

Meyer & Glitzenstein
1601 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20009-1056

Katherine A. Meyer
Eric R. Glitzenstein
Howard M. Crystal
Jonathan R. Lovvorn
Kimberly D. Ockene
Tanya M. Sanerib

Telephone (202) 588-5206
Fax (202) 588-5049
meyerglitz@meyerglitz.com

June 9, 2004

Joshua D. Wolson
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Mr. Wolson:

In accordance with the parties' agreement, along with this letter we are producing plaintiffs' objections and responses to: Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals; Defendants' First Set of Document Requests to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals; Defendants' First Set of Document Requests to Plaintiff Tom Rider; Defendants' First Set of Interrogatories to Plaintiff Tom Rider; and Defendants' First set of Requests for Admission. We are sending you a total of 13 boxes of documents in response to defendants' document requests.

Sincerely,



Kimberly D. Ockene

Enclosures

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1601 Connecticut Avenue, N.W.
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Katherine A. Meyer
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April 1, 2005

By Hand Delivery

Joshua Wolson
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, D.C. 20004

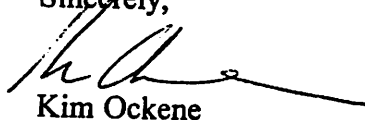
Re: ASPCA, et al. v. Ringling Brothers, et al., Civ. No. 03-2006 (EGS)

Dear Josh:

Enclosed are documents we are producing pursuant to Federal Rule of Civil Procedure 26(e). These documents are marked with bates numbers PL 07093 through PL 08361, and are being produced as kept in the ordinary course of business.

Enclosures

Sincerely,



Kim Ockene

Meyer & Glitzenstein
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June 9, 2004


Joshua D. Wolson
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Mr. Wolson:

In accordance with the parties' agreement, along with this letter we are producing plaintiffs' objections and responses to: Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals; Defendants' First Set of Document Requests to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals; Defendants' First Set of Document Requests to Plaintiff Tom Rider; Defendants' First Set of Interrogatories to Plaintiff Tom Rider; and Defendants' First set of Requests for Admission. We are sending you a total of 13 boxes of documents in response to defendants' document requests.

Sincerely,



Kimberly D. Ockene

Enclosures

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July 11, 2006

RECEIVED

JUL 11 2006

FULBRIGHT & JAWORSKI LLP

By Hand Delivery

Michelle Pardo
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

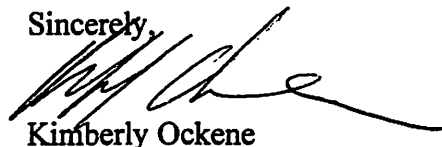
Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Michelle:

Accompanying this letter are the following series of documents, which plaintiffs are producing pursuant to Federal Rule of Civil Procedure 26(e): PL 08362 to PL 08970, produced on behalf of all of the plaintiffs; A 00935 to A 01143, produced on behalf of the ASPCA; and AWI 05896 to AWI 06037, produced on behalf of AWI.

The copies of photographs produced on behalf of the ASPCA contain Bates numbers on the back of the document. In addition, the materials produced by the ASPCA include inspection reports that Lisa Weisberg agreed to search for during her deposition. However, the specific inspection dates referenced on pages 117-118 of Ms. Weisberg's deposition (8/4/98 and 8/31/98) are inspections of other circuses (not Ringling Bros.), and hence are not being produced.

Sincerely,



Kimberly Ockene

Enclosures



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August 10, 2006

By Hand Delivery

Michelle Pardo
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

RECEIVED

AUG 11 2006

FULBRIGHT & JAWORSKI

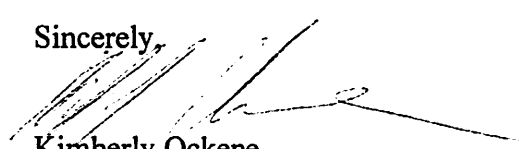
Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Michelle:

Accompanying this letter are the following series of documents, which plaintiffs are producing pursuant to Federal Rule of Civil Procedure 26(e): PL 08971 to PL 09044, produced on behalf of all of the plaintiffs, and F 04029 to F 04079, produced on behalf of the Fund for Animals.

The cost of reproduction for the materials is \$131.32 – which includes \$16.05 for the paper documents, and \$115.27 for the cost of reproducing the videotapes. Please send a check made out to Meyer Glitzenstein & Crystal, to my attention.

