

December 8, 2021

Robert M. Gibbens, D.V.M.
Director, Animal Welfare Operations
USDA-APHIS-Animal Care

Via e-mail

Re: Request that USDA Immediately Cease the Arbitrary and
Preferential Treatment of Bhagavan Antle (license no. 56-C-0116)

Dear Dr. Gibbens:

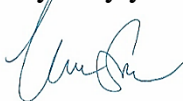
I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) stop allowing Bhagavan Antle (license no. 56-C-0116) to engage in conduct that violates 9 C.F.R. § 2.131(c)(1) under a “closed set” exemption that does not legally exist and is apparently reserved only for Antle.

For years, Antle has allowed visitors to his facilities to engage in direct contact with adult and juvenile big cats with reckless abandon. Some of the celebrity visitors share photos and videos of these encounters with their countless social media followers, advertising to the world that dangerous direct contact with wild predators is acceptable, legal, and available for those who can afford the prices.

The very public impression these high profile visitors are creating is wrong. This conduct is prohibited by the Animal Welfare Act (AWA) regulations, specifically 9 C.F.R. § 2.131(c)(1). The USDA [has made clear](#) to *all* exhibitors—including Antle—that this regulation prohibits any situation “where there is any chance that the public could come into direct contact with juvenile or adult big cats.” While the agency has consistently cited other exhibitors for allowing direct contact with dangerous big cats, it inexplicably refuses to do so with Antle. There are no legally grounded exemptions to 9 C.F.R. § 2.131(c)(1), and there are certainly no exemptions based on the social status of a visitor who can afford to purchase a private VIP encounter.

Antle is not above the law, and it is long past time for the USDA to hold him accountable for his chronic violations of 9 C.F.R. § 2.131(c)(1).

Very truly yours,



Michelle Sinnott, Esq.
Associate Director, Captive Animal Law Enforcement

Cc: Sheila Novak, Assistant General Counsel, USDA

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

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- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Appendix

The AWA regulations require that all animals “be handled so there is minimal risk of harm to the animal and to the public, with *sufficient distance and/or barriers between the animal and the general viewing public* so as to assure the safety of animals and the public.”¹ The USDA has [interpreted this regulation](#) as prohibiting any situation “where there is any chance that the public could come into direct contact with juvenile or adult big cats.”² This guidance also makes clear that “[t]rained handlers, leashes, and stages, for example, are not substitutes for sufficient distance and/or barriers.”³ In its [Animal Welfare Inspection Guide](#), the USDA explains that at around 12 weeks of age these dangerous animals “become too big, too fast and too strong to be used for public contact.”⁴

The USDA’s [guidance](#) further interprets the terms “public” and “general viewing public” within Section 2.131(c)(1) interchangeably to mean “customers or visitors, and not an exhibitor’s paid employees or unpaid bona fide workers who comprise the exhibitor’s regular work force.”⁵

Despite the plain language of the regulations and the clarity of the USDA’s guidance, the agency continues to allow Bhagavan Antle (license no. 56-C-0116) to engage in this prohibited conduct under a so-called “closed set” exemption that appears nowhere in the AWA, its implementing regulations, or agency guidance. Nor has the USDA sanctioned the use of this “closed set” exemption for any other exhibitor to allow the kind of regular direct contact between the public and dangerous animals that runs rampant at Antle’s facilities. The USDA’s complicity with Antle’s illegal direct contact encounters has created an untenable situation in which Antle has been given a free pass to violate the AWA, which he has used to his financial advantage and which will inevitably lead to injury or death.

Factual Background

In May 2005, Antle contacted the USDA expressing his opinion that the agency had “made a complete mistake” by determining that “there is an inherent danger present for both the viewing public, and the exhibited animal, where there is any chance that the public could come in direct contact with juvenile or adult big cats.”⁶ Unwilling to stop public contact with these animals, Antle submitted a video and additional information for the agency to review arguing that his procedures were safe.⁷ According to the USDA, the video Antle submitted showed a display table where direct contact with the adult/juvenile big cats occurred.⁸ The animal was connected to a chain while on the display table for public contact and “[t]here was a wooden barrier between the general public

¹ 9 C.F.R. § 2.131(c)(1) (emphasis added).

² USDA/APHIS, Big Cat Question and Answer, *available here* https://www.aphis.usda.gov/animal_welfare/downloads/big_cat/big_cat_q&a.pdf.

³ *Id.*

⁴ USDA, Animal Welfare Inspection Guide at 3-8, Revised Jan. 2021, *available here* https://www.aphis.usda.gov/animal_welfare/downloads/Animal-Care-Inspection-Guide.pdf.

⁵ USDA/APHIS, Big Cat Question and Answer.

⁶ Ex. 1, Antle email to Dr. Lisa MacElderry, May 25, 2005.

⁷ *Id.* (“I will make a video asap for you about our procedures for safe contact that happens with our animals and the public.”); Ex. 2, Email from Ellen Magid (USDA) to Dr. Robert Gibbens (USDA), June 4, 2005.

⁸ Ex. 2.

and the photo area.”⁹ Dr. Robert Gibbens reviewed Antle’s video and found that because “the safety of the viewing public is not assured” it did not comply with 9 C.F.R. § 2.131.¹⁰ Specifically, Dr. Gibbens explained that “[w]hile the chain appears to restrain the animal, [the big cat] can still spin around to the position where the patron was” standing, putting them at risk of injury.¹¹

In an effort to “gain voluntary compliance” before citing him¹², in August 2005, the USDA sent Antle a letter making it clear that his “method of contact photographs between adult large cats and members of the public [was] considered to be in violation of the handling regulation [9 C.F.R. § 2.131(c)(1)], and should be discontinued immediately.”¹³ Still unwilling to cease the problematic conduct, Antle submitted additional information to the USDA detailing possible modifications to the photo area, including proposed gates that could be installed to limit full access to the big cats during the photo session.¹⁴ Dr. Gibbens still found this proposal unacceptable, explaining, “I would not consider this setup to provide adequate distance/barriers between the (adult) tiger and the viewing public.”¹⁵

A little over a month later, on November 30, 2005, Antle was once again asking the USDA to green light direct contact sessions with big cats under another proposal aimed at complying with 9 C.F.R. § 2.131(c)(1). According to the USDA, under Antle’s latest proposal the big cat would be connected to a 7-foot long table via a short chain and the public would be positioned on a bench at the animal’s rear, behind the table.¹⁶ In addition, Antle was proposing to have sliding panels between the photo patron and the big cat that could be closed in the event of an incident.¹⁷ Under this setup, the public would *still* be able to touch the animal.¹⁸ Dr. Gibbens continued to find Antle’s proposal unacceptable, explaining that anything involving direct contact with an adult or juvenile big cat was a violation of 9 C.F.R. § 2.131(c)(1):

