

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. LANE, and	)	
JEFFREY L. LOWE,	)	
	)	
Defendants.	)	

Order on Plaintiff's Motion for Protective Order

The court has determined by separate entries that (1) all lions, tigers, and hybrids thereof that have been within the ownership, possession, custody or control of defendants Wildlife in Need and Wildlife in Deed, Inc., Timothy L. Stark, and/or Melisa D. Lane Stark (the "WIN Defendants"), or any of their agents or any other people or entities under their direct or indirect control, during the pendency of this litigation, are subject to the court's permanent injunction, including the four lions in the possession of defendant Jeffrey L. Lowe and the lion in the possession of Daniel Chambers (collectively, the "Big Cats") and (2) the Big Cats will be transferred to either the Turpentine Creek Wildlife Refuge ("Turpentine Creek") or the Wild Animal Sanctuary ("Wild Sanctuary").

Being duly advised, the court now makes the following orders on the plaintiff's motion (Dkt. 383) for protective order to effectuate the safe and orderly transfer of the Big Cats.

1. The WIN Defendants and Jeffrey L. Lowe, and any agents or other persons or entities under their direct or indirect control, may not move, transfer, or relocate any Big Cat other than as provided by this order.

2. The court acknowledges that a proceeding is pending in the Marion Superior Court by the State of Indiana against the WIN Defendants with respect to all animals other than the Big Cats that are or have been part of the WIN Defendants' animal/zoo business in Charlestown, Indiana (the "Animals"). In the State Court Case (Marion Superior Court Cause No. 49D10-2002-PL-006192), the court has entered an order dated August 28, 2020, requiring the Animals to be removed, and for the State to arrange for the Animals to be removed and placed into the custody of temporary receivers and/or custodians. (See State Court order at Dkt. 387-1). In addition, the State Court has issued an Order Appointing Receiver that, *inter alia*, provides for the removal and transport of the Animals from the WIN facility in Charlestown, Indiana on the dates of September 11, 13, 15, 17, and 18, 2020.

3. At the hearing held by telephone on September 10, 2020, the WIN Defendants requested that the transfer of Big Cats not be effectuated until after the transfer of animals subject to the State Court orders. The court GRANTS that request by providing for transfer of the Big Cats on a date after which substantially all of the animals subject to the State Court orders have been removed.

4. The court directs that the physical removal and transfer of the Big Cats to Turpentine Creek and/or Wild Sanctuary take place after the removal of all or substantially all of the Animals subject to the State Court orders. Based on the schedule for removal of the Animals, the court directs that (a) all Big Cats in Indiana shall be removed and transferred to Turpentine Creek and/or Wild Sanctuary beginning on **September 18, 2020**, at 7:30 a.m. and continuing until completed and (b) the four Big Cats in defendant Jeffrey L. Lowe's possession shall be removed and transferred to Turpentine Creek and/or Wild Sanctuary on or after **September 19, 2020**, beginning at a time to be determined based on the logistics of travel from the WIN facility in Indiana to Mr. Lowe's facility in Oklahoma. The Big Cats in Indiana include the lion that has been or currently is in the possession of Daniel Chambers. Thus, the lion cub taken from the WIN property at 3320 Jack Teeple Road, Charlestown, Indiana, which has been in Mr. Chambers's possession must be returned to 3320 Jack Teeple Road, Charlestown, Indiana by **September 17, 2020**.

5. Any lions, tigers, or hybrids thereof not in the WIN Defendants' prior disclosures but found to be in the WIN Defendants' ownership, possession, custody, or control on the day of transfer from Indiana shall be taken into the custody of and transferred to Turpentine Creek or Wild Sanctuary, and are subject to the terms of this order.

6. Within two business days of the entry of this order, PETA must file with the court a plan identifying the sanctuary to which each Big Cat will be transferred.