Sincerely,


Kimberly Ockene

Enclosures



GRAFFITI AUDIO-VIDEO
1219 CONNECTICUT AVE N.W.
WASHINGTON, DC 20036
202-296-8412

Store # 0001 Receipt # 0153904
Reg. # 0 07/26/06 at 11:23
Cash In Clk# 3 Sale Clk# 3

DUP		DUPLICATION SERVICE	
	1 @ \$	25.00	\$ 25.00 T
DUP		DUPLICATION SERVICE	
	2 @ \$	12.00	\$ 24.00 T
DUP		DUPLICATION SERVICE	
	4 @ \$	15.00	\$ 60.00 T
=====			
		Sub-Total \$	109.00
		Tax \$	6.27
=====			
		Total Sale \$	115.27

Credit Card Amount \$ 115.27

Change Due \$ 0.00

Item Count 7

RETURNS FOR REFUNDS WITHIN 3 DAYS
STORE CREDIT OR EXCHANGE WITHIN 7 DAYS

Customer #: 12194
Cust. ID #: MEYERGLITZ
MEYER & GLITZENSTEIN

Credit Card # ExpDate Auth. #
VISA
4*****5598 **** 071535

Charged Amount: \$ 115.27

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January 16, 2007

By Hand Delivery

George A. Gasper
Fulbright & Jaworski
801 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Re: ASPCA v. Ringling Brothers, Civ. No. 03-2006 (EGS).

Dear Mr. Gasper:

As promised, enclosed are the Animal Protection Institute's (1) Objections and Responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals; (2) Objections and Responses to Defendants' First Set of Document Requests to Plaintiffs American Society for the Prevention of Cruelty to Animals, Fund for Animals, and Animal Welfare Institute; and (3) Objections and Responses to Defendants' First Set of Requests for Admission. The Animal Protection Institute has also produced responsive documents, which are being provided to you in the three boxes delivered with this letter.¹

Sincerely,


Tanya Sanerib

¹ The Animal Protection Institute's discovery responses are being served on defendants today, because January 15, 2007 was a federal holiday.



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January 31, 2007

Hand-Delivered

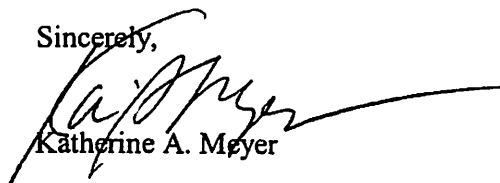
George A. Gasper
Fulbright & Jaworski
801 Pennsylvania Ave., N.W.
Washington, D.C. 20004-2623

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Mr. Gasper:

Enclosed are plaintiffs' supplemental responses to Defendants' First Set of Interrogatories and Requests for Admissions, as well as additional supplemental documents in response to Defendants' First Document Production Requests to all of the plaintiffs, other than the Animal Protection Institute ("API") which recently provided its discovery responses to defendants on January 16, 2007. Plaintiffs (other than API) have also enclosed supplemental privilege logs and also hereby incorporate by reference any additional objections to discovery that were included in API's January 16, 2007 discovery responses.

Sincerely,



Katherine A. Meyer



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MAR 02 2007

FULBRIGHT & JAWORSKI LLP

March 2, 2007

Hand-Delivered

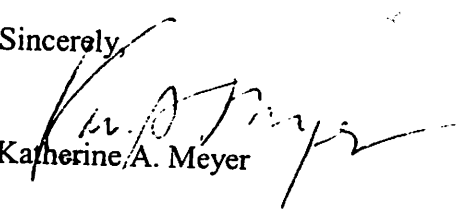
Lisa Joiner
Fulbright & Jaworski
801 Pennsylvania Ave., N.W.
Washington, D.C. 20004-2623

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Ms. Joiner:

Enclosed are additional supplemental responses to Defendants' Document Production Requests to Tom Rider, including seven videotapes labeled TR00198-00204, and documents labeled TR00205-00220.

Sincerely,


Katherine A. Meyer

Meyer Glitzenstein & Crystal
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May 3, 2007

By Hand Delivery

Michelle Pardo
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Michelle:

On behalf of the plaintiffs, we hereby produce the following series of documents: PL 10937 – PL 11409 are produced on behalf of all of the plaintiffs; A 01155 – A 01201 are produced on behalf of the ASPCA; API 7203 – API 7319 are produced on behalf of API, and F 04152 - F 04482 are produced on behalf of the Fund for Animals.

The cost of duplicating the records is **\$232.40**. Please remit payment to Meyer Glitzenstein & Crystal. You can send the check to my attention.

