

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FELD ENTERTAINMENT, INC.	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 07- 1532 (EGS)
	:	
AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY ANIMALS, <u>et al.</u>	:	
	:	
Defendants.	:	
	:	

**PLAINTIFF FELD ENTERTAINMENT, INC.’S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO DEFENDANT AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY OF ANIMALS**

Pursuant to Fed. R. Civ. P. 34, and the court’s 12/9/10 Limited Scheduling Order, Plaintiff Feld Entertainment, Inc. hereby propounds the following first set of requests for production of documents to Defendant American Society for the Prevention of Cruelty to Animals. Defendant American Society for the Prevention of Cruelty to Animals is requested to respond to these requests within thirty (30) days after the date of service, in accordance with Fed. R. Civ. P. 34(b)(2)(A).

DEFINITIONS

1. “FEI” or “Plaintiff” means the plaintiff in this action, Feld Entertainment, Inc.
2. “Defendants” means the defendants in this action named in Plaintiff’s First Amended Complaint (filed 2/16/2010).
3. “First Amended Complaint” or “FAC” means the First Amended Complaint filed in Civil Action No. 07-1532 (EGS), by Feld Entertainment, Inc., in the United States District Court for the District of Columbia on or about February 16, 2010.

4. "ASPCA" means the American Society for the Prevention of Cruelty to Animals and any of its current or former employees, consultants, agents, attorneys, directors, other representatives, and all other persons acting under their control or on their behalf.

5. "AWI" means the Animal Welfare Institute and any of its current or former employees, consultants, agents, attorneys, directors, other representatives, and all other persons acting under their control or on their behalf.

6. "FFA" means The Fund for Animals and any of its current or former employees, consultants, agents, attorneys, directors, other representatives, and all other persons acting under their control or on their behalf.

7. "API" means the Animal Protection Institute and its successor, Born Free USA, previously known as Born Free USA United with Animal Protection Institute, as stated in Docket Entry #58 in the instant case, and any of its current or former employees, consultants, agents, attorneys, directors, other representatives, and all other persons acting under their control or on their behalf.

8. "WAP" means the Wildlife Advocacy Project and any of its current or former employees, consultants, agents, attorneys, directors, other representatives, and all other persons acting under their control or on their behalf.

9. "MGC" means Meyer, Glitzenstein & Crystal and the predecessor law firm of Meyer & Glitzenstein and any of its current or former partners, employees, consultants, agents, attorneys, directors, other representatives, and all other persons acting under their control or on their behalf.

10. “HSUS” means The Humane Society of the United States and any of its current or former employees, consultants, agents, attorneys, directors, other representatives, and all other persons acting under their control or on their behalf.

11. The ESA Action means *ASPCA et al. v. Feld Entertainment, Inc.*, 03-2006-EGS and 00-1641-EGS.

12. “ESA Action plaintiffs” means ASPCA, AWI, API, FFA, and Tom Rider.

13. “Former ESA Action plaintiffs” means Performing Animal Welfare Society (“PAWS”), Patricia Derby, Edward Stewart, and/or Glenn Ewell.

14. “ESA Action witnesses” means any individual or representative of a corporate entity or organization, who: (1) testified (in any capacity) in the ESA Action, (2) was listed in any party’s Fed. R. Civ. P. 26 initial disclosures, or (3) was listed on any witness list in the ESA Action, regardless of whether they appeared to testify at a hearing or trial in the ESA Action.

15. “Financial support” means anything of value, whether monetary or in kind, requested by or on behalf of, given to, directed to a person or organization, or indirectly through a person or organization for the benefit of another, including but not limited to funds, payments, reimbursements for expenses or services rendered, grants, gifts, or remuneration of any kind.

16. “Animal activist/Group” means any person or entity that advocates on behalf of animals and includes, but is not limited to, the ASPCA or any local or regional Society for the Prevention of Cruelty to Animals (“SPCA”), FFA, the AWI, the People for the Ethical Treatment of Animals (“PETA”), the Performing Animal Welfare Society (“PAWS”), the Earth Liberation Front (“ELF”), the Animal Liberation Front (“ALF”), API, Born Free International (“BFI”); Captive Animals’ Protection Society (“CAPS”), In Defense of Animals (“IDA”), Compassion over Killing (“CK”), and the WAP.