If the assurance of the safety of that member of the public . . . depends in any way on the actions (or lack thereof) of one or more handlers, or the actions (or lack thereof) of the involved member of the public, then I would consider the proposed exhibit to be in violation of 2.131(c)(1). Although risks have been decreased, it appears to me that when the tiger goes into ‘attack mode’, the safety of the public still depends upon the actions of the handlers and/or whether the public can pull his/her arm out of the hole in time. We have very clearly publicized on our website as well as in a mailout that ‘Trained handlers, leashes, and stages, for example, are not substitutes for sufficient distance and/or barriers.’¹⁹

⁹ *Id.*

¹⁰ Ex. 3, Email from Dr. Robert Gibbens to Ellen Magid, June 29, 2005.

¹¹ *Id.*

¹² Ex. 2.

¹³ Ex. 4, USDA Letter to Bhagavan Antle, Aug. 26, 2005.

¹⁴ Ex. 5, Email from Antle to Dr. Magid, Oct. 1, 2005; Ex. 6, Email from Dr. Magid to Betty Goldentyer and others, Oct. 5, 2005 (“He is proposing to add side panels to prevent a photo patron from accidentally accessing the front end of the cat, and a drop down emergency barrier to swing down to block the cat and the patron from interacting if the cat should turn around.”).

¹⁵ Ex. 7, Email from Dr. Gibbens to Dr. Magid, Oct. 6, 2005.

¹⁶ Ex. 8, Email from Dr. Magid to Betty Goldentyer and others, Nov. 30, 2005.

¹⁷ *Id.*

¹⁸ *Id.* (emphasis added).

¹⁹ Ex. 9, Email from Dr. Gibbens to Dr. Magid, Nov. 30, 2005.

In February 2006, the USDA notified Antle of this determination, explaining that the proposed modifications were not sufficient because there continued to be “direct contact between the animal and the photo patron,” thus not providing “sufficient distance and/or barriers between the animals and the public to protect each from harm” in violation of 9 C.F.R. § 2.131(c)(1).²⁰ The USDA, once again, explained that Antle’s “method of contact photographs between adult large cats and members of the public [wa]s not considered to be in compliance with the handling regulation” “and should not be utilized as a method of exhibition.”²¹

Undeterred, in March 2006, Antle initiated litigation in federal district court challenging the USDA’s interpretation of 9 C.F.R. § 2.131(c)(1) as arbitrary and capricious.²² One of the arguments Antle advanced in his complaint was “[t]hat patrons who pay to be photographed with big cats are not members of the ‘general viewing public’ as contemplated by 9 C.F.R. § 2.131(c)(1), and therefore that regulation does not apply to them.”²³ Part of the relief Antle was seeking was to prevent the USDA “from enforcing 9 C.F.R. § 2.131” against him in a way that prohibited him from “photographing [] patrons with big cats.”²⁴

Antle lost this case.²⁵ The federal district court found that the USDA’s interpretation of 9 C.F.R. § 2.131(c)(1) as precluding direct contact between juvenile or adult big cats and the public was reasonable and that its application to Antle as prohibiting “photographing patrons in close proximity to adult and juvenile big cats at T.I.G.E.R.S.” was consistent with its interpretation of the regulation.²⁶ Notably, the court’s decision states that Antle “conceded [that] his photographic patrons are members of the ‘general viewing public’ as contemplated by 9 C.F.R. § 2.131 and that he did not wish to be exempt from enforcement of the regulation.”²⁷ In February 2008, the federal district court’s decision was affirmed by the Fourth Circuit.²⁸

This should have been the end of direct contact between adult and juvenile big cats and the public at Antle’s facility, but it wasn’t. Less than a year later, in November 2008, [Antle allowed an Inside Edition reporter to swim](#) with what appeared to be an adult tiger.²⁹ During this session, the reporter was in direct contact with the tiger and was allowed to grab the animal’s paws and tail while in the water, and at points was within inches of the tiger’s face.³⁰ The reporter’s account of the session: “I was terrified the entire time, terrified.”³¹ There was no chain to limit the animal’s movement, no table, no barriers, and no sliding panels to engage if anything went awry. This was full direct contact between a member of the public and an adult big cat. During the USDA’s investigation into this incident, Antle told the agency “I do not allow anyone with the general public to swim

²⁰ Ex. 10, USDA Letter to Bhagavan Antle, Feb. 8, 2006.

²¹ *Id.*

²² Ex. 11, Complaint, *Bhagavan Antle, et. al v. Mike Johanns*, Civ. No. 4:06-cv-01008 (D. S.C. March 30, 2006).

²³ *Id.* at ¶ 24.

²⁴ *Id.* at Prayer for Relief ¶ E.

²⁵ *See Antle v. Johanns*, No. Civ. 4:06-1008, 2007 WL 5209982 (D.S.C. June 5, 2007), *aff’d*, 264 F. App’x 271 (4th Cir. 2008).

²⁶ *Id.* at *3-4.

²⁷ *Id.* at *2 fn 4.

²⁸ *Antle v. Johanns*, 264 F. App’x 271 (4th Cir. 2008).

²⁹ *See* A Look Back: Megan Alexander Swims with Tiger, video available here <https://youtu.be/3Gfm67yQgeo>.

³⁰ *Id.*

³¹ *Id.*

with our tigers” and that this “reporter/actress” was part of a production video shoot.³² Remarkably—considering that the agency had defeated Antle’s litigation and warned him years ago that this kind of dangerous direct contact violated 9 C.F.R. § 2.131(c)(1)—the USDA declined to take action, finding “[t]he show for the paying public does not allow the public to swim with the tigers or engage with the larger cats” and thus there was “no indications or suggestion that T.I.G.E.R.S. was allowing the general public to swim with the tigers.”³³ This incident appeared to be the resurrection of Antle’s argument that there was a meaningful legal distinction between “photographic patrons”—like this reporter—and the “general viewing public,” and this time, the USDA went along with it.

