

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

**SECOND SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED TO PLAINTIFF BY DEFENDANT
AND COUNTERCLAIM-PLAINTIFF MEYER, GLITZENSTEIN & CRYSTAL**

Pursuant to Fed. R. Civ. P. 34, Defendant Meyer Glitzenstein & Crystal, by counsel hereby propounds the following Requests for Production of Documents to plaintiff Feld Entertainment, Inc. (“FEI”). Plaintiff is requested to produce the following documents at the Law Office of Stephen L. Braga, PLLC, 3079 Wood Cove Lane, Woodbridge, VA 22192, within 30 days, in accordance with Rule 34 and in conformance with the Court’s Orders of 5/9/13 (ECF No. 156) and 8/8/13 (Nos. 156, 157).

INSTRUCTIONS AND DEFINITIONS

1. These Requests are continuing in character so as to require you to file supplemental responses as you obtain further or different documents or information.
2. With respect to any document withheld under a claim of privilege or for any other reason, the documents shall be logged in accordance with the Court’s Orders of 8/8/13 (ECF Nos.

156, 157), and shall identify the name, title and description or type of each such document, the subject matter with which each document deals, the name, and title of the person drafting or originating such document, the date such document was drafted, the intended recipient of such document, the name of the person having custody of such document, the nature of the privilege or other ground asserted for withholding each such document and the factual basis for the claim of privilege or other ground for withholding such document.

3. Both electronically stored information (“ESI”) and paper documents shall be produced in accordance with the protocols set forth in the Court’s Orders of 8/8/13 (ECF Nos. 156, 157).

4. In answering Requests for Production of Documents, Feld Entertainment, Inc. (“FEI”) is required to respond based upon all information reasonably available to it, including all knowledge and material that it owns or that is in its possession, custody, or control and including any materials that it has a right to secure from any other source. If the requested Documents are known by FEI to exist, but are not in the possession of FEI or its agents or representatives, so state and produce Documents that show the name of the person or entity in whose custody such Documents reside.

5. Documents shall be produced in accordance with the applicable standards under Fed. R. Civ. P. 34. If any particular Documents responsive to these requests have been lost, mutilated, erased, deleted, destroyed, or are otherwise unavailable or no longer exist so state and identify each such Document, the time and circumstances under which the loss, mutilation, erasure, deletion, or destruction occurred; identify the person(s) who was or may have been responsible for such loss, mutilation, erasure, deletion, or destruction; and state to which request(s) the Document

would have been responsive.

6. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reason of subsequent modification or notation, are no longer identical), each non-identical copy is a separate “document.” The phrase “each and every document” shall mean each and every document that can be designated and/or located by the use of reasonable diligence, whether located on premises of the plaintiff and/or elsewhere.

7. If any request for documents cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

8. The phrase “all documents” shall mean each and every document within a stated category, known to you and/or documents reasonably subject to identification, and/or documents that can be located on premises owned by you and/or elsewhere. Documents located on premises other than your premises are specifically included. Each request for documents seeks production of all documents, including any attachments, exhibits, or appendices.

9. “You” or “your” shall include the party to whom these Requests are propounded, all predecessors, all past and present subsidiaries and parents, and all of that party’s agents, servants, consultants, and employees and counsel for that party.

10. The term “person” shall mean any individual, partnership, firm, corporation, association, joint venture, business organization, entity, or any employee or agent thereof.

11. The terms “identify” or “identification” and “describe” or “description,

(a) when used in reference to an individual, shall mean to state his/her full name, present or last know residence, business or official affiliation, job title, and business address (by street, city, and state);

(b) when used in reference to a corporation, shall mean to state its full name, its state of incorporation, and its principal place of business;

(c) when used in reference to a partnership, shall mean to state its full name, the names of each partner, and its principal place of business;

(d) when used in reference to a person other than an individual, corporation, or partnership shall mean to state its official name, its organizational form, and its address;

(e) when used in reference to a document, it shall mean to state the type of documents, date, author, addressee(s), title, serial or file number, its present location, the name and address of its custodian, and the substance of the contents thereof. In lieu of identifying any documents, copies thereof may be furnished; and

(f) when used in reference to any act, occurrence, occasion, meeting, oral communication, discussion, transaction or conduct, (“act”) shall mean to set forth the event or events constituting such act, its location, the date and persons participating, present, or involved, and the documents relating or referring in any way thereto; when used in reference to any discussion, conversation, oral communication, or statement (“discussion”), shall mean in addition to the foregoing, to set forth the substance of the discussion.

12. The term “Complaint” means the Complaint, Amended Complaint and any subsequent amendment thereto, filed by Feld Entertainment, Inc. in this action.

13. “RICO” refers to the Racketeer Influenced and Corrupt Organizations Act.

14. “FEI” and “you” refers to the plaintiff herein, Feld Entertainment, Inc., and/or any employee, agent or representative thereof.

15. “MGC” refers to defendant, Meyer, Glitzenstein & Crystal, and Meyer and

Glitzenstein, and/or any principal, employee, agent or representative thereof.

16. The word “bull hook” includes ankus, elephant hook, guide, and any other tool or instrument that consists of a staff of any kind and a hook that is used to train, control, guide, discipline, correct, or otherwise handle or train elephants.

17. The word “document” or “documents” shall have the meaning given in Federal Rules of Civil Procedure 26 and 34 and Federal Rules of Evidence 1002 and 1009, and refers to any and all documents and writings of every kind in any medium, including originals and all nonidentical duplicates or copies thereof, including but not limited to: correspondence, electronic mail, including electronic mail stored on any individual’s Personal Computer or Computer Work Station (or on electronic back-up storage media, such as disks, CD-ROMs, servers, tapes or hard drives), transcripts of testimonies, letters, memoranda, notes, reports, papers, files, books, records, contracts, agreements, telegrams, teletypes and other communications sent and received, diaries, calendars, telephone logs, drafts, work papers, agendas, bulletins, notices, announcements, instructions, charts, manuals, brochures, schedules, summaries, notes, minutes, and other records and recordings of any conferences, meetings, visits, statements, interviews, or telephone conversations, bills, statements, and other records of obligation and expenditures, cancelled checks, vouchers, receipts, and other records of payments, financial data, analysis, statements, interviews, affidavits, printed matter (including public books, articles, speeches, and newspaper clippings), press releases and photographs. “Documents” shall also refer to voice records, films, video and audio tapes, and other data compilation from which information can be obtained, including any materials used in data processing or computer operations.

18. “The ESA Action” means *ASPCA et al. v. Ringling Brothers and Barnum & Bailey*

Circus, et al., Civ. No. 00-1641 (D.D.C.), and *ASPCA et al. v. Feld Entertainment, Inc.*, Civ. No. 03-2006 (D.D.C.) .

