

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FELD ENTERTAINMENT, INC.)	
)	
Plaintiff,)	
)	
v.)	
)	Civ. No. 07-1532 (EGS)
AMERICAN SOCIETY FOR THE PREVENTION OF)	
CRUELTY TO ANIMALS, <i>et al.</i> ,)	
)	
Defendants.)	

PARTIES’ JOINT RECOMMENDATION FOR FURTHER PROCEEDINGS

Pursuant to this Court’s September 15, 2010 Minute Order, the Parties hereby submit the following Joint Recommendation for Further Proceedings.

Plaintiff’s Position. Plaintiff believes that, despite defendants’ stated intention to file motions to dismiss, discovery in this case should proceed forthwith. This case has been stayed for more than two years, and discovery should not be further delayed. The parties should be directed to conduct the discovery conference required by Fed. R. Civ. P. 26(f) no later than November 15, 2010, and discovery thereafter shall proceed in accordance with the Federal and Local Rules.

Defendants’ Position. Defendants intend to file motions to dismiss the entire case and believe that, consistent with the standard practice under the federal and local rules, any other proceedings in the case should be deferred until those dispositive motions are resolved. Defendants also note that Plaintiff’s Amended Complaint was filed on February 16, 2010, and the case has only been stayed since then to accommodate the mediation that was ordered by the Court.

With regard to briefing on the motions to dismiss, Defendants propose the following

schedule:

Defendants will file their motions to dismiss by December 3, 2010;

Plaintiff will file its oppositions by January 17, 2011; and

Defendants will file their replies by February 16, 2011.

With regard to briefing on the motions to dismiss, Plaintiff proposes the following schedule:

Defendants will file their motions to dismiss by November 1, 2010;

Plaintiff will file its oppositions by February 1, 2011; and

Defendants will file their replies by February 28, 2011.

Respectfully submitted,

/s/ John M. Simpson (with permission) _____

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