

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

**FELD ENTERTAINMENT, INC.**

**Plaintiff,**

**v.**

**ANIMAL WELFARE INSTITUTE, et al.**

**Defendants.**

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**Case No. 07-1532 (EGS/JMF)**

**PLAINTIFF FELD ENTERTAINMENT, INC.'S OPPOSITION TO  
DEFENDANT ANIMAL WELFARE INSTITUTE'S MOTION TO COMPEL**

**EXHIBIT 4**

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

FELD ENTERTAINMENT, INC.,

Plaintiff,

v.

AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS, et al.,

Defendants.

Civ. No. 07-1532 (EGS)

**DEFENDANT THE HUMANE SOCIETY OF THE UNITED STATES’S INITIAL  
DISCLOSURES UNDER FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant The Humane Society of the United States (“HSUS”) makes the following initial disclosures based on the information currently known to counsel. HSUS reserves the right to amend or supplement these disclosures as discovery proceeds or as otherwise necessary or appropriate and states upon information and belief, as follows:

1. Rule 26(a)(1)(A)(i): Pending further discovery and information as this case proceeds, HSUS has identified the following individuals likely to have discoverable information that HSUS may use to support its answers or defenses:

Name	Address/Telephone	Subject Matter
Michael Markarian	To be contacted only through counsel	Knowledge of the corporate combination of HSUS and Fund For Animals (“FFA”); knowledge of the falsity of FEI’s claims.

Jonathan R. Lovvorn	To be contacted only through counsel	Knowledge of transmission of checks to WAP after the corporate combination; knowledge of the falsity of FEI's claims.
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HSUS reserves the right to rely upon any and all necessary corporate representatives, expert witnesses, and/or records custodians with information regarding this case. HSUS also reserves the right to rely upon any other witnesses or potential witnesses that may be identified during the course of discovery, including but not limited to any and all witnesses identified by Plaintiff in its Rule 26(a)(1) disclosure, by other Defendants in their Rule 26(a)(1) disclosures, and/or any other person identified during discovery who may have knowledge or information pertaining to HSUS's defenses in this action. HSUS will supplement this disclosure when, and if, it receives additional information regarding individuals who may have knowledge or information pertaining to its defenses.

2. Rule 26(a)(1)(A)(ii): Pending further discovery as the case proceeds, HSUS intends to rely upon non-privileged documents within the following categories:
  - a. Records concerning the corporate combination between The Humane Society of the United States and the Fund for Animals, Inc., such as the Asset Acquisition Agreement between The Humane Society of the United States and The Fund for Animals, Inc. executed on November 22, 2004;
  - b. Deposition transcript of Fund for Animals, Inc.'s Rule 30(b)(6) witness Michael Markarian in the ESA Action (June 22, 2005);
  - c. Evidentiary hearing transcript of Michael Markarian in the ESA Action (March 6, 2008);
  - d. Trial Transcript of Michael Markarian in the ESA Action (March 10, 2009);

- e. FFA's separate incorporation statements;
- f. FFA's separate state charitable registrations;
- g. Records concerning the processing of checks made payable to the WAP;
- h. FFA board meeting minutes; and
- i. Fund For Animals, Inc.'s Form 990s.

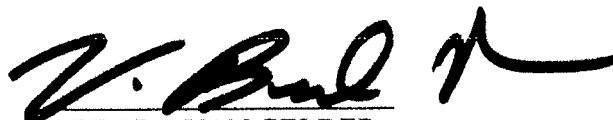
HSUS reserves the right to rely upon any and all other documents that may be identified during the course of discovery, including but not limited to any other documents identified by Plaintiff or by other Defendants, and any other document identified during discovery. HSUS will supplement this disclosure when, and if, necessary.

3. Rule 26(a)(1)(A)(iii): At this time, HSUS has not brought any claim for damages in this case that would necessitate disclosure of a damage calculation and supporting evidence. However, because HSUS has both omnibus and supplemental motions to dismiss pending, HSUS has not yet been required to file an Answer to the Amended Complaint. HSUS reserves the right to supplement this initial disclosure if, and when, it files a counterclaim in this action or is otherwise entitled to monetary relief.

4. Rule 26(a)(1)(A)(iv): HSUS will provide a copy of any and all responsive insurance policies.

January 28, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Van Gelder', written over a horizontal line.

BARBARA VAN GELDER  
(DC Bar No. 265603)  
W. BRAD NES  
(DC Bar No. 975502)  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
(202) 739-5779 (telephone)  
(202) 739-3001 (fax)  
bnes@morganlewis.com

*Counsel for Defendant  
The Humane Society of the United States*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was served via electronic email and First Class Mail to the following counsel of record on this 28th day of January, 2011:

John M. Simpson, Esquire  
Joseph T. Small, Jr., Esquire  
Richard C. Smith, Esquire  
Michelle C. Pardo, Esquire  
Fulbright & Jaworski LLP  
801 Pennsylvania Avenue, N.W.  
Washington, D.C.

Laura N. Steel, Esquire  
Kathleen H. Warin, Esquire  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
700 11th Street, N.W., Suite 400  
Washington, D.C. 20001

Stephen L. Braga, Esquire  
Ropes & Gray LLP  
700 12<sup>th</sup> Street, N.W., Suite 900  
Washington, D.C. 20005

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

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

Andrew B. Weissman, Esquire  
WILMER CUTLER PICKERING HALE and DORR LLP  
1875 Pennsylvania Avenue NW  
Washington, DC 20006

David H. Dickieson, Esquire  
SCHERTLER & ONORATO, LLP  
601 Pennsylvania Avenue, NW  
North Building, 9th Floor  
Washington, DC 20004

Wendy L. Wysong, Esquire  
Clifford Chance US LLP  
2001 K Street, NW  
Washington DC 20006 1001

A handwritten signature in black ink, appearing to read "W. Brad Nes", with a long horizontal stroke extending to the right.

W. Brad Nes