7. All parties shall cooperate to effectuate the loading, transport, and transfer of the Big Cats, as provided in this order and any other of the court's orders (the "Transfer") in a manner that is safe for the Big Cats and for all persons present or working in connection with the Transfer. To that end:

- a. The WIN Defendants and Jeffrey L. Lowe, and any agents or other persons or entities under their direct or indirect control, shall not interfere with, impede, threaten, harass, or intimidate any person working to implement the Transfer or who is on the premises in connection with the Transfer (including representatives of PETA, Turpentine Creek, and Wild Sanctuary), or attempt any such conduct.
- b. The WIN Defendants and Jeffrey L. Lowe, and any agents or other persons or entities under their direct or indirect control, shall not administer any sedation drug to Big Cats at any time after the entry of this order, unless required for a medical or public safety emergency. In the event any WIN Defendant or Jeffrey L. Lowe administers or causes a third party to administer any drug to Big Cats after the date of this order, he or she must notify the court and PETA within 24 hours of such administration.
- c. The WIN Defendants and Jeffrey L. Lowe shall continue to provide requisite food, water, and other care to the Big Cats pending their removal and transfer. If the WIN Defendants or Jeffrey L. Lowe cannot continue to provide that care before removal, they shall immediately notify the court and PETA. However, to mitigate the risk of aspiration in the event that any Big Cats are sedated by Turpentine Creek or Wild Sanctuary in connection with their removal and transfer, the WIN Defendants and Jeffrey L. Lowe, and any agents or other persons or entities under their direct or indirect control, shall withhold all food from Big Cats, including all remnants of food material from their enclosures and holding areas, beginning at 7:30 a.m. the day before the scheduled day of Big Cats' transfer, loading, and transport. The WIN Defendants

and Jeffrey L. Lowe shall provide clean, potable water at all times prior to transfer.

- d. The WIN Defendants and Jeffrey L. Lowe shall allow representatives of Turpentine Creek, Wild Sanctuary, and PETA, and their vehicles and equipment, full access to the Big Cats and entry into their enclosures and to all facility ingress and egress points in order to allow for the effectuation of the safe transfer, loading, and transport of the Big Cats. The WIN Defendants shall provide to representatives of Turpentine Creek and Wild Sanctuary any codes, keys, or other means necessary to access all Big Cats no later than 7:00 a.m. on September 18, 2020 (as to the WIN facility), and the same shall be returned to counsel for WIN or to a law enforcement officer upon the conclusion of the transfer process. Jeffrey L. Lowe shall provide to representatives of Turpentine Creek and Wild Sanctuary any codes, keys, or other means necessary to access the Big Cats upon the arrival at Mr. Lowe's facility by representatives of Turpentine Creek and/or Wild Sanctuary on September 19, 2020. Those codes, keys, or other access means shall be returned to Mr. Lowe or a law enforcement officer upon the conclusion of the transfer process.
- e. The WIN Defendants and Jeffrey L. Lowe shall ensure that their respective facilities shall be closed to the public on the day(s) of the transfer, loading, and transport of the Big Cats. The persons permitted to be on site at the WIN facility during the Transfer activities is addressed in subparagraph (l) below. No other persons are permitted to be on site during the Transfer activities.
- f. To the extent any Animals subject to the State Court orders still remain on the WIN premises and are being taken into physical custody on the same day of the Transfer of the Big Cats, the Transfer of the Big Cats shall be coordinated with activities under the State Court orders. The court expects that representatives of Turpentine Creek and Wild Sanctuary will work with the State's representatives to effect such coordination.
- g. The WIN Defendants and Jeffrey L. Lowe, and any agents or other persons or entities under their direct or indirect control, must cooperate with any reasonable requests for information or instructions by PETA, Turpentine Creek, and/or Wild Sanctuary about Big Cats that are reasonably necessary to effect the safe transfer, loading, and transport of the Big Cats, including determining their fitness for transportation.
- h. The WIN Defendants and Mr. Lowe, or any of their agents or other persons or entities under their direct or indirect control, shall not permit

any enclosures or cages at the respective facilities to be unlocked other than at the request of representatives of Turpentine Creek, Wild Sanctuary, a United States Marshal, or other law enforcement personnel. The WIN Defendants and Mr. Lowe, or any of their agents or other persons or entities under their direct or indirect control, shall not otherwise allow any animals to be outside their cages at any time while activities are occurring in conjunction with the transfer, loading, and transport of the Big Cats, including but not limited to any time representatives of Turpentine Creek, Wild Sanctuary, PETA, a United States Marshal, or other law enforcement personnel are on the premises in connection with carrying out the transfer, loading, and transport of the Big Cats. Nothing in this paragraph is intended to limit the coordination of activities between the Transfer of Big Cats and activities under the State Court orders.

