

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

FELD ENTERTAINMENT, INC.	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 07-1532 (EGS/JMF)
	:	
ANIMAL WELFARE INSTITUTE, et al.	:	
	:	
Defendants.	:	
	:	
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**RESPONSE TO COURT’S SEPTEMBER 3, 2013 ORDER
REGARDING PARTY DEPOSITIONS**

On September 3, 2013 the Court issued an Order requiring the parties to specify the number of hours they seek to depose each party by filling in the number of hours in the chart below. 09/03/13 Order (ECF No. 167). Accordingly, the chart below includes the number of hours each party seeks to depose Plaintiff and/or each of the Defendants. The entries in the chart represent only the requests of the deposing party, and do not indicate agreement among the parties as to the proper length of depositions. The separate positions of Plaintiff and Defendants are set out more fully following the chart.

		WITNESSES												
		Feld	AWI	FFA	Rider	BF	WAP	MG& C	K.M.	E.G.	H.C.	HSUS	JL	KO
D E P O S I T I O N S P A R T Y	Feld	n/a	14 hrs	14 hrs	14 hrs	14 hrs	14 hrs	14 hrs	14 hrs	14 hrs	7 hrs	14 hrs	7 hrs	7 hrs
	AWI	7 hrs	n/a	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr
	FFA	7 hrs	1 hr	n/a	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr
	Rider	4 hrs	1 hr	1 hr	n/a	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr
	BF	7 hrs	1 hr	1 hr	1 hr	n/a	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr
	WAP	4 hrs	1 hr	1 hr	1 hr	1 hr	n/a	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr
	MG&C	4 hrs	1 hr	1 hr	1 hr	1 hr	1 hr	n/a	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr
	K.M.	2 hrs	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	n/a	1 hr	1 hr	1 hr	1 hr	1 hr
	E.G	2 hrs	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	n/a	1 hr	1 hr	1 hr
	H.C.	2 hrs	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	n/a	1 hr	1 hr
	HSUS	7 hrs	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	n/a	1 hr
	JL	2 hrs	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	n/a
	KO	2 hrs	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr

I. Plaintiff's Position

Plaintiff requests 14 hours to depose each defendant with the exception of Howard Crystal, Jonathan Lovvorn and Kimberly Ockene, for whom Plaintiff requests 7 hours each. Plaintiff's time requests do not currently include time for deposing defendant organizations' (FFA, HSUS, MG&C, AWI, BF, WAP) information systems / information technology personnel; however, it reserves the right to request additional hours to depose such individuals on issues related to electronic discovery should it become necessary.

While Defendants have chosen to argue about the time sought by Plaintiff (see below), Plaintiff believes that the Court did not request that such argumentation be included in the deposition chart submission. However Plaintiff considers unreasonable Defendants' number of requested deposition hours given the scope of discovery as narrowed by the Court's May 9, 2013 Order (ECF No. 151) and is prepared to discuss its position at the scheduled hearing on this issue if the Court so requests.

II. Defendants' Position

Defendants each request to depose Plaintiff for the hours noted in the preceding table, for a total of 50 hours. However, Defendants expect to pool their deposition time and divide it amongst themselves as they deem most efficient, in which case a total of 35 hours for all Defendants will suffice. The proposed 35 hour total will apply even if one or more of the Defendants is dismissed from the case before they can depose Feld. Defendants believe that the requested 35 hours are reasonably necessary due to the extensive legal expenses which Feld claims as damages in this action, and the need for adequate time to depose Feld on those expenses and on the many other issues raised by Feld's lengthy Amended Complaint. Defendants also note that the requested 35 hours fall far short of the 147 hours of Defendant depositions that Plaintiff requests.

Defendants each request one hour of deposition time for the deposition of every other Defendant. Again, Defendants expect to pool their deposition time and divide it amongst themselves as they deem most efficient, in which case a total of 7 hours for all Defendants will suffice.

Defendants object to the time limits sought by Plaintiff, insofar as Plaintiff seeks to depose nearly every Defendant for 14 hours. Defendants believe that, absent a showing of good cause to extend, Plaintiff should be limited to 7 hours of deposition time per Defendant. This would still allot Plaintiff 84 hours of party depositions, well over twice the aggregate time requested by Plaintiffs. In the event that the Court accepts the time limits requested by Plaintiff, Defendants believe that, contrary to Plaintiff's request, any time spent deposing a party about issues relating to electronic discovery should count towards the time limit for deposing that party generally.

Dated: September 10, 2013

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