Sincerely,


Kimberly Ockene

Enclosures



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July 2, 2007

By Hand Delivery

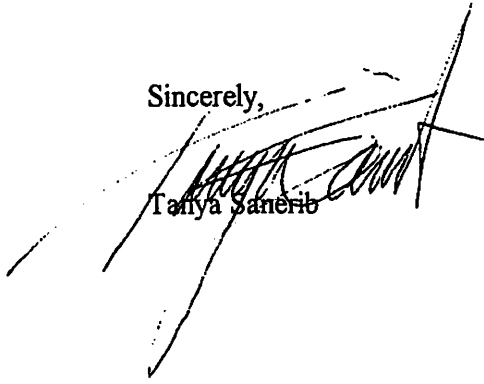
Michelle Pardo
Fulbright & Jaworski
801 Pennsylvania Avenue N.W.
Washington, D.C. 20004


Re: ASPCA v. Ringling Brothers, Civ. No. 03-2006 (EGS).

Dear Ms. Pardo:

Enclosed is the Animal Welfare Act's supplement production of document # AWI 09927.

Sincerely,


Tanya Sanerib

ANIMAL WELFARE INSTITUTE P.O. BOX 2000 WASHINGTON, DC 20022 703-844-1200		26210
PAY TO THE ORDER OF <u>WILDLIFE ADVOCACY PROJECT</u>		\$ <u>3000</u> ⁰⁰
<u>Three thousand & _____</u>		DATE <u>11-10-09</u>
memo <u>elephant media</u>		10/10/09 DOLLARS
#002620# #055002707#1000005224885#		
#0000300000#		#0000300000#

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Katherine A. Meyer
Eric R. Glitzenstein
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Joshua R. Stebbins
Tanya M. Sanerib
Erin M. Tobin

September 24, 2007

By Hand Delivery

Lisa Joiner
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Ms Joiner:

Accompanying this letter are the following series of documents, which plaintiffs are producing pursuant to the Court's August 23, 2007 Order (Docket No. 178): AWI 9928-10057, API 7203-7259, F 4483-4516, and TR 221-614, on behalf of the Animal Welfare Institute, Animal Protection Institute, the Fund for Animals, and Tom Rider respectively. We are also producing documents labeled PL 11429-11529 on behalf of all of the plaintiffs. In addition, we are producing verified supplemental interrogatory responses on behalf of AWI, API, the Fund, and Tom Rider (collectively, "plaintiffs"), as well as a declaration from each of the plaintiffs as ordered by the Court. As you know, on September 26, 2007 we will be separately producing the ASPCA's response to the Court's Order.¹

Also accompanying this letter are revised Privilege Logs for each of the plaintiffs. Plaintiffs have revised the Logs to comply with the Court's August 23, 2007 Order, which instructed plaintiffs to provide:

A Privilege Log that complies with the case law of this Circuit, is consistent with the privilege log provided by defendant, and provides a description of the authors,

¹ At this time the plaintiffs have not completed a general supplemental production of documents or prepared supplemental responses for any document requests or interrogatories other than what the Court specifically ordered on August 23, 2007. Plaintiffs will, however, soon be completing such further supplemental productions in accordance with the Federal Rules.



addressees, and contents sufficient to adequately assess the claim of privilege. The privilege log need not include information determined by the Court to be irrelevant or over burdensome to produce.

Pursuant to this directive, certain information included in the original Logs is no longer listed. First, the Logs no longer contain "true litigation material," see FEI's Reply in Support of Motion to Compel at 13 ("FEI Reply") (Docket No. 159) - i.e., the material exchanged among counsel and between counsel and the clients that directly concern their strategies and plans for this lawsuit. As we have explained to you previously, although plaintiffs provided categorical Privilege Log entries for this material in their original Logs, FEI has never similarly logged this material at all, and, instead, successfully argued to Judge Facciola that simply to identify such records would "disclose their attorneys' mental processes, as well as their attorneys' avenues and means of investigation." See Feb. 14, 2007 Letter from Tanya Sanerib, quoting ASPCA v. Ringling Bros., 233 F.R.D. 209, 213 (D.D.C. 2006).

Thus, the items with the following reference numbers in the attached, numbered copy of plaintiffs' original Logs have been removed from the current logs because they concern communications about this lawsuit, and thus, consistent with FEI's Logs and the relevant Court rulings, need not be logged: 24, 25, 27, 29-32, 34-38, 40, 42-46, 49, 51-53, 59, 60, 63, 66, 69, 74, 76-89, 92, 95-98, 100-104, 107, and 108. See Attachment A (copy of original Logs with reference numbers for each Log entry).


