

EXHIBIT 2

 **NORTON ROSE FULBRIGHT**

September 9, 2013

VIA EMAIL

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Re: *Feld Entertainment, Inc. v. Animal Welfare Institute, et al.* (07-1532-EGS/JMF)

Dear Mr. Nes:

Reference is made to your September 6, 2013 correspondence relating to the parties' September 5, 2013 meet and confer and Magistrate Judge Facciola's August 8, 2013 Order (ECF No. 156) ("Order").

In your correspondence, you take issue with the Order's exempting of Fulbright & Jaworski, LLP from logging "[p]rivileged material created or received by counsel of record for Plaintiff in this matter and for defendant in Civil Action No. 03-2006-EGS (D.D.C.), their associated attorneys and support staff, including paralegal and secretarial personnel". Order at 3-4. To the extent defendants are objecting to the Court's ruling on that issue that objection is untimely. Local Rule 72.2(b) governs objections to Magistrate Judge's Rulings and requires a party to file written objections to a magistrate judge's ruling "within 14 days after being served with the order of the magistrate judge, unless a different time is prescribed by the magistrate judge or the district judge." As the Order issued on August 8, 2013, your time to object has expired. Plaintiff believes that Magistrate Facciola's ruling on this issue is correct and does not agree to toll that issue or consent to late-filed objections on the same.

As for other privileged documents created prior to January 1, 2010, Plaintiff does not believe that the Court intended for every privileged document created prior to this date to be individually logged. At the meet and confer, Defendants' position appeared to be that every document in the ESA Case is a "damages" document, therefore every privileged document in the ESA Case would need to be logged individually on a privilege log. Plaintiff will not agree to such a sweeping request that obviously violates the letter and spirit of the Court's Order. Nor does Plaintiff agree that a RICO plaintiff is required to be twice victimized and relinquish all of its attorney-client and work product privileges or protections in order to recover its attorneys' fees as damages, which is exactly what Defendants are suggesting is required (without a single case citation for that proposition).

At the meet and confer, counsel for Plaintiff discussed categories of privileged documents (created prior to January 1, 2010) that may be appropriate for logging (e.g. correspondence between attorney and client regarding billing complaints or irregularities; documents that bear on the statute of limitations issue raised by defendants). Pursuant to the parties' agreement,

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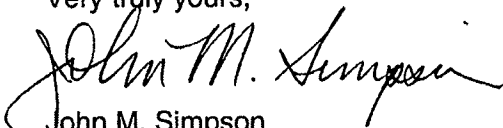
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W. Brad Nes
September 9, 2013
Page 2

NORTON ROSE FULBRIGHT

Plaintiff will circulate a letter that memorializes the positions advanced by the parties' as well as continued meet and confer efforts on privilege log issues.

Very truly yours,


John M. Simpson

cc: Counsel for Defendants (via email)