As is to be expected when anything comes back from the dead, Antle’s argument that “photographic patrons” are not part of the “general viewing public” in 9 C.F.R. § 2.131(c)(1) has morphed into something insidious. In 2019, the USDA found that a musician (Jin Gates) was not a member of the public because at the time he was allowed to have dangerous direct contact with an adult jaguar “[i]t was a film production with a closed set making commercials.”³⁴ Due to the USDA’s consistent lack of enforcement action, Antle has exploited this so called “closed set” exemption to allow [almost anyone](#) to engage in direct contact with adult big cats claiming anytime anyone has this type of contact it was a “closed set.” Over the past two years, PETA has submitted multiple complaints to the USDA documenting social media influencers, athletes, models, and the like engaging in dangerous direct contact with juvenile and adult big cats at Antle’s facility.³⁵ The USDA continues to do nothing, and Antle’s conduct continues to escalate, becoming even more dangerous than the setup the agency found violated 9 C.F.R. § 2.131(c)(1) over 15 years ago.³⁶

Argument

I. The handling regulations, as interpreted by the USDA, prohibit direct contact between adult and juvenile big cats and the public *without exception*.

In 1989, when the current version of 9 C.F.R. § 2.131(c)(1) was originally proposed, the USDA was clear that “exhibitors do not have a right to allow contact between the public and dangerous animals.”³⁷ The USDA’s long held interpretation that the requirements in 9 C.F.R. § 2.131(c)(1) prohibit any situation “where there is any chance that the public could come into direct contact with juvenile or adult big cats” is entirely consistent with the position the agency took over 30 years ago when crafting the regulation.³⁸ There is nothing in the 1989 proposal, the final language of the regulation, or the USDA’s guidance interpreting the regulation that exempts any specific members of the public or any type of exhibition activity from 9 C.F.R. § 2.131(c)(1).

³² Ex. 12, USDA/APHIS/IES, Summary Case File for Case Id. SC09007, Sept. 4, 2009.

³³ *Id.*

³⁴ Ex. 13, USDA Complaint No. AC19-143 Response, March 27, 2019; *see also* Ex. 14, Complaint No. AC19-143, Dec. 18, 2018.

³⁵ Ex. 15, Complaint No. AC20-314, June 16, 2020; Ex. 16, Complaint No. AC21-034, Nov. 5, 2020; Ex. 17, Complaint No. AC21-172, Jan. 22, 2021; Ex. 18, PETA Complaint submitted on Aug. 24, 2021; Ex. 19, PETA Complaint submitted on Aug. 30, 2021; Ex. 20, PETA Complaint submitted on Oct. 15, 2021.

³⁶ Ex. 10.

³⁷ 54 Fed. Reg. 10,835, 10,880 (Mar. 15, 1989).

³⁸ USDA/APHIS, Big Cat Question and Answer.

The USDA's prohibition on public contact categorically applies to anyone other than the exhibitor themselves or "the exhibitor's regular work force" whether paid or unpaid.³⁹ This interpretation has a solid grounding in the regulatory text, which requires "sufficient distance and/or barriers" to protect the animal and the public.⁴⁰ The USDA has rejected the absurd notion that the terms "public" and "general viewing public" as used in 9 C.F.R. § 2.131(c)(1) are intended to distinguish between those individuals specifically engaged in a direct contact activity and those watching, but not participating.⁴¹ As explained in the USDA's 2010 administrative enforcement decision against Great Cat Adventures (Jamie Palazzo and James Riggs):

Ms. Palazzo and Mr. Riggs provide no basis for their arguments that the term "public" refers to members of the public who participate in an event with an animal and that the term "general viewing public" refers to those members of the public who do not participate in an event with an animal, but only observe an animal exhibit. Moreover, Ms. Palazzo and Mr. Riggs' construction of 9 C.F.R. § 2.131(c)(1) would render the regulation patently absurd for their construction would require sufficient distance and/or barriers between the animal and the viewing, non-participating members of the public (*general viewing public*) so as to assure the safety of animals and the participating members of the public (*public*). Ms. Palazzo and Mr. Riggs do not state how barriers and/or distance between animals and one group of persons (the general viewing public) will assure the safety of a completely different group of persons (the public). Therefore, I reject Ms. Palazzo and Mr. Riggs' arguments regarding the meaning of the terms "public" and "general viewing public," as those terms are used in 9 C.F.R. § 2.131(c)(1).⁴²

The Administrative Law Judge (ALJ) in this case further explained that "the United States Court of Appeals for the Fourth Circuit has upheld APHIS' interpretation of 9 C.F.R. § 2.131(c)(1) to require distance and/or barriers between juvenile and adult big cats and the public (including members of the public involved in photographic sessions)."⁴³ Moreover, the USDA has found that

³⁹ *Id.*

⁴⁰ 9 C.F.R. § 2.131(c)(1).

⁴¹ See e.g., *In Re: Sam Mazzola & Wildlife Adventures of Ohio, Inc.*, 68 Agric. Dec. 822, 844 (U.S.D.A. Nov. 24, 2009) ("Mr. Mazzola's interpretation of the handling regulations to require distance and/or barriers between animals and the 'general viewing public,' but not the 'public' who are the 'people participating in the [e]vent by touching an animal,' is inconsistent with the evidence and case law.")

⁴² *In Re: Jamie Michelle Palazzo & James Lee Riggs.*, AWA Docket No. 07-0207, 2010 WL 2020181, at *6 (U.S.D.A. May 10, 2010).

⁴³ *Id.* (citing *Antle v. Johanns*, 2007 WL 5209982 (D.S.C. June 5, 2007)).

news reporters⁴⁴, social media influences and other celebrities⁴⁵, and models⁴⁶ are all members of the public for purposes of compliance with AWA regulations. There is no legal basis for creating different categories of visitors to a facility for purposes of compliance with 9 C.F.R. § 2.131(c)(1): no patron, no matter their social status, can have direct contact with adult and juvenile big cats.

