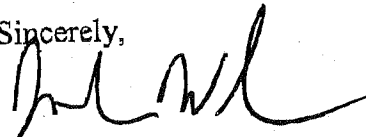
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You said that WAP wanted to reserve its objection to providing the names of donors who are not parties to this litigation. I explained to you our position that the names of donors are discoverable, regardless of whether they are parties to this litigation. In particular, I explained that if animal activist organizations other than the plaintiffs in this case have given money to WAP to fund Mr. Rider's activities, then defendant will likely want to know the identities of those organizations. You said you would consider our position. I also asked that, for any document from which WAP redacts the identity of a donor, you provide information on a log about the amount of the donation made by that donor, so that we can evaluate whether further discussions about the redaction are necessary. You stated that you expected that any protective order you proposed would limit the dissemination of covered information to counsel in the case. I told you that we would want to be able to share any information we obtained with the in-house counsel overseeing this litigation for defendant.

Finally, I confirmed that our request for WAP's tax exemption application and supporting documentation was not something that we viewed as covered by the subpoena. Instead, I explained that we were requesting the documents because IRS regulations require WAP to make such documents available to anyone who requests them. You said that you expected WAP would provide this information, but that it might reserve an objection to the relevance of the information in the litigation.

Please let me know if any of the above does not accurately reflect our discussion.

Sincerely,



Joshua D. Wolson