

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

FELD ENTERTAINMENT, INC.	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 07- 1532 (EGS/JMF)
	:	
ANIMAL WELFARE INSTITUTE, <u>et al.</u>	:	
	:	
Defendants.	:	
	:	
	:	
	:	

**PLAINTIFF FELD ENTERTAINMENT INC.’S RESPONSE TO
DEFENDANT HSUS’S MOTION FOR LEAVE TO SUPPLEMENT ITS ANSWER**

Plaintiff Feld Entertainment, Inc. (“FEI”) hereby responds to defendant Humane Society of the United States’s (“HSUS’s”) Motion for Leave to Supplement its Answer (“Motion”) (Docket Entry (“DE”) 141) (3-28-13). HSUS’s Motion seeks to supplement its Answer to include the defense of set-off. *See id.*

FEI does not oppose HSUS’s Motion. However, FEI does not concede that the defense, as pled by HSUS (or any other defendant), is a valid defense to FEI’s claims. FEI will file a motion to resolve this issue at the appropriate time. *See* Fed. R. Civ. P. 12(h)(2) (“Failure to ... state a legal defense to a claim may be raised ... (B) by a motion under Rule 12(c); or (C) at trial.”); Fed. R. Civ. P. 56(a) (“A party may move for summary judgment, identifying each claim or defense – or the part of each claim or defense – on which summary judgment is sought.”).

Dated: April 4, 2013

Respectfully submitted,

/s/ John M. Simpson

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

Kara L. Petteway (D.C. Bar # 975541)

kpetteway@fulbright.com

Rebecca E. Bazan (D.C. Bar # 994246)

rbazan@fulbright.com

FULBRIGHT & JAWORSKI L.L.P.

801 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2623

Telephone: (202) 662-0200

Counsel for Plaintiff Feld Entertainment, Inc.