19. “FEI” means Feld Entertainment, Inc., the Ringling Brothers and Barnum & Bailey Circus, the Center for Elephant Conservation (“CEC”) in Polk City Florida, the elephant retirement facility in Williston, Florida, the Red Unit, Blue Unit, the Gold Unit, the Home Town Edition, and all subsidiaries, branch offices, and affiliates of such entities, and also means all employees, independent contractors, agents, attorneys, and consultants of such entities, and “The Ringling Bros. Circus” means the Ringling Brothers and Barnum & Bailey Circus owned by FEI.

20. The term elephant “handler” means all persons who have any responsibilities to care for, clean, manage, guard, train, discipline, work with or perform with elephants.

21. “Person(s)” refers to any person, corporation, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, consultant, or other such entity.

22. “Relate to” or “concern” shall mean relate to, concern, refer to, pertain to, reflect upon, discuss, mention, analyze, document, or evidence, in whole or in part, the subject matter of the particular request.

23. The term “USDA” means the United States Department of Agriculture, its headquarters, regional offices and field offices, and all employees, independent contractors and consultants of that agency.

24. “WAP” means the Wildlife Advocacy Project.

25. If any documents or information previously produced in the ESA Action are responsive to any of these requests for production, the production of such documents shall be made as specified by the Court. *See* ECF No. 157. If any previously-produced documents contain

information previously withheld on grounds of privilege or otherwise, the redacted material must be logged in the manner required by the Court's instructions and as set forth herein.

26. Unless otherwise stated in a particular request, the time period for which documents are requested is January 1, 1998 to the present.

REQUESTS

FEI is requested to produce the following documents.

1. Any and all documents that in any way mention, describe, support, substantiate, refer or relate to any representation or admission relating to your claims that you believe was made by MGC, its principals, partners, agents and/or employees or past employees.

2. Any and all documents that support, substantiate, refer and/or relate to communications to or from any other person or entity that support or in any way relate to the claims, allegations or damages described or referred to in the Complaint.

3. Any and all documents that in any way support, substantiate, refer or relate to your substantive RICO claim against MGC and/or these defendants.

4. Any and all documents that in any way support, substantiate, refer or relate to your RICO conspiracy claim made against MGC and/or these defendants.

5. Any and all documents that in any way support, substantiate, refer or relate to your malicious prosecution claim made against MGC and/or these defendants.

6. Any and all documents that in any way support, substantiate, refer or relate to your abuse of process claim made against MGC and/or these defendants.

7. Any and all documents that in any way support, substantiate, refer or relate to your

champerty claim made against MGC and/or these defendants.

8. Any and all documents that in any way support, substantiate, refer or relate to your Virginia Conspiracy Act claim made against MGC and/or these defendants.

9. Any and all recorded, transcribed or written notes or statements from any current or former principals, agents or employees of MGC.

10. Any and all recorded, transcribed or written statements that support or in any way relate to the allegations or damages described or referred to in the Complaint, including all copies of such documents with hand-written or other annotations.

11. Any and all documents that support, substantiate, refer or relate or in any way to the damages described or referred to in the Complaint.

12. If not otherwise provided in your responses to the specific Requests for Production, any and all documents upon which you rely, or intend to rely, to show or prove any or all of the allegations contained in the Complaint.

13. Any and all documents that mention, describe, support, substantiate, refer or relate to the May, 2002 FEI email (Plaintiffs' Will Call Trial Exhibit 197) regarding Tom Rider's funding.

14. Any and all documents that support, substantiate, refer or relate to the claim that defendants "orchestrated potential plaintiffs and witnesses [to] give false testimony or false statements for money and other inducements" as alleged in paragraph 3 of the Complaint.

15. Any and all documents that support, substantiate, refer or relate to the claim that defendants "paid Rider to say that he was in fact 'aesthetically injured'" as alleged in paragraph 4

of the Complaint.

16. Any and all documents that support, substantiate, refer or relate to the claim that defendants “created a fraudulent claim of standing to sue in the ESA Action” as alleged in paragraph 4 of the Complaint.

17. Any and all documents that support, substantiate, refer or relate to the claim that defendants “laundered” the payments to Tom Rider to “conceal the true nature of the payments and to assist Rider in evading taxes” as alleged in paragraph 6 of the Complaint.

18. Any and all documents that support, substantiate, refer or relate to the claim that defendants “perpetrat[ed]...a fraud on the courts” as alleged in paragraph 7 of the Complaint.

19. Any and all documents that support, substantiate, refer or relate to the claim that “the lawyers made statements about Rider’s ‘aesthetic injury’ that they either knew were untrue or had no basis for believing that they were true at the time the statements were made” as alleged in paragraph 7 of the Complaint.

20. Any and all documents that support, substantiate, refer or relate to the claim that “the ulterior purposes of the ESA Action were to ban elephants from circuses and ultimately from entertainment and captivity altogether” as alleged in paragraph 9 of the Complaint.

21. Any and all documents that support, substantiate, refer or relate to the claim that “Rider and others...testified falsely under oath or otherwise provide statements that were untruthful concerning FEI and/or Asian elephants in captivity in the United States” as alleged in paragraph 17 of the Complaint.

22. Any and all documents that support, substantiate, refer or relate to the claim that

defendants submitted “false answers to deposition questions and false responses to interrogatories in the ESA Action” as alleged in paragraph 31 of the Complaint.

23. Any and all documents that support, substantiate, refer or relate to the claim that “all of these statements of fact were false and were known to be false at the time they were made by [defendants]” as alleged in paragraph 51 of the Complaint.

24. Any and all documents that support, substantiate, refer or relate to the claim that “these false statements were deliberately made by the lawyer defendants, acting at the direction of and/or with the knowledge of their clients” as alleged in paragraph 53 of the Complaint.

25. Any and all documents that support, substantiate, refer or relate to the claim that “MGC was the conduit by which these entities paid Rider” as alleged in paragraph 61 of the Complaint.

26. Any and all documents that support, substantiate, refer or relate to the claim that “[Katherine] Meyer conceived of the plan to pay Rider, and the organizational plaintiffs agreed to this plan” as alleged in paragraph 61 of the Complaint.

27. Any and all documents that support, substantiate, refer or relate to the claim that “this method of disbursement and accounting was chosen in an effort deliberately to conceal the source of the payments to Rider, by, among other things, cloaking such payments in the attorney-client privilege” as alleged in paragraph 62 of the Complaint.

28. Any and all documents that support, substantiate, refer or relate to the claim that payments to Rider “were made corruptly with the intent to influence Rider in his testimony” as alleged in paragraph 78 of the Complaint.

29. Any and all documents that support, substantiate, refer or relate to the claim that

“the manner in which MGC handled and characterized the Rider payments in its invoices to the organizational plaintiffs as described herein was done to conceal or disguise the nature or source of the payments” as alleged in paragraph 80 of the Complaint.