Nor is there any legal basis to exempt a visitor from the prohibition on direct contact with adult and juvenile big cats based on the type of exhibition activity being conducted. The requirement in 9 C.F.R. § 2.131(c)(1) for “sufficient distance and/or barriers between the animal and the general viewing public” categorically applies during *any* public exhibition. The USDA has determined that animals used in television shows or movies are regulated animal performances—i.e. public exhibitions—that require an AWA license.⁴⁷ The United States District Court for the Eastern District of Oklahoma recently held that allowing “animals to be filmed for a Netflix® documentary series, posting videos of the animals through the paid subscription services Cameo and OnlyFans. . .and allowing friends to visit and play with the animals” all constituted “exhibiting” to the public under the AWA.⁴⁸ Moreover, the USDA has found violations of 9 C.F.R. § 2.131(c)(1) on film

⁴⁴ *In Re: Stearns Zoological Rescue & Rehab Ctr., Inc.*, 76 Agric. Dec. 45, 55 (U.S.D.A. Feb. 15, 2017) (“In her declaration (and in her testimony), Dr. Gage noted that APHIS Animal Care considers news reporters, such as the one in the video, to be members of the public.”); *see also* Ex. 21, USDA Inspection Report, Clubreturns Inc., May 18, 2015 (“On 4-22-15, a reporter from the local news interviewed the licensee for a story. During the interview the owner and the reporter were standing next to an enclosure with a juvenile lion and tiger. The reporter squatted next to the cage and petted the lion who was rubbing against the cage wires.”); Ex. 22, USDA Inspection Report, Joseph Maldonado Passage, July 25, 2017 (“Reporters are considered to be members of the public” and the public “should not be allowed inside an enclosure with tigers or other big cats that have ‘aged out’ of public photo sessions.”); Ex. 23, USDA Inspection Report, CJs Great Cats World Park Inc., Sept 1, 2021 (“While the interview was held in a closed park with no other members of the public present, the interviewer is a member of the public and must be protected as such.”).

⁴⁵ Ex. 24, USDA Inspection Report, Kevin Keith, March 5, 2021 (“The inspectors reviewed photos and videos from this social media-based promotional video event, and determined that the exhibitor did not adequately maintain direct control of the animals while they interacted with the public,” which included social media influencers and other talent hired for a film production.)

⁴⁶ *In Re: Sidney Jay Yost & Amazing Animal Prods., Inc.*, AWA Docket Nos. 12-0294, 12-0295, 2017 WL 6766302, at *4 (U.S.D.A. Dec. 14, 2017) (finding that models who signed liability releases in order to participate in photo shoots were still members of the public).

⁴⁷ *See* USDA, *Licensing and Registration Under the Animal Welfare Act: Guidelines for Dealers, Exhibitors, Transports, and Researchers* (Rev. Feb. 2019), at 14 *available here*

https://www.aphis.usda.gov/animal_welfare/downloads/aw/awlicreg_gray-book.pdf; *see also*

In Re: Lloyd A. Good, Jr., 49 Agric. Dec. 156, 174 (U.S.D.A. June 22, 1990) (holding that the USDA’s determination that a person acts as an exhibitor “simply by making [animals] available to the public” is reasonable and consistent with statutory authority).

⁴⁸ *United States v. Lowe*, No. 20-CV-0423-JFH, 2021 WL 149838, at *12 (E.D. Okla. Jan. 15, 2021).

sets⁴⁹, live taping for TV shows⁵⁰, photo shoots,⁵¹ and during interviews with news reporters.⁵² The plain language in 9 C.F.R. § 2.131(c)(1) applies to *any* public exhibition that would require an AWA license, including “closed set” filming for TV, movies, or the internet.

The USDA’s legally grounded interpretation of 9 C.F.R. § 2.131(c)(1) is that it prohibits any situation “where there is any chance that the public could come into direct contact with juvenile or adult big cats” and that “[t]rained handlers, leashes, and stages. . .are not substitutes for sufficient distance and/or barriers.”⁵³ The plain language of the regulation offers no room for any exceptions to this prohibition.

II. **The USDA has enforced 9 C.F.R. § 2.131(c)(1) relatively consistently, except against Antle.**

In December 2007—approximately 6 months after the federal district court ruled against Antle in his lawsuit against the USDA—the USDA cited Antle for violating 9 C.F.R. § 2.131(c)(1) by not having sufficient distance and/or barriers between the public and two big cats (an 8-month old tiger and a 5 ½ month old cougar).⁵⁴ Both cats were being exhibited to the public on a chain/cable and were behind a 3 foot metal barrier, which the USDA found to be insufficient to ensure public safety.⁵⁵ This was the first and *only* time the agency has ever cited Antle for a violation of 9 C.F.R. § 2.131(c)(1), and it didn’t even involve direct contact with big cats.

In administrative enforcement proceedings brought by the USDA in the past 15 years, the agency has consistently held that “exhibitions where dangerous animals are potentially or actually in direct contact with the public” violate 9 C.F.R. § 2.131(c)(1).⁵⁶ The USDA has imposed fines and even revoked exhibitors’ AWA licenses after incidents where the public was allowed to engage in direct contact with adult or juvenile big cats:

- **December 2017:** The USDA revoked Sidney Yost’s AWA license and assessed him and Amazing Animal Productions a \$30,000 civil penalty for multiple violations of the AWA, including for “the exhibition of a lion at a taping of ‘The Tonight Show’”

⁴⁹ *In Re: Karl Mitchell & Big Cat Encounters*, AWA docket No. 09-0084, 2010 WL 5295429, at *3 (U.S.D.A. Dec. 21, 2010) (finding numerous 9 C.F.R. § 2.131(c)(1) violations including for an incident in June 2009, where “Mr. Mitchell was engaged as a trainer of a tiger that he brought to the set of the Paris Hilton reality show where the tiger was filmed while being petted by various cast members.”).

⁵⁰ *In Re: Sidney Jay Yost & Amazing Animal Prods.*, AWA Docket Nos. 12-0294, 12-0295, 2017 WL 6766302, at *3 (U.S.D.A. Dec. 14, 2017) (finding a violation of 9 C.F.R. § 2.131(c)(1) for “the exhibition of a lion at a taping of ‘The Tonight Show,’ before a live audience” where the animal was only restrained with a leash).

⁵¹ *Id.* at *4 (finding a 9 C.F.R. § 2.131(c)(1) violation during a photo shoot where models were allowed to have direct contact with exotic felids).

⁵² *In Re: Stearns Zoological Rescue & Rehab Ctr.*, 76 Agric. Dec. at 55 (finding that an October 2012 incident where “Stearns Zoo exhibited two tigers at Stearns Zoo’s facility on a segment of ABC’s ‘Good Morning America’” where an “ABC reporter directly handl[ed] two tigers in the pool” was a clear violation of 9 C.F.R. § 2.131(c)(1)); *see also* Ex. 23, USDA Inspection Report, CJs Great Cats World Park Inc., Sept 1, 2021 (“While the interview was held in a closed park with no other members of the public present, the interviewer is a member of the public and must be protected as such.”).

⁵³ USDA/APHIS, Big Cat Question and Answer.

⁵⁴ Ex. 25, USDA Inspection Report for Bhagavan Antle, Dec. 13, 2007.

