



4. Defendants filed a Motion for Interlocutory Review or, in the Alternative, Reconsideration on August 9, 2012. DE 105.

5. The Court issued a Minute Order indicating that it would resolve defendants' Motion for Interlocutory Review or, in the Alternative, Reconsideration before addressing the parties' discovery plans and cancelled the Rule 16 conference. Minute Order (10-5-12). During the hearing on that motion, counsel for defendants represented that the defendants would not seek a stay of discovery even if their motion were granted.

6. The Court ordered dismissal with prejudice as to Defendant American Society for the Prevention of Cruelty to Animals on January 3, 2013. DE 128.

7. The Court denied defendants' Motion for Interlocutory Review or, in the Alternative, Reconsideration on January 8, 2013. DE 129.

8. In light of the Court's January 8, 2013 Order, FEI hereby respectfully requests that the Court schedule a Rule 16 conference.

9. Concurrently herewith, FEI also is filing a motion for a status conference in a related action, *ASPCA et al. v. Feld Entertainment, Inc.*, No. 03-2006 (D.D.C.) (EGS), regarding the taxation of FEI's costs to the plaintiffs in that matter.

Pursuant to Local Rule 7(m), counsel for FEI conferred with counsel for defendants but was not able to ascertain defendants' position with respect to this Motion at the time that the Motion was filed.

Dated: January 11, 2013

Respectfully submitted,

/s/ John M. Simpson

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