

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

PEOPLE FOR THE ETHICAL TREATMENT)
OF ANIMALS, INC.,)

Plaintiff,)

v.)

No. 4:17-cv-00186-RLY-DML

WILDLIFE IN NEED AND WILDLIFE IN)
DEED, INC.,)
TIMOTHY L. STARK,)
MELISA D. STARK, and)
JEFFREY L. LOWE,)

Defendants.)

MELISA D. STARK,)
TIMOTHY L. STARK,)
WILDLIFE IN NEED AND WILDLIFE IN)
DEED, INC.,)

Counter Claimants,)

v.)

PEOPLE FOR THE ETHICAL TREATMENT)
OF ANIMALS, INC.,)

Counter Defendants.)

PERMANENT INJUNCTION

Today, the court granted People for the Ethical Treatment of Animals, Inc.'s ("PETA's") Motion for Partial Summary Judgment and their request for a permanent injunction against Timothy Stark, Melissa Lane, and their nonprofit zoo in Charlestown, Indiana, Wildlife in Need and Wildlife in Deed, Inc. ("WIN") (all collectively the "WIN

Defendants"). The court has modified PETA's request for an injunction to the following below. It is now **HEREBY ORDERED**:

1. The WIN Defendants violated the Endangered Species Act ("ESA"), 16 U.S.C. §1538(a)(1)(B), (G) and its implementing regulations, 50 C.F.R. §§ 17.21(c), 17.31(a), 17.40(r), by taking tigers, lions, and hybrids thereof ("Big Cats") within the meaning of the ESA when they wounded, harmed, and/or harassed at least twenty-two Big Cats via declawing.

2. The WIN Defendants violated the ESA, 16 U.S.C. § 1538(a)(1)(B), (G) and its implementing regulations, 50 C.F.R. §§ 17.21(c), 17.31(a), 17.40(r), by taking Big Cats within the meaning of the ESA when they harmed and harassed at least fifty-three Big Cats by prematurely separating Big Cat Cubs from their mothers.

3. The WIN Defendants violated, and continue to violate, the ESA, 16 U.S.C. § 1538(a)(1)(D), (G) and implementing regulations, 50 C.F.R. §§ 17.21(d), 17.31(a), 17.40(r), by possessing Big Cats that they have unlawfully taken in violation of the ESA.


4. The WIN Defendants, and their officers, agents, servants, and employees shall be permanently **ENJOINED** from declawing any Big Cat. For purposes of this Order, "declawing" means a procedure, surgical or otherwise, also called onychectomy, in which an animal's toe is amputated at the distal interphalangeal joint.

5. The WIN Defendants, and their officers, agents, servants, and employees shall be permanently **ENJOINED** both from prematurely separating any Big Cat Cub from his or her mother and from publicly displaying Big Cat Cubs in public encounters. For purposes of this Injunction, premature separation means separation of cub and mother

within two years of birth without medical necessity. For purposes of this Injunction, “public encounters” includes (a) permitting a person who is not a WIN Defendant or their officer, agent, servant, and employee to have any physical contact with a Big Cat Cub or (b) a WIN Defendant or their officer, agent, servant, and employee presenting or handling a Big Cat Cub in any demonstration or presentation.

6. The WIN Defendants, and their officers, agents, servants, and employees shall be permanently **ENJOINED** from owning or possessing any of the Big Cats that they have unlawfully taken via declawing or premature maternal separation in violation of the ESA. As such, any and all ownership or possessory rights WIN Defendants have in any Big Cats they have declawed or prematurely separated are terminated.

SO ORDERED this 3rd day of August 2020.


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.

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