⁵⁵ *Id.*

⁵⁶ *In Re: Stearns Zoological Rescue & Rehab*, 76 Agric. Dec. at 56-57.

where the 125 pound animal was restrained by a leash with no distance and/or barriers.⁵⁷ The decision also cites to an incident where during a private photo shoot, “the public was allowed to have direct contact with, among other [animals] exotic felids, wolves, and nonhuman primates.”⁵⁸ The ALJ specifically rejected the argument that the individuals participating in the photo shoot were not members of the public as contemplated by 9 C.F.R. § 2.131(c)(1).⁵⁹

- September 2013: The USDA assessed Craig Perry and Perry’s Wilderness Ranch & Zoo, Inc. a \$14,600 civil penalty for several violations of the AWA, including an incident where Mr. Perry “exhibited a four-month-old tiger and two lions to the public (including toddlers) without any barriers or distance between the animals and the public to prevent the public from coming into contact with the animals.”⁶⁰
- August 2012: The USDA suspended Tri-State Zoological Park’s AWA license for 45 days due to several AWA violations, including a “private, behind-the-scenes exhibition[]” of a lion and tigers that created “the potential for people to physically come into contact with the animals.” The decision explained that “[t]he evidence demonstrate[d] that the public was extremely close to animals that were controlled solely by two volunteers who are familiar with the animals but have no special training in containing them, preventing their escape, or controlling them in the event of an attack,” which did not “eliminate the need for distance or a barrier between the animal and the public.”⁶¹
- March 2012: The USDA assessed Summer Wind Farm a \$500 civil penalty and suspended its AWA license for three months for numerous AWA violations, including for an incident where “an individual who was interviewing respondent’s president” was allowed “to feed the tiger by hand through the tiger’s enclosure.”⁶²
- December 2010: The USDA assessed Karl Mitchell and Big Cat Encounters a \$67,000 civil penalty and Mr. Mitchell an additional \$19,800 penalty for multiple violations of the AWA, including several instances between April 2004 and August 2009 where paying customers were allowed to “pet or to otherwise come in contact with exhibited tigers.”⁶³
- January 2010: The USDA assessed Jamie Palazzo dba Great Cat Adventures a \$10,000 civil penalty and suspended her AWA license for three years due to several

⁵⁷ *In Re: Sidney Jay Yost*, 2017 WL 6766302, at *3; see also *In Re: Sidney Jay Yost & Amazing Animal Prods., Inc.*, AWA Docket No. 12-0294, 2019 WL 2345417, at *14 (U.S.D.A. Mar. 11, 2019).

⁵⁸ *In Re: Sidney Jay Yost*, 2017 WL 6766302 at *4.

⁵⁹ *Id.*

⁶⁰ *In Re: Craig A. Perry, Perry's Wilderness Ranch & Zoo, Inc., & Le Anne Smith*, 72 Agric. Dec. 635, 655 (U.S.D.A. Sept. 6, 2013).

⁶¹ *In Re: Tri-State Zoological Park of W. Maryland, Inc. & Robert L. Candy* 71 Agric. Dec. 915, 928–29 (U.S.D.A. Aug. 1, 2012); see also *In Re: Tri-State Zoological Park of W. Maryland, Inc. & Robert L. Candy*, 72 Agric. Dec. 128, 179 (U.S.D.A. Mar. 22, 2013).

⁶² *In Re: Summer Wind Farm Sanctuary*, Docket No. 11-0223, 2012 WL 1080381, at *1 (U.S.D.A. Mar. 8, 2012).

⁶³ *In Re: Karl Mitchell & Big Cat Encounters*, 2010 WL 5295429, at *15.

AWA violations, including multiple instances in 2007 where she allowed members of the public to feed and otherwise come into direct contact with juvenile tigers.⁶⁴

- July 2009: The USDA permanently revoked the AWA license for ZooCats, Inc. for numerous violations of the AWA, including an incident where “spectators petted” a lion and “[n]umerous children surrounded the lion without any kind of crowd control or any physical barrier to prevent the children from coming in contact with the lion.”⁶⁵ The decision also referenced several instances where big cats were exhibited to the public without any barriers.
- January 2008: The USDA filed an administrative complaint against Sam Mazzola alleging several violations of the AWA including, multiple instances where members of the public were allowed to enter enclosures with adult tigers.⁶⁶ Mr. Mazzola was fined \$21,000 for these and other violations, and was “permanently disqualified from obtaining a license under the Animal Welfare Act.”⁶⁷
- September 2007: The USDA assessed Wildlife Waystation a \$25,000 civil penalty for a number of AWA violations including exhibiting big cats “without any distance or barriers between the animals and the public, and allow[ing] the public to pose with, pet, play with, walk and otherwise handle such animals.” Specifically, the decision references an October 2004 fundraising event held at the Playboy Mansion where an adult tiger was walked on a leash “through the areas where members of the public were present.”⁶⁸
- February 2005: The USDA assessed Jerry Korn, Susan Korn, and For the Birds, Inc. a \$28,050 civil penalty for several AWA violations, including multiple instances between May 2003 and August 2003 where customers were regularly allowed “to enter the primary enclosure containing two tigers, without any distance or barriers between the animals and the public, in willful violation of the handling regulations.”⁶⁹ On appeal, Jerry Korn was assessed an additional \$20,597 civil penalty and his AWA license was revoked.⁷⁰

In just the past year alone, the USDA has cited exhibitors other than Antle for violating 9 C.F.R. § 2.131(c)(1) when those exhibitors allowed the public to have direct contact with adult or juvenile big cats:

⁶⁴ *In Re: Jamie Michelle Palazzo & James Lee Riggs*, AWA Docket No. 07-0207, 2010 WL 546916, at *10 (U.S.D.A. Jan. 5, 2010); *see also In Re: Jamie Michelle Palazzo & James Lee Riggs.*, 2010 WL 2020181, at *15.

⁶⁵ *In Re: Zoocats, Inc., Marcus Cook, & Melissa Coody*, 68 Agric. Dec. 737, 741–42 (U.S.D.A. July 27, 2009).

⁶⁶ *In Re: Sam Mazzola*, 67 Agric. Dec. 1265, 1272 (U.S.D.A. Jan. 4, 2008).

⁶⁷ *In Re: Sam Mazzola*, 68 Agric. Dec. at 852.

⁶⁸ *In Re: Martine Colette, Wildlife Waystation, & Robert H. Lorsch*, AWA Docket No. 03-0034, 2007 WL 3170348, at *2-3 (U.S.D.A. Sept. 14, 2007).

