

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FELD ENTERTAINMENT, INC.,)
)
Plaintiff,)
)
v.)
)
ANIMAL WELFARE INSTITUTE, *et al.*,)
)
Defendants.)

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

**DEFENDANT WILDLIFE ADVOCACY PROJECT’S UNOPPOSED
MOTION FOR LEAVE TO FILE AN AMENDED ANSWER**

Pursuant to the Court’s December 27, 2013 Minute Order, which, in relevant part, authorized the parties to file amended pleadings by today, February 28, the defendant Wildlife Advocacy Project (“WAP”) hereby seeks leave to file the attached Amended Answer that makes only two additions, i.e., it (1) adds an affirmative defense of good faith and; (2) adds a set-off provision to take into account the former Defendant ASPCA’s payment of \$ 9.3 million to plaintiff Feld Entertainment, Inc (“FEI”) and any other attorney’s fees that may be awarded in the related Endangered Species Act case.

Federal Rule of Civil Procedure 15(a)(2) provides that the “court should freely give leave [to amend a pleading] when justice so requires.” Fed. R. Civ. P. 15(a)(2); *see also Foman v. Davis*, 371 U.S. 178, 182 (1962).

Especially since the modest additions in the Amended Complaint are consistent with other Answers that have previously been filed, FEI would suffer no prejudice should the amendment be permitted. Below-signed counsel has contacted lead counsel for FEI, John

Simpson, and he has indicated that he consents to the motion without prejudice to FEI's rights to contest or otherwise object to the merits of the amendments themselves.

For the foregoing reasons, WAP requests that the Court grant its motion to amend and permit the filing of the accompanying Amended Answer. A proposed order is also attached.¹

/s/Stephen L. Braga

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Dated: February 28, 2014

Counsel for WAP

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be served via electronic filing this 28th day of February, 2014, on all counsel of record.

/s/Stephen L. Braga
Stephen L. Braga

¹ The Amended Answer includes several defenses that have previously been struck by the Court. They are included solely for the purpose of preserving appeal rights, not to relitigate those issues before this Court.