17. “You” or “your” means the ASPCA and any of its current or former employees, consultants, agents, attorneys, directors, other representatives, and all other persons acting under their control or on their behalf.

18. The phrase “refer, reflect, or relate to” is used as a means of requesting information or documents that constitute, comprise, consist of, contain, evidence, set forth, propose, show, disclose, describe, discuss, mention, explain, summarize, reflect, deal with, identify, analyze, demonstrate, or in any way address, involve, regard, pertain to, touch upon, affect, or concern, in whole or in part, the subject matter of the relevant request for production.

19. The term “communication” means any transmission of information from one person or persons to another person or persons, regardless of the medium by which such communication occurred.

20. The terms “include” or “including” denote a portion of a larger whole and are used without limitation.

21. The words “and” and “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which otherwise might be construed as outside its scope.

22. To the extent not otherwise defined, all words shall have their usual and ordinary meaning as the context of the sentence would indicate.

23. “Document” is defined to be synonymous and equal in scope to usage of the term “documents or electronically stored information” in Federal Rule of Civil Procedure 34(a), and shall include all Documents regardless of whether they exist in paper or electronic format. A copy or duplicate of a document which has any non-conforming notes, marginal annotations, or other markings, and any preliminary version, draft, or revision of the foregoing is a separate document

within the meaning of this term. Document(s) include, without limitation and by way of example only, any memorandum, letter, envelope, correspondence, electronic mail, report, note, Post-It, message, text message, e-communication, telephone message, telephone log, diary, ledger, chart, journal, calendar, minutes, working paper, financial report, accounting report, account statement, check, work papers, teletype message, facsimile, directory, computer disk or tape, thumb or flash drive, or video or audio recording such as a tape, CD, or DVD. Document(s) also include the file, folder tabs, binders and labels appended to or containing any Documents. The term "documents" includes electronic mail messages and other documents stored in, or accessible through, computer or other information retrieval systems, such as personal computers, portable computers, workstations, minicomputers, personal data assistants, and portable or removable storage media.

24. "Produce" or "Production" means to provide legible, complete, and exact copies of responsive documents to the undersigned counsel, or to make such documents available to the undersigned counsel for inspection and reproduction. Where the document is in the form of a computer program or computer data, production should include production of the responsive information in machine-readable format along with a description of the format and any other information necessary and sufficient to permit access to and an understanding of the information.

25. Any word written in the singular herein shall be construed as plural or vice versa when necessary to facilitate the response to any request unless otherwise specified.

26. Words of any gender include the other gender.

INSTRUCTIONS

1. Furnish all documents known or available to you, regardless of whether such documents are possessed directly by you or by others under your control, for instance, by your agents, representatives, attorneys, or doctors.

2. Absent a written agreement of the parties to the contrary or an order of the court, electronic stored information (“ESI”) should be produced, as far as reasonably possible, in the following formats:

a. General Format. Except as noted below, ESI should be produced in TIFF format with linked text files for all ESI that is searchable in the ordinary course of business.

b. TIFFs. All images should be delivered as 300 D.P.I. Group IV compression multi-page TIFFs. TIFF images shall be clearly labeled to show redacted, privileged, non-responsive, or otherwise protected material. If documents are in color and produced in black and white, they shall be labeled as such. To the extent any document is produced in TIFF format, Plaintiff reserves the right to request particular documents be produced in native format with all of their metadata and embedded data intact (including any metadata created or stored in any document management program).

c. Unique IDs. Each image should have a unique file name and should be named with the Bates number assigned to it.

d. Text Files. Document level extracted text files should be provided. Each document text file should be named according to the Bates or production number of the first page of the document to which it applies. Text from redacted pages should be produced in OCR format rather than extracted text.

e. Database Load Files/Cross-Reference Files. Documents should be provided with an IPRO delimited file and Concordance delimited file. Such files shall include the following metadata extracted from the native files in a forensically sound manner: Sent_Date; Sent Time; To; From; CC; BCC; Subject/Title; Text; File Name; Received_Date and Time; Create Date and Time; Last_Modified Date and Time; and Author. The following additional metadata should be produced from the discovery process: Bates_Begin; Bates_End; Attach_Begin; Attach_End; and Custodian.

f. Embedded Data. To the extent a document has hidden comments, speaker notes, or columns, this data should be legible and produced in such a way as to understand its context and not block other text or data.

g. Redacted Documents. To the extent you redact a document with searchable text, the redacted text can be deleted, but the document must be OCR'ed and produced with the OCR text.

h. Structured Data. To the extent the document requests call for any information contained in structured data sets the parties should meet-and-confer regarding a reasonably useable production format.

3. Documents withheld from production that you believe are covered by an attorney-client privilege and/or work product protection, which do not fall into categories specifically excluded from the obligation to log by a discovery plan adopted by the court or any other order governing specifications for discovery, should be logged on a privilege log on a document-by-document basis. The following information should be provided (as applicable) in the privilege log for each document: (1) Document identification number; (2) document type; (3) document length/file size; (4) attachments; (5) date; (6) author; (7) recipient(s); (8) copyee(s); (9) privilege

or protection claimed; and (10) description of the document including information sufficient to establish the elements of each asserted privilege. For those documents that contain a series of e-mail communications in a single document ("email string"), reference to the document as an "email string" should be made in the document description field. All recipients on embedded email communications (or parts of the "string") must be identified in the recipient field so that the privilege claim may adequately be assessed. Email strings that are not privileged in their entirety should be redacted, the redaction labeled to reflect the nature of the privilege; the redactions logged; and the non-privileged portions produced. All counsel or their employees (or direct reports for in-house counsel) shall be identified as such in the privilege log. Further, any non-party or counsel shall also be identified as such in the privilege log.

4. Documents shall be produced in such fashion as to identify the department, branch, or office in whose possession they were located and, where applicable, the natural person in whose possession they were found and the business address of each document's custodian(s).

5. You are required to produce the original of each document requested below or if the original is not in your custody, then a copy thereof.

6. If any request for documents cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

7. Each request for documents seeks production of all documents described herein and any attachments, exhibits or appendices thereto in Plaintiff's possession, custody or control and all documents and any attachments that Plaintiff has the legal right to obtain or has the ability to obtain from sources under her control.

8. If any document requested herein has been destroyed, discarded or otherwise disposed of, or otherwise no longer available for production, such document is to be described by

(where applicable) date, last location, number of pages, attachments, appendices and exhibits, author(s), addressee(s), recipient(s), title and subject matter. In addition, please state the reason for disposal or destruction of the document and identify each person who either authorized disposal or destruction of the document or who disposed of or destroyed the document or, if the document has been transferred or delivered to another person and, if so, at whose request and the circumstances surrounding the disposition of the document and the date of its disposition.

9. These requests for production of documents are deemed to be continuing; the answers and responses must, accordingly, be amended to reflect any further information and/or documents that come to plaintiff's attention between the date of service hereof and the date of trial.

10. Should documents or information previously produced in the ESA Action be responsive to any of these requests for production, such documents need not be re-produced again, but should instead be identified by Bates number or, in the event such documents were previously produced without a Bates number, by specific information that makes them readily identifiable. If any previously-produced documents contain redactions of information claimed to be privileged or otherwise protected from disclosure, the redacted material must be logged in accordance with the privilege requirements stated herein.

11. Unless otherwise stated in a particular request, the time period for which documents are requested is January 1, 1998 to the present.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents that refer, reflect, or relate to the ASPCA's decision to become a plaintiff in the ESA Action.

2. All documents that refer, reflect or relate to discontinuing participation as a plaintiff in the ESA Action.

3. All documents that refer, reflect or relate to the ASPCA's formulation of and decision to use Tom Rider as a plaintiff in the ESA Action, including but not limited to information related to the 60 day Notice letter(s), the complaint to the USDA, or any other proposed plaintiff including but not limited to Glenn Ewell, James Stehcon, Archele Hundley, Robert Tom or Margaret Tom.