- i. The United States Marshal Service will be present at the WIN facility during the day(s) of the transfer, loading, and transport of the Big Cats. The purposes of its presence are to (a) provide security, (b) help to ensure safety of all persons, and (c) ensure compliance by all parties with orders of the court. The United States Marshal Service is authorized to take all measures deemed in its discretion to be necessary to ensure the safety of all involved in the transfer, loading, and transport of the Big Cats. This authorization includes but is not limited to:
  - (i) To the extent desired, establishing a command post at the WIN facility,
  - (ii) Establishing a perimeter within which the activities for the safe transfer, loading, and transport of the Big Cats takes place,
  - (iii) Establishing safe ingress and egress for the WIN facility and controlling access to and from the WIN facility,
  - (iv) Establishing a sign-in and sign-out procedure for all persons present at the WIN facility during the transfer, loading, and transport process, including representatives of PETA, the WIN Defendants, Turpentine Creek, and Wild Sanctuary,
  - (v) Making protective sweeps of all areas and buildings on the property, including the blocking of Jack Teeple Road adjacent to the WIN driveway,
  - (vi) Enforcing the court's orders,
  - (vii) Removing from the premises, using reasonable force as necessary, any person(s) whom the Marshal deems to be engaged in behavior that interferes with or impedes the timely and safe transfer, loading, and transport of the Big Cats,

- including any behavior that is harassing, threatening, or intimidating in nature,
- (viii) Requiring all person(s) at the WIN facility to identify and surrender or sequester any firearms within their possession while the United States Marshal Service is on site,
  - (ix) Ensuring that only Permitted Persons (as defined in subparagraph 7l below) are on the WIN premises,
  - (x) Appointing or designating any other law enforcement personnel, including members of state or county law enforcement, to assist the Marshal.
- j. All persons, including the WIN Defendants, shall cooperate with any request or demand by any member of the United States Marshal Service or its designee.
- k. Considering the information contained at Dkt. 412 regarding Timothy Stark's actions and statements in conjunction with the removal of Animals under the authority of the State Court orders, including actions directed at interfering with removal and inciting violence, the court determines that Mr. Stark cannot be present at the WIN facility during the Transfer and must be located at a sufficient distance away from the WIN facility to allow for a safe and timely Transfer process. Timothy Stark must remain at least two (2) miles away from the WIN facility, 3320 Jack Teeple Road, Charlestown, IN, during the Transfer process, beginning at 7:00 a.m. on September 18, 2020, and continuing until the United States Marshal determines that the Transfer process is complete and all persons associated with the Transfer have left the facility.
- l. Other than law enforcement personnel, the presence at the WIN facility during transfer, loading, and transport activities is limited to Permitted Persons as defined in this paragraph. Permitted Persons are limited to Melisa Stark, representatives (as identified and limited below) of WIN, PETA, Turpentine Creek and Wild Sanctuary, and counsel to the parties. Timothy Stark is *not* a Permitted Person. WIN and PETA each may designate up to three persons as their representatives (not including counsel) to be present at the WIN facility. In addition, to the extent reasonably necessary in conjunction with the transfer, loading, or transport of the Big Cats, PETA may also designate up to two additional persons who are veterinarians or otherwise an expert in Big Cat husbandry to be present at the WIN facility. WIN and PETA must each provide a list of their designated representatives, including counsel, who will be on site. PETA must also provide a list of representatives of the sanctuaries who will be on site. These lists of Permitted Persons must be emailed to the Magistrate Judge's chambers

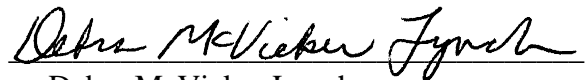
(judgelynychchambers@insd.uscourts.gov) no later than noon Eastern Standard Time on **September 17, 2020**, for transmission to the United States Marshal. The United States Marshal may deny access to the WIN facility to any person who is not a Permitted Person.

8. Representatives of PETA, Turpentine Creek, and Wild Sanctuary are hereby authorized by the court to execute USDA APHIS 7202 Form(s) to effect the transfer and transport of Big Cats. The court's permanent injunction and this order constitute authority for transfer and transport.

9. Nothing in this order is intended to limit the authority of the United States Marshal or any other law enforcement officers to enforce all applicable laws, including by arrest and detention if deemed appropriate.

So ORDERED.

Dated: September 15, 2020



Debra McVicker Lynch  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

All ECF-registered counsel of record by email through the court's ECF system

Via United States mail:

**TIMOTHY L. STARK**  
3320 Jack Teeple Road  
Charlestown, IN 47111  
PRO SE