⁶⁹ *In Re: For the Birds, Inc., Jerry L. Korn, Susan F. Korn, & Ben Korn*, 64 Agric. Dec. 199, 219 (U.S.D.A. Feb. 25, 2005).

⁷⁰ *In Re: For the Birds, Inc., Jerry L. Korn, Susan F. Korn, & Ben Korn*, AWA Docket No. 04-0033, 2005 WL 1524662, at *36 (U.S.D.A. June 22, 2005).

- September 2021: The USDA cited CJ’s Great Cat World for violating 9 C.F.R. § 2.131(c)(1) after a video aired showing a young jaguar in direct contact with an interviewer.⁷¹ The inspection report states: “While the interview was held in a closed park with no other members of the public present, the interviewer is a member of the public and must be protected as such.”⁷²
- August 2021: The USDA cited Noah’s Lost Ark for violating 9 C.F.R. § 2.131(c)(1) after the facility allowed “a member of the public. . .to enter the enclosure of an approximately 10-month-old female white tiger.”⁷³ The report notes that the individual was seen inside the enclosure and “reaching through the enclosure fence and touching the face of the tiger.”
- June 2021: The USDA cited Larry Wallach for a violation of 9 C.F.R. § 2.131(c)(1) after he brought a 6-week old tiger cub to a public park and allowed the public to have direct contact with the animal.⁷⁴

The USDA consistently cites other exhibitors for violating 9 C.F.R. § 2.131(c)(1) when they allow direct contact with adult and juvenile big cats. Yet, when Antle allows the same conduct he is not held to the same standards as other exhibitors. For example:

- On October 15, 2021, PETA submitted evidence of a visitor to Myrtle Beach Safari who was allowed to swim with two juvenile tigers, which Antle referred to as a “VIP experience.”⁷⁵ There is no indication that Antle will face any consequences.
- On August 24, 2021, PETA submitted evidence of numerous visitors having direct contact with adult big cats, including a bodybuilder holding a subadult tiger, a pro wrestler feeding an adult liger, and a social media influencer having direct contact with a juvenile tiger.⁷⁶ To date, Antle has not been cited for these incidents.
- On January 22, 2021, PETA submitted evidence of Larsa Pippen and her children in direct contact with juvenile and adult tigers at Antle’s Miami, Florida facility.⁷⁷ Antle has not been cited by the USDA.
- On November 6, 2020, PETA submitted evidence of rap artist Lil Pump in direct physical contact with a juvenile tiger at Myrtle Beach Safari.⁷⁸ Antle faced no consequences.

⁷¹ Ex. 23.

⁷² *Id.*

⁷³ Ex. 26, USDA Inspection Report, Noah’s Lost Ark, Aug. 3, 2021.

⁷⁴ Ex. 27, USDA Inspection Report, Larry Wallach, June 9, 2021.

⁷⁵ Ex. 20.

⁷⁶ Ex. 18.

⁷⁷ Ex. 17.

⁷⁸ Ex. 16.

- On June 26, 2020, PETA submitted evidence of members of the public feeding and having direct contact with juvenile big cats at Antle’s facility.⁷⁹ Nothing happened.

While other exhibitors have been cited, fined, and in some cases even lost their AWA licenses because they allowed the public to have direct contact with adult and juvenile big cats, Antle has created an extremely profitable business model that relies on this type of prohibited conduct and the USDA has done nothing to stop it. Antle is well known for this conduct and members of the public seek him out to engage in this behavior. The USDA’s preferential treatment of Antle has created a monopoly for Antle, allowing him to charge a premium for direct contact encounters with juvenile and adult big cats despite their violation of 9 C.F.R. § 2.131(c)(1).

By failing to hold Antle to the same standards as every other exhibitor, the USDA is not only giving Antle an unfair businesses advantage, but it is also acting in a way that is arbitrary, capricious, and not in accordance with law. “It is, of course, well settled that validly issued administrative regulations have the force and effect of law.”⁸⁰ An agency cannot “ignore or violate its regulations while they remain in effect.”⁸¹ The USDA cannot continue to pretend that 9 C.F.R. § 2.131(c)(1) applies to everyone but Antle.

III. The USDA’s complete abdication of its duty has led to increasingly brazen conduct by Antle that will result in injury or death.

In 2005, when Antle sought the USDA’s approval for modifications to his contact photography setup that would allow public contact with dangerous big cats he was not seeking to allow full, unrestrained contact with adult and juvenile big cats. Rather, the original setup proposed by Antle had the big cat connected to a 7-foot long table via a short chain with the public on a bench at the animal’s rear, severely limiting public access to the animal.⁸² Under this setup, the public would only be able to touch the animal’s lower back, and Antle was proposing to have sliding panels between the photo patron and the big cat that could be closed in the event of an incident.⁸³ The USDA said no to this proposal because anything involving direct contact with an adult or juvenile big cat was considered a violation of 9 C.F.R. § 2.131(c)(1).⁸⁴

By 2009, Antle was being investigated by the USDA after allowing full direct contact between a news reporter and an adult big cat.⁸⁵ None of the safety measures Antle proposed in 2005 were

⁷⁹ Ex. 15.

⁸⁰ *Rodway v. U.S. Dep’t of Agric.*, 514 F.2d 809, 814 (D.C. Cir. 1975); *see also, e.g., Transactive Corp. v. United States*, 91 F.3d 232, 238 (D.C. Cir. 1996) (“we cannot allow Treasury to ignore its own regulation in an attempt to save its imperfect/unsatisfactory decision-making in this case”); *Esch v. Yeutter*, 876 F.2d 976, 991 (D.C. Cir. 1989) (“It is well settled that an agency is legally bound to respect its own regulations, and commits procedural error if it fails to abide them.”).

⁸¹ *Friedler v. Gen. Servs. Admin.*, 271 F. Supp. 3d 40, 61 (D.D.C. 2017) (*quoting Nat’l Env’t Dev. Ass’n’s Clean Air Project v. EPA*, 752 F.3d 999, 1009 (D.C. Cir. 2014)); *see also Panhandle E. Pipe Line Co. v. Fed. Energy Regul. Comm’n*, 613 F.2d 1120, 1135 (D.C. Cir. 1979) (holding that an agency does not “have authority to play fast and loose with its own regulations” and just because “a regulation as written does not provide [the agency] a quick way to reach a desired result does not authorize it to ignore the regulation”).