4. All documents that refer, reflect, or relate to the ASPCA's evaluation of Tom Rider as an ESA Action Plaintiff or witness, including but not limited to his credibility, proposed testimony, or actual testimony.

5. All documents that refer, reflect, or relate to the process by which the Defendant(s) in the ESA Action were identified or selected, and the criteria for selection.

6. Lectures, speeches, interviews, presentations or statements given by Tom Rider regarding any subject and for any time period, whether in written, video, audio or other format.

7. All documents that refer, reflect or relate to payments, grants, or any financial support whatsoever, regardless of label or characterization, to Tom Rider, or to any other organization or individual for the benefit of Tom Rider (including but not limited to WAP).

8. All documents that refer, reflect or relate to payments, grants, or any financial support whatsoever, regardless of label or characterization, to any ESA Action plaintiff or witness, or to any other organization or individual for the benefit of any such person.

9. All documents that refer, reflect or relate to the coordination of payments, grants or any financial support, regardless of label or characterization, to any ESA Action plaintiff or witness between the ESA Action plaintiffs and their counsel (including but not limited to MGC,

Meyer, Glitzenstein, Crystal, Ockene, Lovvorn, Tracy Silverman, Ethan Eddy, Tanya Sanerib, or Lisa Weisberg).

10. All documents that refer, reflect or relate to accounting or monitoring of payments, grants or financial support, regardless of label or characterization, to Tom Rider, WAP and/or any ESA Action witness or plaintiff and all documents that refer, reflect or relate to documentation of expenses and other expenditures regarding said payments, grants or financial support.

11. All documents that refer, reflect or relate to communications with Tom Rider.

12. All documents that refer, reflect or relate to Tom Rider's "media" work.

13. All documents that refer, reflect or relate to the decision to label, characterize or call payments to Tom Rider, WAP or any other ESA Action plaintiff or witness "grants" or any advice (legal or otherwise) related to same.

14. Copies of the ASPCA's document destruction or document retention policies, procedures or practices.

15. Documents that refer, reflect or relate to the ASPCA's efforts to preserve documents in connection with the ESA Action.

16. All documents that refer, reflect, or relate to procedures, policies or practices regarding the ASPCA's process of awarding grants, including but not limited to, application, review, award and notification thereof, administration, fiscal monitoring, reporting and compliance.

17. All documents withheld from production in the ESA Action on the basis of "media strategy" or the First Amendment to the United States Constitution.

18. The ASPCA's Form 990s (990 or 990-EZ) for tax years 2000 to the present.

19. All documents that refer, reflect, or relate to any solicitation of or request for donations, contributions, payments or financial support of any kind, regardless of label or characterization, concerning the ESA Action, the presentation of elephants in circuses, Tom Rider, Defendant, and/or WAP, by the ESA Action plaintiffs, MGC and/or WAP.

20. All documents that refer to or contemplate using the ESA Action to raise funds or donations, including but not limited to proposed plans, strategies, campaigns or programs that were not implemented, and what such funds or donations were spent on.

21. All documents that refer, reflect or relate to donations (whether financial or in kind), that were designated or otherwise earmarked by the donor, for use in connection with the ESA Action.

22. All current and prior versions of the ASPCA's web or internet pages or material that reference the ESA Action, including but not limited to web or internet pages that contain references to the ESA Action and a link to a donation page or "donate now" icon or the equivalent that direct the user to make electronic donations (whether financial or in kind).

23. All documents that refer to or contemplate using the ESA Action to gain media attention or publicity or for marketing and/or advertising purposes, including but not limited to proposed plans, strategies, campaigns or programs that were not implemented.

24. All documents that refer to or contemplate the ASPCA using the ESA Action in legislative campaigns or as part of its legislative agenda or activities, including but not limited to proposed plans, strategies, campaigns programs, agendas, or activities that were not implemented.