30. Any and all documents that support, substantiate, refer or relate to the claim that defendants had “an intent to evade or defeat federal income tax for Rider with respect to such payments with knowledge of or willful blindness to the fact that the payments were proceeds of an unlawful activity” as alleged in paragraph 80 of the Complaint.

31. Any and all documents that support, substantiate, refer or relate to the claim that “[Katherine] Meyer acted with the specific intent to impede the due administration of justice in the ESA Action” as alleged in paragraph 229 of the Complaint.

32. Any and all documents that support, substantiate, refer or relate to the claim that “Rider and MGC, Meyer, Glitzenstein, Crystal, Lovvorn and/or Ockene agreed between or among themselves and/or had the understanding that the parties would share in the proceeds of the ESA Action” as alleged in paragraph 348 of the Complaint.

33. Any and all documents that support, substantiate, refer or relate to the claim that the ESA Action was pursued “for the benefit of one of MGC’s and/or Meyer’s clients, Carol Buckley” as alleged in paragraph 349 of the Complaint.

34. Any and all documents that support, substantiate, refer or relate to knowledge by any FEI current or former employee, representative or third-party contractor, that Tom Rider was receiving payments of any kind from any of the defendants.

35. Any and all documents that in any way mention, describe, support, substantiate, refer and/or relate to any information received by FEI from MG&C, their principals, agents or

employees regarding the allegations contained in the Complaint.

36. Any and all notes, diaries, letters, memoranda, e-mails, facsimile transmissions, reports, recordings and/or other documents which FEI prepared or received that support or in any way refer or relate to any of the allegations or damages described or referred to in the Complaint.

37. All photographs, sketches, plats, motion pictures, videotapes, diagrams, or other media that support or in any way refer or relate to the allegations or damages described or referred to in the Complaint.

38. Any and all documents that support, substantiate, refer and/or relate to any prior RICO claims or RICO lawsuits filed by or on behalf of FEI.

39. Any and all documents that support, substantiate, refer and/or relate to any prior RICO claims or RICO lawsuits filed against FEI.

40. Documents that are sufficient to describe any and all litigation to which FEI or Kenneth Feld has been a party.

41. Any and all documents that support, substantiate, refer and/or relate to your claim for punitive damages.

42. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's profits for the years 2000 to the present.

43. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to international, national, regional and local ticket sales for the Ringling Bros. and Barnum & Bailey circus for the years 2000 to the present.

44. FEI's tax returns and supporting documents for the years 2000 to the present.

45. Any and all documents that in any way discuss, concern, mention, refer to, relate to,

or pertain to any lost business opportunities for the years 2000 to the present, which FEI claims are in any way attributable to, caused by, or impacted as a result of the actions of the defendants or the filing of the ESA Action.

46. Any and all documents that in any way mention, describe, refer, explain or relate in any manner to FEI's 'failure to timely produce thousands of pages of veterinary records,' D.E. 176 at 5 in the ESA Action, in response to the ESA plaintiffs' document and other discovery requests in the ESA Action.

47. Any and all documents that in any way mention, describe, refer, or relate to Dr. Ted Friend's handling, taping over, erasing, destruction, or disposition of videotapes, or any portions thereof, that he made of the FEI elephants on trains.

48. Any and all documents that in any way mention, describe, refer, or relate to FEI's August 2000 agreement with Dr. Ted Friend concerning videotapes of the FEI elephants on trains.

49. Any and all documents that in any way mention, describe, refer, or relate to the disposition of videotapes made under the supervision of Dr. Friend regarding elephants on trains.

50. Any and all documents that in any way mention, describe, refer, or relate to instructions by FEI to its employees, contractors, consultants, or agents regarding the retention and preservation of materials relevant to the plaintiffs' claims or FEI's defenses in the ESA Action.

51. Any and all documents that in any way mention, discuss, relate or refer to FEI's failure to produce for *in camera* inspection documents bates-labeled FEI 42475 and 42477 in response to Court orders requiring the production of these documents (see 6/3/08 Minute Order and Order of August 4, 2008, DE 325) in the ESA Action, including but not limited to: (a) FEI's or its counsel's efforts to locate the originals or copies of the documents, (b) the reasons why the

documents were not produced for *in camera* inspection as ordered by the Court; (c) all FEI representatives, employees or agents, including counsel, who were in possession of originals or copies of documents bates-labeled FEI 42475 and 42477; (d) when each such FEI representative, employee or agent, including counsel, were in possession of originals or copies of documents bates-labeled FEI 42475 and 42477.

52. Any and all documents that in any way mention, discuss, relate to, or describe the content of documents that were bates-labeled FEI 42475 and 42477 in the ESA Action, including but not limited to those documents.

53. Any and all documents that in any way mention, discuss, relate to, or describe any payment or provision of anything of value by FEI, or anyone associated with or acting on behalf of FEI (including but not limited to FEI's counsel in the ESA Action), to any witness who testified, or who FEI was considering having testify, in the ESA Action.

54. Any and all documents that in any way discuss, relate to, or describe any financial relationship of any kind between FEI and any witness who testified, or who FEI was considering having testify, in the ESA Action,

55. Any and all documents that in any way mention, discuss, refer to, or relate to Dr. Dennis Schmitt's appointment to the Ringling Brothers' Chair of Veterinary Care and Director of Research and Conservation, including but not limited to (a) when that appointment was made; (b) who made the decision to appoint Dr. Schmitt to that position; (c) the reasons for the appointment; and (d) the relationship if any between that decision and the ESA Action.

56. Any and all documents that in any way mention, discuss, refer, or relate to the arrangement between FEI and Missouri State University concerning Dr. Dennis Schmitt's work

for FEI.

57. Any and all documents that in any way mention, discuss, refer, or relate to FEI's grants to Missouri State University, including but not limited to the amount of such grants, their purpose, and their relationship to Dr. Dennis Schmitt.

58. Any and all documents that in any way mention, discuss, refer, or relate to payments, funding of any kind, reimbursements, and/or provision of anything else of value to Dr. Dennis Schmitt.

59. Any and all documents that in any way mention, discuss, refer, or relate to grants made by FEI to Dr. Dennis Schmitt, including but not limited to all documents discussing or relating to the \$ 212,000 grant that FEI gave to Missouri State University in 2006 and the \$517,000 grant that FEI subsequently provided to Missouri State University relating to Dr. Dennis Schmitt.

60. Any and all documents, including but not limited to filings with the Internal Revenue Service, reflecting the nature of the relationship between Dr. Dennis Schmitt and FEI at the time that Dr. Schmitt provided testimony in the ESA Action.

61. Any and all documents that in any way mention, discuss, refer, or relate to whether Dr. Schmitt was an employee or independent contractor of FEI.

62. Any and all documents, including but not limited to filings with the Internal Revenue Service, reflecting how the grants provided by FEI to Missouri State University were identified for tax purposes, including but not limited to whether the grants were considered to be charitable contributions.

