

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

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| FELD ENTERTAINMENT, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 1:07-cv-1532 (EGS/JMF) |
| v. |) | |
| |) | |
| ANIMAL WELFARE INSTITUTE, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

DEFENDANTS’ REPLY IN SUPPORT OF MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF’S SECOND AMENDED COMPLAINT

Defendants Animal Welfare Institute, The Fund for Animals, Inc., Born Free USA, The Humane Society of the United States, The Wildlife Advocacy Project, Meyer, Glitzenstein & Crystal, Katherine A. Meyer, Eric R. Glitzenstein, Howard M. Crystal, Jonathan Lovvorn and Kimberly Ockene (collectively, the “Defendants”), by and through their undersigned counsel, respectfully submit this Reply in Support of their Motion for Enlargement of Time of thirty (30) days to Answer and/or otherwise respond to Plaintiff Feld Entertainment, Inc.’s (“Feld”) Second Amended Complaint [ECF No. 205-1] (the “SAC”), and respectfully state as follows:

In its Response to Defendants’ Motion [ECF No. 220], Feld does not and cannot establish *any* prejudice arising from a 30-day extension of time to respond to the SAC. Feld simply resorts to the baseless claim that the extension will “further delay litigation,” when Feld itself waited over four years to make substantial amendments to the First Amended Complaint. After four years, there is simply no prejudice to Feld in a 30-day extension.

Feld also mistakenly claims that Defendants did not represent Feld’s position in their motion. On page 3 of their memorandum in support, Defendants stated that Feld proposed a 14-

day extension when the parties conferred, but that Feld's proposal is insufficient. [ECF No. 218-1, at 3.] One of the reasons Defendants require an extension is both the current deadline and Feld's proposed 14-day extension would conflict with the briefing schedule for the fee petition oppositions in the ESA Action. A 30-day extension would allow the parties sufficient time to analyze the sufficiency of Feld's substantial new allegations without disruption.

Moreover, Feld's comparison to the schedule for responding to the First Amended Complaint is inapposite here. The allegations in the First Amended Complaint were hardly new to the parties, given the prolonged motion to dismiss briefing, and yet the Court still allowed the parties four weeks to answer. [*See* ECF No. 89, 07-09-2012 Order]. Given that Feld has added substantially to the allegations this time, expanding its complaint from 358 paragraphs to 477 paragraphs of allegations that require careful analysis, a 30-day extension is eminently reasonable. The fact that some of Feld's new allegations may relate only to The Wildlife Advocacy Project and the Humane Society of the United States is irrelevant. All Defendants have a duty to respond to all of Feld's new allegations.

Given the substantial allegations in the SAC and the simultaneous briefing on the fee petition in the ESA Action, the parties would greatly benefit from a ruling by the Court as soon as possible so both matters may be addressed without disruption.

WHEREFORE, for the reasons set forth herein, Defendants respectfully request that the Court grant this Motion in its entirety.

DATE: March 13, 2014

Respectfully submitted,

DEFENDANTS

By Counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 13th day of March, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

_____/s/_____
Andrew Caridas