If for some reason FEI continues to maintain that this privileged material should be logged, and is prepared to provide plaintiffs with a Log for FEI and its counsel's communications concerning this lawsuit, plaintiffs are willing to revisit this issue. However, particularly in light of Judge Sullivan's directive that plaintiffs' logs be "consistent with the privilege log provided by defendant," Aug. 23, 2007 Order at 7 (Docket No. 178), and the fact that FEI's Log contains absolutely no entries about this lawsuit, we assume that this approach is appropriate.

Second, to the extent the plaintiffs, and/or their counsel, have had communications concerning media or legislative strategies - an issue FEI raised in its motion to compel, see FEI Reply at 13 - Judge Sullivan has now ruled that such material need not be produced or identified at all because it is "irrelevant to this litigation and would be over burdensome to produce." See Aug. 23, 2007 Order at 4 (Docket No. 178); see also id. at 7 ("plaintiffs need not produce documents or further information related to any media or legislative strategies or communications"). Thus, the following items from the original Logs have also been removed: 33, 41, 90, and 91.

Finally, with respect to the following original Log entries, we have either released responsive documents, or provided additional details concerning withheld documents:

56, 58, 93, and 94. Any such newly released material is contained in the "PL" series of documents being produced today.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly D. Ockene". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kimberly D. Ockene
Katherine A. Meyer

Enclosures

Meyer Glitzenstein & Crystal

1601 Connecticut Avenue, N.W.

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September 26, 2007

By Hand Delivery

Lisa Joiner
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Ms Joiner:

Accompanying this letter are documents labeled A 1202-1248, which we are producing on behalf of the American Society for the Prevention of Cruelty to Animals ("ASPCA") pursuant to the Court's August 23, 2007 and September 24, 2007 Orders. Also accompanying this letter are the ASPCA's verified supplemental interrogatory responses, and the Declaration of Lisa Weisberg on behalf of the ASPCA, as ordered by the Court.

We are also producing a revised Privilege Log for the ASPCA. As explained in my letter to you of Monday, September 24, 2007, plaintiffs have revised their Logs to comply with the Court's August 23, 2007 Order. The explanations in my September 24 letter also apply to the ASPCA's Log.

Sincerely,



Kimberly D. Ockene
Katherine A. Meyer

Enclosures



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October 26, 2007

By Hand Delivery

George Gasper
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

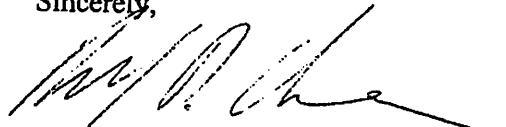
Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Mr. Gasper:

Enclosed is the ASPCA's supplemental response to Interrogatory Number 21, and documents labeled A 01249-01250. The ASPCA did not yet have this information in its possession when it submitted its supplemental responses on September 26, 2007.

Also enclosed are the original signed verifications and declarations of the organizational plaintiffs in connection with their September 2007 supplemental discovery responses, copies of which you have already received.

Sincerely,



Kimberly D. Ockene

Enclosures



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Katherine A. Meyer
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Tanya M. Sanerib
Erin M. Tobin

November 9, 2007

By Hand Delivery

George A. Gasper
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: ASPCA v. Ringling Bros., No. 03-2006 (EGS/JMF)

Dear Mr. Gasper:

Pursuant to the Federal Rules of Civil Procedure and defendant's agreement to comply with the protective order issued by the Court in ASPCA v. USDA, Civ. No. 05-840 (D.D.C.), with this letter plaintiffs are producing documents labeled PL 11530 - 14915. These are materials that the USDA produced in response to third-party subpoenas that plaintiffs served on the agency. All redactions in the records are based on personal privacy grounds.

Plaintiffs are also producing documents labeled PL 14916 - 14918, which are unrelated to the subpoenas issued to the USDA.

Sincerely,


Kimberly D. Ockene



Meyer Glitzenstein & Crystal

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December 11, 2007

By Hand Delivery

Michelle Pardo
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

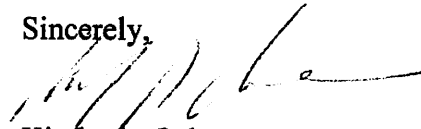
Re: ASPCA v. Ringling Bros., Civ. No. 03-2006 (EGS/JMF)

Dear Ms. Pardo:

On behalf of all of the plaintiffs, we hereby produce the enclosed documents labeled PL 14896-16719.