25. All documents that refer, reflect, or relate to the "2005 Benefit For The Asian Elephants" or any other fund-raising activities and/or benefits referring or relating to the ESA

Action, the presentation of elephants in circuses, Tom Rider, FEI, and/or WAP. This request includes, but is not limited to any documents that refer, reflect or relate to any: (a) meeting of your Board of Directors or any committee, subcommittee, working group, or other sub-unit thereof where there was any discussion of any such fund-raisers and/or benefits; (b) public statements, including press releases, that you, your agents, or anyone acting at your behest have made that refer to or mention any such fund-raisers and/or benefits; (c) internal communications that refer to or mention any such fund-raisers and/or benefits; (d) communications with the ESA Action plaintiffs, WAP or any Animal Activist/Group that refer to or mention any such fund-raisers and/or benefits; (e) communications with MGC that refer to or mention any such fund-raisers and/or benefits; and (f) communications with any of your members, volunteers, donors and/or employees that refer to or mention any such fund-raisers and/or benefits.

26. Complaints related to the ASPCA's fundraising, campaigns, tactics or publicity made by members of the public, federal, state, or local agencies, or any other organization.

27. Any filing made with the IRS since 2000 that mentions, discloses or refers in any way to payments, grants or any financial support whatsoever to Tom Rider (or to any other individual or organization for his benefit), and all documents related to such a filing.

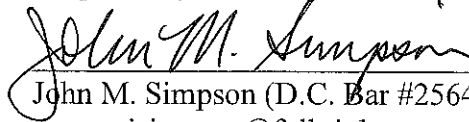
28. Communications with any person listed on the witness lists of the trial of the ESA Action and any payments, grants or financial support to same.

29. Communications with PETA about the ESA Action, including but not limited to any disclosed or proposed ESA Action witness or plaintiff, Tom Rider, Robert Tom, Margaret Tom, Frank Hagan, Gerald Ramos or Archele Hundley. *See* 7/22/08 Order, Civil Action No. 2:08mc4, E.D. Va. ("The Court overruled any assertion of a mutual defense privilege theory given that PETA explicitly disclaimed any legal interest in the D.C. Litigation").

30. Communications with Animal Defenders, Animal Defenders International, Last Chance for Animals for In Defense of Animals about the ESA Action or Tom Rider.

Dated: February 25, 2011

Respectfully submitted,



John M. Simpson (D.C. Bar #256412)

jsimpson@fulbright.com

Stephen M. McNabb (D.C. Bar #367102)

smcnabb@fulbright.com

Michelle C. Pardo (D.C. Bar #456004)

mpardo@fulbright.com

FULBRIGHT & JAWORSKI L.L.P.

801 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 662-0200

Facsimile: (202) 662-4643

Counsel for Plaintiff Feld Entertainment, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 2011, a true and correct copy of the foregoing was via first class mail, postage prepaid, to the following:

Stephen L. Braga
Ropes Gray LLP
700 12th Street, NW
Washington, DC 20005

Laura N. Steel
Kathleen Warin
Wilson Elser Moskowitz Edelman & Dicker LLP
700 11th Street, N.W.
Washington, DC 20001

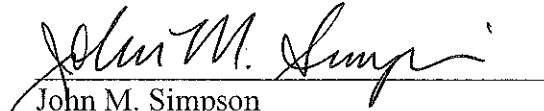
Daniel S. Ruzumna
Peter Tomlinson
Harry Clarke
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036-6710

Bernard J. DiMuro
Stephen L. Neal, Jr.
DiMuro Ginsburg PC
9087 King Street, Suite 200
Alexandria, VA 22314

Barbara Van Gelder
William Nes
Morgan Lewis and Bockius, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

Andrew Weissman
Wilmer Cutler
1875 Pennsylvania Avenue, N.W.
Washington, DC 20006

David Dickieson
Schertler & Onorato LLP
601 Pennsylvania Avenue, N.W.
North Building, 9th Floor
Washington, DC 20004



John M. Simpson
Counsel for Plaintiff Feld Entertainment, Inc.