

**EXHIBIT II**

**MOTION FOR PARTIAL SUMMARY JUDGMENT BY  
DEFENDANTS KATHERINE MEYER, ERIC GLITZENSTEIN, AND  
MEYER GLITZENSTEIN & CRYSTAL**

Civ. No. 07-1532 (EGS/JMF)

COPY

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

vs.

RINGLING BROTHERS AND BARNUM  
BAILEY CIRCUS, et al.,

Defendants.

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. . . . .  
. Docket No. CA-03-2006  
. . . . .

. Washington, D.C.  
. Friday, September 16, 2005  
. 2:35 p.m.  
. . . . .

TRANSCRIPT OF A MOTION  
BEFORE THE HONORABLE EMMET G. SULLIVAN  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings recorded by machine shorthand, transcript produced  
by computer-aided transcription.

1 longer before I do that. I may never make a fault  
2 determination.

3 MS. MEYER: Well, meanwhile we have Ringling Brothers  
4 going around spending an enormous amount of money telling the  
5 public what wonderful care they give their elephants and that  
6 our clients are lying. That's what they're saying. What is  
7 our response to that going to be?

8 THE COURT: The documents would show what, and your  
9 editorial would show what, how Ringling Brothers has mistreated  
10 elephants. That's what's going to happen. That's what they're  
11 concerned about.

12 MS. MEYER: Your Honor, that's my other problem with  
13 this. There's an assumption we're going to somehow take all  
14 this information when we get it and somehow misuse it in the  
15 media. We haven't used any of --

16 THE COURT: You keep saying misuse.

17 MS. MEYER: Or use it, whatever you want to call it.  
18 Your Honor, the information I just passed up to you,  
19 we haven't issued press releases on that. There's no -- why  
20 would we? Again, what does it say?

21 I mean, I don't think this case should be litigated  
22 in secret. I don't think there's any basis for Ringling  
23 Brothers to control the debate should something make its way  
24 into the public forum and someone want to draw a conclusion  
25 from it. I'm not telling them what conclusion to draw. If

1 they want to, they do. That's what happens.

2 I don't see anything nefarious or wrong about that.  
3 They're free to respond to it. Right now they are out there on  
4 a daily basis making all kinds of statements about the  
5 wonderful care that they give their elephants, that they're  
6 conserving them for the future and that our clients are lying,  
7 Mr. Rider is lying about what he is saying about these  
8 elephants being beaten all the time, chained all the time, that  
9 we're lying about the babies being forcibly removed from their  
10 mothers, that we are whacky animal rights activists, we cannot  
11 be trusted. None of that is true. And they're controlling the  
12 entire debate.

13 Now, if they're going to get to control the entire  
14 debate, then perhaps we should get a gag order against them for  
15 making those kind of statements and then we'll be on equal  
16 footing. But I don't think that they should be able to use  
17 that fact that one of these documents might make its way into  
18 the public somewhere along the line and somebody might draw an  
19 inference from it as a basis for getting a protective order.

20 THE COURT: I agree with you. There's no reason why  
21 your organization ought be maligned. Especially if they  
22 control the media, they can get on the Katie Couric show and  
23 bad mouth your organization and call you whatever they're  
24 calling you, I agree with you.

25 MS. MEYER: That's right. And what we have on the

1 other side, Your Honor, we have Tom Rider, a plaintiff in this  
2 case, he's going around the country in his own van, he gets  
3 grant money from some of the clients and some other  
4 organizations to speak out and say what really happened when he  
5 worked there. That's what we have on their side.

6 And they want to make sure that none of the  
7 information that might actually shed some light on what's going  
8 on, I'm not saying it necessarily does, but it might, I don't  
9 know, not be ever disclosed to the public. We have to litigate  
10 this case in secret so that they can control the debate.

11 And, again, Your Honor, the presumption is open  
12 proceedings. They have to come forward with good cause to get  
13 a protective order. They simply haven't met their showing.

14 The number one argument is that we're going to, they  
15 say, misuse the information in the public. No showing on that  
16 score.

17 Number two, they say the information relate, all of  
18 the medical records, all of the detailed medical records,  
19 relate to scientific research papers that they're working on  
20 right now. We say, well, we doubt that all of the medical  
21 records do, if you could show us particular records of  
22 particular studies we might be able to willing to agree to a  
23 protective order.

24 And their third argument that they came up with most  
25 belatedly, I think it was in their reply brief on the motion