⁸² Ex. 8.

⁸³ *Id.*

⁸⁴ Ex. 9.

⁸⁵ Ex. 12.

used when he allowed the Inside Edition reporter to swim with what appeared to be an adult tiger.⁸⁶ While this session was extremely dangerous, according to Antle this was not the type of activity he allowed general visitors to his facility to partake in.⁸⁷ This appeared to be a test of Antle’s “closed set” argument and because the USDA bought it, he has now run away with it.

Whatever limitations Antle might have had in 2009 regarding who could have full contact access to dangerous big cats no longer appears to exist. Antle now proudly advertises on [his website](#) some of the numerous celebrities and other public figures that he has allowed to have direct physical contact with dangerous big cats under this so called “closed set” exemption, which apparently *only* applies to Antle. In the last two years alone, there has been an average of one to two of these kinds of dangerous encounters a month.⁸⁸ Antle has allowed social media influencers, athletes, models, and the like to have direct, unfettered contact with adult and juvenile big cats. He recently started advertising swim encounters with juvenile tigers to the general public as a “VIP private encounter” [offered exclusively at his facility](#).⁸⁹ Antle routinely allows the public to interact with big cats who are more than 12-16 weeks old⁹⁰—the age at which the USDA generally considers big cats unsuitable for direct public contact—and has even stated that tigers at his facility are used for cub encounters until they are 20 weeks old.⁹¹ A documentary recently released in Germany shows Antle using cubs who are upwards of 20 weeks old for an encounter experience offered to the general public.⁹² The only current limitation on who can have direct contact with dangerous big cats at Antle’s facility: money. Antle has stated that there are only a “limited number of guests” who can afford the “premium prices.”⁹³

A “VIP private encounter” involving direct contact with adult and juvenile big cats that is cost prohibitive for most people is still extremely dangerous and violates 9 C.F.R. § 2.131(c)(1). Big cats are apex predators. Nondomestic felids have killed 25 humans and injured more than 290 in the United States alone since 1990—and these are only the known, documented reports.⁹⁴ “Despite the appearance of pseudo-domestication in some trained tigers, these animals retain their predatory instincts and neural-visceral reflexes, and they can inflict serious wounds using their teeth or claws suddenly and without forewarning.”⁹⁵ Further, “[t]igers (and other large cats) have the ability to cause significant trauma and hidden injuries. The most common location for these injuries is the nape of the neck—tigers and other large cats can realign their jaws so that they can bite down

⁸⁶ See [A Look Back: Megan Alexander Swims with Tiger](#).

⁸⁷ Ex. 12.

⁸⁸ Ex. 28, Photo Sheet of Public Figures in Direct Physical Contact with Juvenile and Adult Big Cats at Antle’s Facility.

⁸⁹ Ex. 29, Myrtle Beach Safari, Swim with the Animals, *also available here*, <https://myrtlebeachsafari.com/swim-with-the-animals/>; *see also* Ex. 30, docantle Instagram post, Oct. 6, 2021 (“The one and only tiger swim only at @myrtlebeachsafari”).

⁹⁰ Ex. 15; Ex. 16; Ex. 17; Ex. 18; Ex. 19; Ex. 20.

⁹¹ Ex. 31, Photo Sheet of Apparent AWA Handling Violations by Bhagavan Antle, License No. 56-C-0116.

⁹² *The Environmental Mafia*, Johan von Mirbach & Jan-Philipp Scholz (Nov. 3, 2021), *available here* <https://www.zdf.de/politik/auslandsjournal/auslandsjournal-umweltemafia-100.html> (at 16:39, a cub who is at least 20 weeks old is placed in the lap of an adult and two children while participating in a cub encounter).

⁹³ *Id.*

⁹⁴ See PETA, Big-Cat Incidents in the United States, *available here* <https://www.peta.org/wp-content/uploads/2021/02/big-cat-incidents-us-factsheet.pdf> (source material available upon request).

⁹⁵ Nyhus, P.J., et al. (2003). Dangerous Animals in Captivity: Ex Situ Tiger Conflict and Implications for Private Ownership of Exotic Animals. *Zoo Biology*, 22, 573–579.

between a victim's vertebrae and into the spinal cord. Bite wounds can also result in significant bacterial infections."⁹⁶

Public contact is inherently stressful to wild animals because it subjects them to forced interactions with unfamiliar individuals, causing them to feel unsafe. Wild animals are unpredictable, and under stress *any* animal can pose a physical danger to humans or themselves. Animals instinctually will act to protect themselves against a perceived threat, and may claw at, bite, or kick an unfamiliar person, or flee from the situation.⁹⁷ For large and strong animals like big cats, their sheer size and strength alone can cause damage under these stressful situations, even if unintentional. Captivity does not take away a wild animal's potential to inflict harm on human beings. This is because wild animals have evolved certain instincts and remain genetically and behaviorally identical to their wild counterparts (unlike domesticated species). Captivity doesn't change what they're hard-wired to do, and it can't domesticate a wild animal.⁹⁸

It's not just humans who are at risk when exhibitors allow direct contact with wild animals. The USDA has also recognized, "[a]nimals that attack or harm members of the public are [also] at risk of being harmed" themselves.⁹⁹ Specifically, "[a]nimals who bite humans may be injured or stressed if the person is startled and hits, drops, grabs, or pushes the animal."¹⁰⁰ In the context of dangerous wild animals, "effective methods of extricating people from the grip of an animal can cause the animal harm and can cause the animal's death."¹⁰¹ Even if an animal is unharmed during any efforts to stop an attack, "the animal is [still] at risk of being harmed for revenge or for public safety reasons" after the fact.¹⁰²

Big cats used for direct contact encounters are exposed to a number of health risks regardless of whether there is an attack. In May 2020, the USDA issued an advisory to all exhibitors holding big cats warning that all hands-on encounters with these animals should be suspended until it can be assured that members of the public do not pose any risk of SARS-CoV-2 infection to big cats.¹⁰³ The big cats at Antle's facilities who are used for direct contact encounters are exposed to a number of people whose health status is unknown and who may be asymptomatic, pre-symptomatic, or even symptomatic for COVID-19, posing a significant risk of human-to-animal transmission. Since members of the public are allowed in "close contact" with these animals during an encounter direct transmission from person-to-animal is possible.¹⁰⁴ Indeed, earlier this month, [three big cats](#) at the Nebraska zoo died from complications due to Covid-19, demonstrating that this virus still poses a very real threat to these animals.

