

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

FELD ENTERTAINMENT, INC.,)
)
Plaintiff,)
)
v.)
)
ANIMAL WELFARE INSTITUTE, et al.,)
)
Defendants.)
)

Civ. No. 1:07-cv-1532 (EGS/JMF)

DEFENDANT ANIMAL WELFARE INSTITUTE’S MOTION TO COMPEL

Defendant Animal Welfare Institute (“AWI”), by and through its undersigned counsel, respectfully submits this Motion to Compel against Plaintiff Feld Entertainment, Inc. (“Feld”). The grounds for this Motion are set forth in the accompanying Memorandum of Points and Authorities that is submitted concurrently herewith.

In accordance with Local Rule 7(m), counsel for AWI has met and conferred in good faith with counsel for Feld in an effort to resolve the issues presented by this Motion. Regrettably, counsel were not able to resolve the issues and Feld opposes this Motion.

WHEREFORE, because of Feld’s continued refusal to comply with Rule 26(a)(1), AWI respectfully requests that the Court preclude Feld’s use of its bills/invoices on any motion, at hearing, or at trial and/or that the Court strike Feld’s claim for damages. In the alternative, AWI respectfully requests that the Court order Feld to produce its bills/invoices in their entirety within 3 days of entry of an Order granting this Motion to Compel. If Feld does not do so, then the Court should preclude Feld’s use of its bills/invoices on any motion, at hearing, or at trial and/or the Court should strike Feld’s claim for damages. Regardless of the relief ordered by the Court, pursuant to Rule 37(a)(5)(A) and Rule 37(c)(1), AWI should be awarded all attorneys’ fees and

costs incurred in prosecuting this Motion. Alternative proposed Orders are filed concurrently herewith.

Date: AUGUST 7, 2013

**Respectfully submitted,
ANIMAL WELFARE INSTITUTE**

By Counsel

/s/

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Counsel for Defendant Animal Welfare Institute

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 7th day of August, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

_____/s/
Stephen L. Neal, Jr.