

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

FELD ENTERTAINMENT, INC.,

Plaintiff,

v.

Civil Action No. 07-1532 (EGS/JMF)

ANIMAL WELFARE INSTITUTE, et al.,

Defendants.

ORDER

On August 8, 2013 I issued an order in which I attempted to resolve the many disagreements the parties were having about discovery. A section of that order provided as follows:

2. Documents That Need Not Be Logged

Description of Documents	Plaintiff's Position	Defendants' Position(s)	Court's Resolution
Privileged material created or received by counsel and their associated attorneys and support staff, including paralegal and secretarial personnel, from January 1, 2010 to the present, from the various law firms.	Plaintiff proposes that the following law firms should be included in the exception: 1) Wilson, Elser, Moskowitz, Edelman & Dicker, LLP; 2) Ropes & Gray, LLP, 3) Morgan Lewis & Bockius, LLP; 4) Patterson Belknap Webb & Tyler, LLP; 5) Shertler & Onorato, LLP; 6) Zuckerman Spaeder, LLP; 7) Clifford Chance; 8) Wilmer Cutler Pickering Hale	Defendants agree. [#152] at 5.	Approved.

	& Dorr, LLP; 9) Stephen Braga, DiMuro Ginsburg, PC; 10) Latham & Watkins; and 11) Kaiser Law Firm, PLCC. [#152] at 4. ¹		
Privileged 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	Plaintiff proposes that the law firm of Fulbright & Jaworski, LLP should be included in this exception. [#152] at 4.	Defendants agree. [#152] at 5.	Approved.

Order [#156] at 3-4.

As is clear, the first entry under the “Description of Documents” column bears a date limitation, and the second does not, although they both deal with the same types of documents (privileged documents that may or may not ultimately need to be logged). Defendants see this simply as a typographical error that should be corrected by adding the same date range, “from January 1, 2010 to the present,” to the second entry. Defendants’ Motion for Clarification and/or Modification of the Court’s August 8, 2013 Discovery Order [#172] at 4. Feld Entertainment, Inc. (“FEI”), protests there was no error and that the Court intended to relieve it of any obligation to log privileged documents. Plaintiff Feld Entertainment, Inc.’s Opposition to Defendants’ Motion for Clarification and/or Modification of the Court’s August 8, 2013 Discovery Order [#174] at 7-17.

¹ The list of law firms was incorrectly numbered in the Court’s initial order and has been correctly numbered in this order.

I find that defendants are right in that I did intend to put the date range in both entries and to leave for another day the logging obligations the parties had. Now, however, given the position that FEI has taken as to the motion, the issue must be resolved. Therefore, the Court's August 8, 2013 Order [#156] shall be amended to include the phrase "from January 1, 2010 to the present," to the second entry in subsection two, captioned "Documents That Need Not Be Logged."

It is therefore, hereby,

ORDERED that Defendants' Motion for Clarification and/or Modification of the Court's August 8, 2013 Discovery Order [#172] is **GRANTED**.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE