## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FELD ENTERTAINMENT, INC.

:

Plaintiff,

:

v. : Case No. 07- 1532 (EGS)

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AMERICAN SOCIETY FOR THE

PREVENTION OF CRUELTY

ANIMALS, et al.

:

Defendants.

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## REPLY IN SUPPORT OF MOTION TO SCHEDULE A RULE 16 CONFERENCE

Plaintiff Feld Entertainment, Inc. ("FEI") filed a Motion to Schedule a Rule 16 Conference ("Motion") on January 11, 2013, Docket Entry ("DE") 130, requesting a Rule 16 conference in light of, *inter alia*, the Court's January 8, 2013 Order denying defendants' Motion for Interlocutory Review or, in the Alternative, Reconsideration. DE 129. Prior to filing the Motion, FEI attempted to confer with defendants pursuant to LCvR 7(m), but eleven of the twelve remaining defendants never responded to FEI's communication, and no defendant has since stated any objection or raised any issue as to the relief sought in FEI's Motion.

Defendants' response to FEI's Motion was due on or before Monday, January 28, 2013. Fed. R. Civ. P. 6; LCvR 7(b). Defendants filed no response (but nonetheless secured themselves seventeen extra days of delay). Therefore, the Motion may now be treated as conceded. LCvR 7(b) ("If such a memorandum is not filed within the prescribed time, the Court may treat the

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motion as conceded."). FEI respectfully requests the Court schedule a Rule 16 conference in this matter. <sup>1</sup> The case should not be delayed further.

Dated: February 1, 2013 Respectfully submitted,

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FEI also filed 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 case (also defendants herein). No. 03-2006, DE 610 (1-11-13). Plaintiffs likewise filed no response to FEI's Motion in that case.