63. Any and all documents that in any way mention, discuss, or relate to Dr. Dennis

Schmitt's work with FEI after he retires or otherwise leaves Missouri State University.

64. Any and all documents that in any manner discuss, describe, refer or relate to FEI's hiring of Daniel Raffo in the 2006-2008 time frame, including but not limited to (a) the salary and other terms under which Mr. Raffo and/or his wife were hired; (b) the reasons why FEI decided to hire Mr. Raffo in 2007; and (c) any relationship between the hiring of Mr. Raffo and/or his wife and the ESA Action.

65. Any and all documents that in any manner mention, reflect, refer or relate to any understanding between FEI and Michael Keele whereby Mr. Keele would serve as an expert witness in the ESA Action in exchange for FEI's provision of elephants to zoos and/or other services that FEI would perform for or would be in the interests of zoos.

66. Any and all documents that in any way mention, discuss, refer, or relate to payments, funding of any kind, reimbursements, and/or provision of anything else of value to Michael Keele.

67. Any and all documents that in any manner mention, discuss, reflect, or relate to FEI's use or potential use of any benefits it could provide to the zoo community (including but not limited to the provision of elephants to zoos), in order to secure Michael Keele's participation as a witness in the ESA Action.

68. Any and all documents that in any manner mention, discuss, refer or relate to November 2007 meetings between Tom Albert and Michael Keele.

69. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Samuel Dewitt Haddock, Jr., also known as Sam Haddock, including but not limited to a) Mr. Haddock's possession of photographs of FEI elephants, b) Mr. Haddock's possible

testimony against FEI in the ESA Action, c) any contact or communications between or with Gary Jacobson and Mr. Haddock after Mr. Haddock was no longer employed by FEI, and d) Mr. Haddock's death.

70. Any and all photographs (including copies, negatives, digital or other impressions) taken of elephants at the Center for Elephant Conservation ("CEC") by Sam Haddock; Gary Jacobson; Kathy Jacobson; Randy Peterson; Trude Williams; Pat Harned, or anyone else who has ever worked at the CEC.

71. Any and all documents mentioning, discussing, referring or relating to photographs of elephants taken at the CEC by Sam Haddock or anyone else who has ever worked at the CEC.

72. Any and all documents that it in any manner mention, discuss, refer or relate to Sacha Houke's departure from employment with FEI in 2006.

73. Any and all documents that mention, discuss, refer or relate to the provision by FEI of anything of value to any witness who testified on behalf of FEI at any legislative hearing of any kind at which the treatment of circus animals was a topic of the hearing.

74. Any and all documents that mention, discuss, refer or relate to any funding of, financial arrangement with, or reimbursement to any witness who testified on behalf of FEI at any legislative hearing of any kind at which the treatment of circus animals was a topic of the hearing.

75. The IRS Tax Lien against Tom E. Rider referred to and identified in FEI's Rule 26 (a) Initial Disclosures, and any documents that it in any way discuss, concern, mention, refer to, or relate to that lien.

76. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to investigations, citations, and inquiries of any kind by the USDA regarding FEI and

any efforts by FEI to prevent, delay, or impede such investigations, citations, or inquiries, including but not limited to the following matters: a) the death of the elephant named Kenny; b) the death of the elephant named Benjamin; c) the death of the elephant named Riccardo; d) the death of the elephant named Bertha; e) FEI's handling and treatment elephants named Angelica, Doc, Sara, Nicole, Babe, Banco, Toby, Tonka, Luna, Rudy, Asha; f) USDA Investigation No. TX 07 - 507, involving a bloody wound on an elephant in Austin, Texas; g) USDA Investigation No. Co. 08-002, involving zebras; h) USDA Investigation No. 09- 018, involving videotape of elephants being hit with bull hooks backstage; and i) FEI's handling and treatment of a lion named Clyde.

77. Any and all documents that in any way discuss, concern, mention, refer to, relate to or pertain to the USDA's investigation or inquiry, and/or any effort by FEI to prevent or impede any such investigation or inquiry, in connection with the USDA's December 2010 inspections of the Blue Unit.

78. Any and all documents that in way discuss, concern, mention, refer to, relate to, or pertain to FEI's efforts to convince the USDA to reconsider its conclusions that the elephants Doc and Angelica were separated from their mothers in a way that caused them harm.

79. Any and all documents that in way discuss, concern, mention, refer to, relate to, or pertain to FEI efforts to convince the USDA or any other authority not to pursue an enforcement proceeding against FEI.

80. Any and all documents that were submitted by or on behalf of FEI to the members of Congress or their staffs concerning USDA inspections, inquiries, or investigations of FEI's treatment of elephants.

81. Any and all documents that in any way discuss, concern, mention, refer to, relate to,

or pertain to FEI's efforts to influence any Congressional inquiries, investigations, legislative actions, or any other actions relating to the treatment of FEI's treatment of elephants.

82. Any and all documents that in way discuss, concern, mention, refer to, relate to, or pertain to FEI's payment of lobbyist and attorneys' fees and costs in connection with submissions made to or meetings with members of Congress or their staffs concerning the USDA's inspection, investigation, or inquiries regarding FEI.

83. Any and all documents that in any way discuss, concern, mention, refer to, relate, or pertain to investigations, citations, and inquiries of any kind by any state or local humane agency or animal control entity regarding FEI, and/or any efforts by FEI to prevent, avoid, delay, inform, impede, or convince authorities not to conduct or carry out any such investigations, citations, or inquiries.

84. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to allegations by FEI employees, former or current, of the mistreatment of elephants.

85. Any and all documents from January 1, 1990 to the present that in any way discuss, concern, mention, refer to, relate to, or pertain to any efforts by FEI to prevent or impede former or current FEI employees from making allegations in any forum concerning FEI's treatment of elephants and/or other animals.

86. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to whether or how any FEI employee has ever been disciplined for mistreating, handling, treating or training an animal

87. Any and all documents from January 1, 1990 to the present that in any way discuss, concern, mention, refer to, relate to, or pertain to any agreements, whether or not in writing,

between FEI and any employees concerning the statements the employee may make, either within FEI or publicly, concerning FEI's treatment of elephants.

88. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the internal process that FEI employees should avail themselves of if they desire to make complaints concerning the treatment of FEI's elephants and/or how such employees may and/or should proceed if those complaints do not result in changes in elephant treatment.

89. The corporate organization and structure of FEI, including but not limited to (a) who in FEI is authorized to establish corporate policy concerning the treatment of elephants and the lodging of internal complaints concerning such treatment; and (b) who in FEI is authorized to make corporate policy concerning the appropriate methods and strategies for responding to public criticisms of FEI's elephant treatment.

90. Any and all documents discussing, describing, or reflecting (a) any complaints that FEI has received from members of the public, including any organization, that in any way express concern about the treatment of elephants or other animals by FEI, and (b) whether and how FEI has responded to such complaints.

91. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to (a) any complaints of any kind whatsoever by any FEI employees, former or current, regarding the treatment of elephants or other animals by FEI, and (b) whether and how FEI has responded to such complaints.

92. Any and all documents from January 1, 1990 to the present that in any way discuss, concern, mention, refer to, relate to, or pertain to any efforts by FEI in the media or otherwise to prevent, deter, or limit in any way the dissemination of information concerning FEI's treatment of

elephants.

93. Any and all documents from January 1, 1990 to the present that in way discuss, concern, mention, refer to, relate to, or pertain to FEI's efforts, strategies, plans, funding, and procedures to keep information concerning evidence of or allegations that FEI mistreats elephants and/or other animals from becoming public and/or to counteract such evidence or allegations when it becomes public.

94. Any and all documents from any time frame that in any way discuss, concern, mention, refer to, relate to, or pertain to the need for, drafting, consideration and/or status of the report entitled "The Long Term Animal Plan Task Force" produced in discovery in the ESA Action as FEI 1480 – 1512.

95. Any and all documents from any time frame that in any way discuss, concern, mention, refer to, relate to, or pertain to the need for, implementation of any of the specific activities discussed in the report entitled "The Long Term Animal Plan Task Force" Bates Labeled FEI 1480 – 1512 and produced in the ESA Action.

96. Any and all documents from any time frame that in any way discuss, concern, mention, refer to, relate to, or pertain to any all plans, directives, and strategies, that have superceded and/or are under consideration for superceding the report entitled "The Long Term Animal Plan Task Force" Bates Labeled FEI 1480 – 1512 and produced in the ESA Action.

97. Any and all videotapes and other recordings from January 1, 1990 to the present that in any way discuss, concern, mention, refer to, relate to, or pertain to animal activists and individuals who have demonstrated against the circus or criticized FEI's practices.

98. Any and all documents from January 1, 1990 to the present that in any way discuss,

mention or refer to actions to be, or that have been, taken against animal activists and individuals who have demonstrated against the circus or criticized FEI's practices.

99. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the amount of money FEI spends on advertising regarding (a) the circus; (b) the CEC; and (c) FEI, including but not limited to the amount it spends on such matters each year.

100. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the amount of money FEI spends on public relations regarding (a) the circus; (b) the CEC; and (c) FEI, including but not limited to the amount it spends on such matters each year.

101. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's media training, including but not limited to training or other instructions provided to FEI employees concerning how to respond and/or deal with any representative of the media concerning allegations that FEI mistreats animals

102. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to money or any item of value that FEI has provided at any time to: a) the International Elephant Foundation; b) Dennis Schmitt; c) Ted Friend; d) Missouri State University; e) Texas A&M; f) Gary Johnson; g) Kari Johnson; h) Mike Keele; i) the Oregon Zoo; j) Daniel Raffo; k) Sacha Houcke; l) Troy Metzler; m) Gary Jacobson; n) Pat Harned; o) Randy Peterson; p) Carrie Coleman; q) Angela Martin; r) Humane Watch; s) Steven Kendall; t) Clair George; or u) Putting People First.

103. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to money or any item of value that FEI has provided to anyone who ever worked or volunteered for: (a) The Performing Animal Welfare Society; (b) The Elephant Alliance; (c) People

for the Ethical Treatment of Animals; (d) the Humane Society of the United States; (e) the American Society for Prevention of Cruelty to Animals; (f) the Animal Welfare Institute; (g) the Fund for Animals; (h) the Animal Protection Institute; (i) Born Free; (j) Meyer & Glitzenstein or Meyer Glitzenstein & Crystal; (k) The Wildlife Advocacy Project.; (l) Animal Defenders International; (m) In Defense of Animals; (n) Animal Legal Defense Fund.

104. Any and all documents from January 1, 1990 to the present that in any way discuss, concern, mention, refer to, relate to, or pertain to (a) any past efforts by FEI or anyone working on behalf of or associated with FEI to infiltrate any animal protection organizations, (b) the results of those past efforts, and (c) any future efforts that FEI intends to undertake to infiltrate any animal protection organization.

105. Any and all documents from January 1, 1990 to the present that in way discuss, concern, mention, refer to, relate to, or pertain to FEI arranging to have anyone follow, monitor, engage in surveillance of, infiltrate, collect information about, report on, or otherwise provide information about (a) The Performing Animal Welfare Society or any of its officer or employees; (b) The Elephant Alliance or any of its officer or employees; (c) People for the Ethical Treatment of Animals, or any of its officers of employees; (d) the Humane Society of the United States or any of its officers or employees; (e) the American Society for Prevention of Cruelty to Animals, or any of its officers or employees; (f) the Animal Welfare Institute or any of its officers or employees; (g) the Fund for Animals or any of its officers or employees; (h) the Animal Protection Institute or any of its officers or employees; (i) Born Free or any of its officers or employees; (j) Meyer & Glitzenstein or Meyer Glitzenstein & Crystal or any of its partners or employees; (k) The Wildlife Advocacy Project or any of its officers or employees; (l) Animal Defenders International or any of

its officers or employees; (m) In Defense of Animals or any of its officers or employees; (n) Animal Legal Defense Fund or any of its officers or employees; or (o) any animal protection advocate or organization and any of its officers or employees.

106. Any and all documents that in any way mention, describe, refer, or relate to information provided to FEI by any private investigator, or other individual who has collected information for FEI, that in any way concern defendants Katherine Meyer, Eric Glitzenstein, Howard Crystal, MGC, or WAP.

107. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to (a) Amy Myers; or (b) Greta Farnsworth.

108. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to money or other compensation provided by FEI to any attorney who represented Angela Martin in connection with the ESA Action or any other matter.

109. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's communications with Angela Martin, including, but not limited to, all such communications by Julie Strauss and Jeannie Perron.

110. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's communications with individuals representing Angela Martin.

111. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to a videotape taken at the property of William Lawler in Huntsville Texas in July 1999.

112. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the materials that were subpoenaed by the ESA plaintiffs from (a) Madison Square Garden; (b) the MCI Center.

113. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the death of (a) Ted Svertesky; (b) Frank Hagan; (c) Harry Locker; or (d) Sam Haddock.

114. Any and all documents that in any way discuss, mention or refer to Tom Rider that were not produced by FEI or the ESA Plaintiffs in the ESA Action.

115. Any and all documents not produced in the ESA Action that discuss, concern, mention, refer to, relate to, or pertain in any manner to FEI's knowledge of Tom Rider's (a) interactions and relationships with the FEI elephants; (b) public advocacy, education, and media efforts, including but not limited to FEI's assessment of the effectiveness of those efforts and steps that should be taken to respond to them.

116. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain in any manner to measures that FEI contemplated taking or in fact took in an effort to prevent, disrupt, impede, or otherwise respond to Tom Rider's public advocacy, education, and media outreach efforts.

117. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain in any manner to FEI's contacts with any representatives of the news media in an effort to dissuade them from running stories based on information or interviews provided by Tom Rider and/or to dissuade them talking with Mr. Rider.

118. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain in any manner to FEI's contacts with any federal, state, or local legislative representatives or staff or administrative agency personnel in an effort to dissuade them from taking any actions based on information or materials provided by Tom Rider and/or to dissuade them from meeting

with Mr. Rider.

119. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain in any manner to when and how FEI came to learn of Tom Rider's (a) public advocacy on behalf of FEI's elephants; (b) funding from any source in connection with his public advocacy; and (c) receipt of any funding from any organization or any person associated with the ESA Action.

120. Any and all documents that in any way mention, describe, refer, or relate to FEI's belief that any of the allegations made concerning Tom Rider's standing, as set forth in ¶¶ 30-34 of the original Complaint in the ESA Action, Civ. No. 00-1641, filed on July 11, 2000 were false.

121. Any and all documents that in any way mention, describe, refer, or relate to FEI's belief that any of the allegations made concerning Tom Rider's standing, as set forth in ¶¶ 30-34 of the Amended Complaint in the ESA Action, Civ. No. 00-1641, filed on August 11, 2000 were false.

122. Any and all documents that in any way mention, describe, refer, or relate to FEI's belief that any of the allegations made concerning Tom Rider's standing, as set forth in ¶¶ 18-23 of the Complaint in the ESA Action, Civ. No. 03-2006, filed on September 26, 2003 were false.

123. Any and all documents in FEI's possession or control between July 11, 2000 and February 16, 2006 that in any way mention, describe, refer, or relate to FEI's belief that any of the allegations made concerning Tom Rider's standing in the ESA case were false.

124. Any and all documents that in any way mention, describe, refer, or relate to Mr. Rider using a bull hook while employed by FEI.

125. Any and all documents that in any way mention, describe, refer, or relate to any

photographs of Mr. Rider holding a bull hook, including but not limited to the “three times” Mr. Rider was photographed holding a bull hook as stated in FEI’s Proposed Findings of Fact in the ESA Action ¶ 68, and the photograph that was introduced into evidence in the ESA Action as DX Exhibit No 32. Include any documents that reflect when any such photographs were taken and by whom.

126. Any and all news articles, editorials, letters to the editor, copies of broadcast news or feature stories, press releases, internet content, and organization news letters or magazines, that mention Tom Rider.

127. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Glen Ewell.

128. Any and all documents not produced in the ESA Action that in any way discuss, concern, mention, refer to, relate to, or pertain to Archelle Hundley, Robert Tom, and/or Margaret Tom, including but not limited to (a) the credibility of their statements concerning elephant treatment; and (b) their motivation in serving as witnesses in the ESA Action.

129. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to: (a) Katherine Meyer; (b) Eric Glitzenstein; (c) Howard Crystal; (d) Kimberly Ockene; (e) Tanya Sanerib; (f) Delcianna Winders; (g) Michelle Sinnott; (h) Jonathan Lovvorn; (i) Meyer & Glitzenstein; and (j) Meyer Glitzenstein & Crystal, other than pleadings and other documents that were produced or filed in the ESA Action or in this action.

130. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI’s communications with an organization called Humane Watch, including but not limited to (a) FEI’s financial or other relationship with Humane Watch; (b) FEI’s provision of

information to Humane Watch concerning any of the Defendants; and/or (c) FEI's use of Humane Watch to disseminate to the public any information concerning any of the Defendants.

131. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to an organization called Putting People First, including but not limited to (a) FEI's financial or other relationship with Putting People First; (b) FEI's provision of information to Humane Watch concerning any of the Defendants; and (c) FEI's use of Putting People First to disseminate to the public any information concerning any of the Defendants.

132. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Steven Kendall.

133. Any and all documents from any time frame that in any way discuss, concern, mention, refer to, relate to, or pertain to Clair George, including but not limited to the retention of Clair George by FEI and his responsibilities and duties.

134. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Joel Kaplan.

135. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Julie Lewis.

136. Any and all documents from any time frame that in any way discuss, concern, mention, refer to, relate to, or pertain to Jan Pottker's case against FEI.

137. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to veterinary and medical records, of any kind, for any elephant owned, used, or maintained by FEI, except those already produced in the ESA Action.

138. Any and all documents that in any way discuss, concern, mention, refer to, relate to,

or pertain to any elephant ever owned or used by FEI that was diagnosed with tuberculosis, tested positive for tuberculosis, or was exposed to an elephant with tuberculosis, except those already produced in the ESA Action.

139. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI employees (current and former) being tested for tuberculosis.

140. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the amount of money that FEI spends or incurs on attorneys' fees each year, including documents that identify the litigation or other legal matters for which such funds were expended.

141. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the amount of money that FEI has spent on legislative matters concerning elephants and/or circus practices.

142. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the amount of money that FEI has spent on regulatory matters concerning elephants.

143. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI settlement of any litigation, including but not limited to (a) the settlement amounts for each such litigation; b) the parties to such settlements and c) the terms of each such settlement.

144. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's filing or attempt to file counterclaims in any litigation brought against FEI or Kenneth Feld since January 1, 1995.

145. Any and all documents from January 1, 1990 to the present that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's use of litigation or the threat of litigation to punish, deter, or stifle criticism of FEI's elephant and/or other animal treatment or other practices.

146. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's motivation in filing a RICO claim against MGC and/or its individual partners in 2010, including but not limited to any communications that FEI had both internally and/or with anyone outside the organization concerning FEI's decision to pursue a RICO claim against MGC and/or its individual partners in 2010.

147. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's publicizing of its RICO case in any manner, including but not limited to (a) press releases; (b) past and present web-sites; (c) communications with bloggers; and (d) communications with any other third parties for purpose of assisting them in disseminating information concerning the RICO case.

148. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI efforts or plans to discredit MGC or any of its individual attorneys, or to impair their reputations, through any means.

149. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI efforts or plans to harass or distract MGC or its individual attorneys or any other counsel through lawsuits or the threat of lawsuits directed at them.

150. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to efforts by FEI, its employees, agents or representatives, including counsel, to communicate with the Internal Revenue Service ("IRS") and/or suggest that the IRS investigate any of the defendants to this action and/or to otherwise notify the IRS of allegations concerning any of the defendants.

151. Any and all documents that in any way discuss, concern, or relate to FEI's efforts

to settle the case brought against it by the Performing Animal Welfare Society in 2000, Performing Animal Welfare Society et al. v. Feld Entertainment, Inc., et al., No. S-00-1259-GEB-DAD (E.D. Ca.), including, but not limited to, all communications it had with (a) Richard Bickelmann, or attorneys with his firm or the firm Deutsch Williams, (b) Sharon Simms, and (c) Pat Derby, concerning any of the terms of that settlement; and produce all draft settlement documents exchanged with regard to that litigation, including, but not limited to, all draft settlement language that mentions Tom Rider or his involvement in the ESA Action.

152. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to communications between FEI, its employees, agents or representatives, including counsel, and personnel at the Department of Interior and Fish and Wildlife Service concerning the applicability of the Endangered Species Act to any of FEI elephants, except for documents that were already produced in the ESA Action.

153. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the court-ordered inspections of the elephants, train, and facilities in the ESA Action, except for documents that were already produced in the ESA Action.

154. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to actions taken by FEI, its employees, agents, or representatives, including counsel, in preparation for the court-ordered inspections of the elephants, train, and facilities in the ESA Action.

155. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to: a) the time the elephants were loaded on railroad cars in St. Louis, Missouri in November 2007; b) whether and where the train stopped at any time before it arrived in Auburn,

Michigan; c) the time the train arrived in Auburn Michigan in November 2007; and d) whether, when, and where the inside of the railroad cars were cleaned before the train arrived in Auburn Michigan.

156. All Transportation Orders that were not produced in the ESA Action.

157. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Carol Buckley, except those already produced or filed in the ESA Action.

158. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Mel Richardson.

159. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Margaret Whittaker.

160. Any and all documents not produced in the ESA Action that in any way discuss, concern, mention, refer to, relate to, or pertain to the validity of the legal and factual validity of the claims made by the plaintiffs on the merits in the ESA Action, including with respect to (a) bull hook use; and (b) chaining practices at the CEC, on trains, and at performing venues.

161. Any and all documents not produced or filed in the ESA Action that in any way discuss, concern, mention, refer to, relate to, or pertain to Dr. Philip Ensley, Dr. Ros Clubb, Gaile Laule, Dr. Benjamin Hart, Colleen Kinzley, or Dr. Joyce Poole.

162. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to any remedial measures that FEI has taken, has considered taking, or may take in the future in response to the claims of elephant treatment and evidence produced in the ESA Action.

163. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to whether FEI should alter or consider altering its elephant chaining practices in any

manner in response to the ESA Action or any of the evidence produced in the ESA Action.

164. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to whether FEI should alter or consider altering its bull hook practices in any manner in response to the ESA Action or any of the evidence produced in the ESA Action.

165. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to any steps being taken or consideration being given by FEI to end, phase out, or otherwise modify its use of Asian elephants in the circus and, if so, reflecting the reasons why FEI is taking or considering taking such steps.

166. Any and all videotapes, audiotapes, computer hard drives, closed circuit recordings, and recordings of any kind that in any way discuss, depict, concern, mention, refer to, relate to or pertain to: a) training of elephants; b) the separation of young elephants from their mothers; c) elephants in labor and giving birth; d) disciplining of elephants; and e) training of any kind of elephant handlers, performers who work with elephants, barn men, or any other personnel who work with elephants.

167. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the following individuals: (a) Leslie Griffith, (b) George Knapp, (c) Jennifer Santiago; (d) Linda Fasso; (e) Sally Schulze; (f) Marissa Bagg; (g) Tracy Jacim; (h) Cindy Machado; and (i) Michael Phelan.

168. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to (a) Deniz Bolbo; and (b) Pat CuvIELLO, except those already produced or filed in the ESA Action.

169. Any and all documents that in any way discuss, concern, mention, refer to, relate to,

or pertain to Harry Locker, including, but not limited to: a) Mr. Locker's knowledge about elephants with tuberculosis housed at the Williston facility, and b) the death of Mr. Locker.

170. Any and all documents that in any way mention, discuss, refer, or relate to legal fees and expenses incurred in connection with FEI's defense in the ESA Action identified on FEI's Initial Disclosures, including but not limited to any invoices, check receipts, correspondence, and spreadsheets

171. Any and all documents that in any way mention, discuss, refer, or relate to the FEI's retention of counsel in connection with the ESA Action.

172. Any and all documents that in any way mention, discuss, refer, or relate to the reasons why Covington & Burling ceased representing FEI in the ESA Action.

173. Any and all documents that in any way mention, discuss, refer, or relate to the billing practices of the law firm of Fullbright & Jaworski in connection with the ESA Action.

174. Any and all documents that in any way mention, discuss, refer, or relate to the billing practices of the law firm of Covington & Burling in connection with the ESA Action.

175. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to any retainer(s) or other contracts or agreements among or between FEI, Fulbright/Covington, fact or expert witnesses in the ESA Action, other attorneys or law firms, or any other individuals or entities associated in any way with the ESA Action.

176. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the attorneys' fees associated with the ESA Action, including but not limited to all fees and expenses that FEI claims as alleged damages claim in the RICO Action, invoices, check receipts, correspondence, and spreadsheets.

177. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the attorneys' fees incurred in connection with the ESA Action, including all invoices, billing statements, time records, or other documents that in any way mention, discuss, relate to or describe the tasks performed and the amount of time necessary to undertake such tasks.

178. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the fees and expenses actually paid by FEI in connection with the ESA Action, including all cancelled checks, or other documents that in any way mention, discuss, relate to or describe the payments made.

179. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the attorneys' fees charged but not paid by FEI in connection with the ESA Action, including write-offs, non-charges, or other challenges to the charges.

180. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to complaints, billing issues or questions by FEI regarding the attorneys' fees and expenses incurred in the ESA Action or any billing in connection therewith

181. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of costs or other disbursements associated with the ESA Action, including all costs or disbursements which relate to plaintiff's alleged damages claim in the RICO Action – including but not limited to, any and all documents relating to the payments for experts, consultants, travel, hotels, meals, electronic research, copying, and telephone charges.

182. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of attorneys' fees and costs associated with the contempt hearing before Judge Facciola in the ESA Action, including but not limited to all invoices, check receipts,

correspondence, and spreadsheets.

183. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of attorneys' fees and costs associated with production of veterinary and medical records for the elephants in the ESA Action, including but not limited to: a) the failure to provide that information prior to being ordered to do so; b) the ESA Plaintiff's motion to compel these records and FEI's opposition and motion for a protective order regarding these records; (c) the ESA Plaintiff's motion to enforce the order for the production of these records and FEI's opposition to that motion; and (d) FEI's eventual production of these records, including but not limited to all invoices, check receipts, correspondence, and spreadsheets.

184. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of attorneys' fees and costs or disbursements associated with Ted Friend's handling of videotapes concerning the FEI elephants on train cars, including but not limited to all invoices, check receipts, correspondence, and spreadsheets.

185. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of attorneys' fees and costs or disbursements associated with the destruction or loss of: a) the two pages of documents reflected in a page bates labeled FEI42475, and b) the four pages of documents reflected in a page bates labeled FEI42477, all of which were identified as responsive, but were never produced, in the ESA Action – including but not limited to all invoices, check receipts, correspondence, and spreadsheets.

186. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to payment of attorneys' fees and costs or disbursements associated with the testimony of fact witnesses in the ESA Action, including Daniel Raffo, including but not limited to all

invoices, check receipts, correspondence, and spreadsheets.

187. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of attorneys' fees and costs or disbursements associated with the testimony of expert witnesses in the ESA Action, including but not limited to Dennis Schmidt, Ted Friend and Mike Keele, including but not limited to all invoices, check receipts, correspondence, and spreadsheets.

188. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of attorneys' fees and costs or disbursements associated with the deposition of Angela Martin, including but not limited to all invoices, check receipts, correspondence, and spreadsheets.

189. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of attorneys' fees and costs or disbursements associated with, including all advice rendered prior to, plaintiffs' inspections of FEI's facilities and trains in the ESA Action, including but not limited to all invoices, check receipts, correspondence, and spreadsheets.

190. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the payment of attorneys' fees and costs or disbursements associated with the subpoenas that were served by the ESA Plaintiffs in the ESA Action on: a) CBX Transportation, Inc.; b) the Kansas City Southern Railway Company and c) Union Pacific Railroad, including but not limited to all invoices, check receipts, correspondence, and spreadsheets.

191. Any and all documents that identify any entities that performed public relations work for FEI between January 1, 2000 and December 30, 2009.

192. Any and all documents that in any way mention, describe, refer, or relate to information

communicated to or from Gary Jacobson, or on which Mr. Jacobson was copied, concerning Mr. Rider or the ESA Action.

193. Any and all documents that in any way mention, describe, refer, or relate to information communicated to or from Daniel Raffo, or on which Mr. Raffo was copied, concerning Mr. Rider or the ESA Action.

194. Any and all documents that in any way mention, describe, refer, or relate to information communicated to or from Graham Chipper field, or on which Mr. Chipper field was copied, concerning Mr. Rider or the ESA Action.

195. Any and all documents that in any way mention, describe, refer, or relate to information communicated to or from anyone employed by or representing the Clyde-Beauty circus concerning Mr. Rider or the ESA Action.

196. Any and all documents that in any way mention, describe, refer, or relate to information communicated to or from anyone employed by or representing the Carson and Barnes Circus concerning Mr. Rider, the ESA Action, or the RICO case.

197. Any and all documents that in any way mention, describe, refer, or relate to information communicated to or from anyone employed by or representing Have Trunk Will Travel concerning Mr. Rider, the ESA Action, or the RICO case.

198. Any and all documents that in any way mention, describe, refer, or relate to information communicated to or from any entity that uses or advocates for the use of elephants in zoos or entertainment, concerning Mr. Rider, the ESA Action, or the RICO case.

199. Any and all documents that formed the basis for the statement in FEI's September 7, 2006 Motion to Compel Documents Subpoenaed From The Wildlife Advocacy Project, Docket

No. 85 in the ESA Action, that “But for the involvement of Mr. Rider – a situation which also could have been barred by the settlement entered into by FEI and PAWS – this matter likely would have been dismissed five years ago,” Docket No. 85 at 11, and particularly the statement that the situation referred to “also could have been barred by the settlement entered into by FEI and PAWS.”

200. Any and all documents that in any way mention, describe, refer, or relate to the involvement of Animal Defenders International with Tom Rider and/or the ESA Action.

201. Any and all documents that in any way discuss, reflect, or relate to FEI’s and/or its attorneys’ decision not to accept Mr. Rider’s June 2004 offer, and subsequent offers, to provide information pursuant to FEI Interrogatory No. 24 “subject to a confidentiality agreement.” *See* DX 16 in the ESA Action.

202. Any and all documents that reflect when and how FEI first learned about the July 21, 2005 fund-raiser that is referred to in its Amended Complaint, and all documents that in any way mention, describe, refer, or relate to that fund-raiser, excluding pleadings and briefs by the parties to this RICO case or any court rulings issued in this RICO case.

203. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the matters that were subject to the settlement that was entered into between the USDA and FEI that was announced to the public on November 28, 2011.

204. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to USDA citations, investigations, or inquiries since January 1, 2008 concerning an elephant named Sara and/or Sarah.

205. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or

pertain to an individual named Darrin Sparks and his allegation that he saw an FEI employee hit an elephant with a bull hook.

206. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to an individual named Michelle Comado and her allegation that she saw an FEI employee on FEI's Red Unit hitting an elephant at the Nassau Coliseum in April 2013.

207. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Ken Vail, including but not limited to (a) communications between FEI and Mr. Vail when he worked at the USDA, (b) any thing of value given to Mr. Vail while he was employed at the USDA; (c) all discussions, negotiations, communications regarding his becoming employed by FEI; and (d) his title and duties at FEI.

208. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI working with or assisting Universoul in any capacity.

209. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to efforts to defeat a ban on bull hooks in Atlanta, including, but not limited to FEI's work with other entities to defeat such a ban.

210. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI publicly commenting on any of the evidence that was presented during the trial in the ESA Action.

211. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI informing legislators, representatives of the media, law enforcement officials, members of the public, or any other individuals, authorities, or organizations about the evidence that was presented at the trial in the ESA Action.

212. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to communications since January 1, 2008 on behalf of FEI with the Mayor of Sacramento or anyone on his staff.

213. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to the USDA's inspection of the Ringling Bros. Circus in November 2010 in Chicago.

214. Any and all documents authored by Margaret Whitaker concerning FEI's elephants, and any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to any such report.

215. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to training by PETA for Animal Control Officers concerning the inspection of elephants.

216. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Phil Ensley, D.V.M., and any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to Dr. Ensley's efforts to inspect FEI's elephants since December 30, 2009.

217. Any and all documents authored by Phil Ensley concerning FEI's elephants, other than materials provided to FEI in the ESA Action.

218. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI informing venues that if they do not allow FEI's circus to perform there FEI will also not book such venues for other shows.

219. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI withdrawing advertising from newspapers.

220. Any and all documents that in any way discuss, concern, mention, refer to, relate to,

or pertain to FEI's efforts to defeat a ban on bull hooks in Las Vegas.

221. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's efforts to defeat a ban on bull hooks and chaining in Rhode Island.

222. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to FEI's efforts to delay or avoid inspections of elephants by or on behalf of any governmental authority.

223. Any and all documents that in any way discuss, concern, mention, refer to, relate to, or pertain to litigation involving access to venues where the Ringling Bros. Circus is scheduled to perform.

224. Any and all documents that support your defenses to MGC's counterclaim.

/s/Stephen L. Braga
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September 9, 2013

Counsel for Defendant and
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MGC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September, 2013, I caused a true and accurate copy of the foregoing pleading to be served by electronic mail on the following counsel of record:

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