⁹⁶*Id.*

⁹⁷[They're Natural Born Killers: Wild Animals in Captivity Inherently Dangerous](#), ABC News, Dec. 28, 2007.

⁹⁸Diamond, J. (2002). Evolution, consequences and future of plant and animal domestication. *Nature*, 418, 700–707.

⁹⁹ *In Re: Karl Mitchell & Big Cat Encounters*, 2010 WL 5295429, at *6 (citing *In re The International Siberian Tiger Foundation*, 61 Agric. Dec. 53, 76-77 (2002)).

¹⁰⁰ Ex. 32, USDA Inspection Report for Wild Things Exotic Animals, Inc., Sept. 29, 2021.

¹⁰¹ *In Re: Karl Mitchell & Big Cat Encounters*, 2010 WL 5295429, at *6.

¹⁰² *Id.*

¹⁰³ Ex. 33, USDA Advisory Note re: Limiting Close Contact Between Members of the Public and Nondomestic Cats, May 14, 2020.

¹⁰⁴ See CDC, [Coronavirus Disease 2019 \(COVID-19\), Evaluation for SARS-CoV-2 Testing in Animals](#) (Nov. 15, 2021) (identifying "close contact" with humans as an epidemiological risk factor for contracting COVID-19, and defining "close contact" to including petting and snuggling).

In particular, big cat cubs who are used for public contact encounters—like those offered by Antle—are often taken from their mothers when they are very young so that they can be hand-reared. Public handling itself takes a toll on a cub’s psychological well-being, and that added stress further taxes the animals already underdeveloped immune system. The demands of public contact deprive animals of their natural and instinctual behavioral, eating, and sleeping patterns¹⁰⁵, and this disruption can lead to exhaustion or psychological distress.¹⁰⁶ A federal court has found that these well-documented detrimental effects of cub petting constitute a take under the Endangered Species Act (ESA).¹⁰⁷ Relying on that precedent, the United States government has even sued AWA exhibitors for violating the ESA for prematurely separating big cat cubs from their mothers and forcing those animals to interact directly with the public.¹⁰⁸ Thus, as the USDA has explained, 9 C.F.R. § 2.131(c)(1), “which requires that, during public exhibition, animals be handled so there is minimal risk of harm to the public, with sufficient distance or barriers or distance and barriers between the animals and the general viewing public so as to assure the safety of the public, is directly related to the humane care and treatment of animals.”¹⁰⁹

The amount of money a visitor has does not change the fact that adult and juvenile big cats are dangerous wild animals that in an instant could seriously injure, or kill a human being. Every time Antle offers a private VIP encounter to a member of the public that involves direct contact with dangerous big cats, the individuals participating in those encounters are rolling the dice on their own safety. It should not take someone getting seriously injured, or worse, before the USDA takes action against Antle’s reckless conduct. As the USDA has held in the context of other exhibitors, “[i]njuries sustained by members of the public who have direct contact with dangerous animals *are the consequences* of an exhibitor’s failure to comply with 9 C.F.R. § 2.131(c)(1)” and are not

¹⁰⁵ Tigers and lions are nocturnal and sleep up to 20 hours a day. See M. Pfleiderer, *Sleeping Cats in the Zoo*, Der Zoologische Garten N.F. (1990); see also, D. Zambelli, *Feline Neonatal Physiology, Behavior, and Socialization*, Management of Pregnant and Neonatal Dogs, Cats, and Exotic Pets, First Edition (2012) (“During the first 14 days of life, sleeping and nursing represent the main activities of kittens.”); Ex. 34 Excerpt, Hearing Testimony of Dr. Laurie Gage, USDA, Big Cat Specialist, AWA Docket. Nos. 16-0124/16-0125, Oct. 5, 2018, 61:13-61:16 (“Well typically adult tigers sleep somewhere between 18 and 20 hours a day. And so -- and young tigers, it’s – it’s similar. They sleep a lot.”).

¹⁰⁶ Ex. 35, USDA Inspection Report, Tim Stark, Sep. 13, 2015 (Timothy Stark was cited for a violation of 9 C.F.R. § 2.131(c)(2) after exhibiting tiger cubs for so long that the animals were suffering from total exhaustion); Ex. 36, AWA Docket No. 15-0146, July 17, 2015 (Dade City Wild Things (DCWT) was cited for a violations of 9 C.F.R. § 2.131(b)(1) on September 30, 2011, for keeping a young tiger in a pool despite “obvious discomfort” and again on October 10, 2012, after a correspondent from a television show was seen repeatedly pulling a tiger back into a pool despite repeated attempts by the animal to leave the pool. On October 13, 2012, and again on October 18, 2012, DCWT was cited for keeping tigers in pools despite obvious discomfort, vocalizing, and repeated attempts to exit the pool.); Ex. 37, AWA Docket Nos. 15-0119 and 15-0120, May 29, 2015 (Nick Sculac, dba “Big Cats of Serenity Springs” was cited for violating 9 C.F.R. § 2.131(c)(3) and (d)(1) on September 13, 2014, for using an infant tiger for photo shoots constantly over a six hour period without any breaks, despite the fact that the cub was “observed to be in distress and/or discomfort ... throughout the day.”)

¹⁰⁷ *People for Ethical Treatment of Animals, Inc. v. Wildlife in Need & Wildlife in Deed, Inc.*, 476 F. Supp. 3d 765, 784 (S.D. Ind. 2020) (“This leaves little room to doubt that prematurely separating Cubs and using them in Tiger Baby Playtime violates the ESA. Such conduct constitutes harassment because it creates a likelihood of injury to Big Cat Cubs by annoying them to such an extent as to significantly disrupt normal behavior patterns. See 50 C.F.R. § 17.3. And such conduct harms Big Cat Cubs because it actually injures them. *Id.*”).

¹⁰⁸ *U.S. v. Jeffrey Lowe, Lauren Lowe, Greater Wynnewood Exotic Animal Park, LLC, and Tiger King, LLC*, Complaint, 2020 WL 6814295 (E.D. Okla.).

¹⁰⁹ *In Re: Karl Mitchell*, 2010 WL 5295429, at *6.

necessary for finding violations of 9 C.F.R. § 2.131(c)(1).¹¹⁰ If the USDA continues to sit on its hands allowing Antle to take advantage of an exemption that has no legal basis in the AWA, it is only a matter of time before someone will get hurt.

¹¹⁰ *In Re: Sam Mazzola & Wildlife Adventures of Ohio*, 68 Agric. Dec. at 845–46 (emphasis added).