The cost of duplicating the records is \$424. Please remit payment to Meyer Glitzenstein & Crystal. You can send the check to my attention.

Sincerely,



Kimberly Ockene

Enclosures

Meyer Glitzenstein & Crystal
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January 30, 2008

By Hand Delivery

Lisa Joiner
Fulbright & Jaworski
801 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006

Dear Ms Joiner:

Plaintiffs are hereby producing the following series of documents along with this letter: TR 0615-0703, F 4517-4545, A 1250 - 1253, AWI 10050-10138, and API 7260 - 8276, on behalf of Tom Rider, The Fund for Animals, the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, and the Animal Protection Institute respectively. We are also producing documents labeled PL 16720-17096 on behalf of the plaintiffs collectively. In addition, we are producing verified supplemental interrogatory responses on behalf of each of the plaintiffs.

The total cost of copying these materials is \$359.40. Please send a check for this amount to my attention.

Sincerely,



Kimberly D. Ockene

Enclosures



because it does not reflect any additional amounts of funding provided by the organizational plaintiffs to or for plaintiff Tom Rider.¹

The Court has also ordered plaintiffs to show cause why certain previously redacted information contained within documents labeled A 01222-01230, and A 01232-01239 should not be produced. In particular, the Court has ordered plaintiffs to show cause why all line items within A 01222-01230 identified as “AT&T Wireless to #51” and “00AATT13” should not be produced, and why all line items within A 01231-01239 relating to an Earthlink account should not be produced. Plaintiffs are today producing all of this information to defendant to avoid burdening the Court with any further dispute concerning these materials. Plaintiffs previously withheld this material because they believed that it duplicated other line items in the documents and/or would create confusion over the actual amounts of funding provided to or for Mr. Rider.²

¹ The Court also ordered plaintiffs to “turn over the invoice referenced in [IC-203], if it is within plaintiffs’ possession.” DE 325 at 10. The referenced “enclosed corrected invoice” has previously been produced to defendant and is labeled F 04493.

² In particular, with respect to the line items in A 01222-01230 identified as “AT&T Wireless to #51” and “00AATT13,” with one exception each of the previously redacted line items duplicates another line item that has already been produced and thus provides no additional information concerning funding provided to Tom Rider. For example, the previously redacted line item on A 01223 that reads “06 06/30/02 AP-R4113 00ATT13 AT&T Wireless 238.70,” is duplicative of a previously produced entry on A 01230. The same is true for all of the other previously redacted similar line items with the exception of the line item on A 01226 that reads “4 04/30/02 AP-R4025 00ATT13 AT&T Wireless 28.21.” It appears that this single item, reflecting a charge of \$28.21, was overlooked by the ASPCA when it previously produced this document.

With respect to the document labeled A 01231-01239, there are two line items related to an Earthlink account that were previously redacted. The first one, at A 01231, reflects a charge of \$31.79. Because this amount differs from the \$21.95 monthly charge for Mr. Rider’s Earthlink account reflected in all of the other Earthlink line items, it is not clear that this item relates to Mr. Rider at all. The second previously redacted line item, contained at A 01234, appears to be a duplicative entry of the entry listed just prior to it on the same page, and thus was not produced earlier.

Respectfully submitted,

/s/ Kimberly D. Ockene

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AUG 12 2008

FULBRIGHT & JAWORSKI LLP

Re: ASPCA v. Ringling Bros., Civ. No. 03-2006 (EGS/JMF)

Dear Lisa:

In compliance with the Court's August 4, 2008 Order, plaintiffs hereby produce the enclosed documents. The following documents were previously produced and we have added a "Revised" label to the original Bates number to indicate that certain redactions have been removed: A 01222-Revised through A 01230-Revised, A 01231-Revised through A 01239-Revised, A 01240-Revised through A 01250-Revised, AWI 10050-Revised through AWI 10053-Revised, F 04502-Revised through F 04506-Revised, and F 04507-Revised through F 04510-Revised. The following documents have not previously been produced, and contain both the "IC" label which was affixed for the Court's *in camera* review, as well as a new "A," "AWI," or "F" label to indicate which plaintiff is producing the document: IC 203/F 04546, IC 196/A 01254, IC 201/A 01255, and IC 076/AWI 10139.

Sincerely,


Kimberly D. Ockene

Enclosures



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