

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

FILED

JUL 14 2025

JOAN M. GILMER
CIRCUIT CLERK, ST LOUIS COUNTY

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC.,

Plaintiff,

v.

TONIA HADDIX,

Defendant.

Case No.: 24SL-TJ03756

Division 1

**ORDER OF CONTEMPT, SANCTIONS,
BODY ATTACHMENT, AND WARRANT AND COMMITMENT
ORDER TO COMPEL COMPLIANCE WITH DISCOVERY REQUESTS**

NOW on this 14th day of July 2025, the *Supplemental Motion for Order of Contempt, Sanctions, Body Attachment and Warrant and Commitment Order to Compel Compliance with Discovery Requests* (the "Motion") filed by Movant People for the Ethical Treatment of Animals, Inc. ("PETA") on July 11, 2025, and the *Motion to Enforce Subpoenas and Notices of Depositions, for Order to Show Cause, for Order of Contempt, and to Compel Compliance with Discovery Requests* that PETA filed with this Court on May 1, 2025 (the "First Motion"), having been called and heard, the Court hereby rules as follows:

Findings

1. This matter arises out of PETA's efforts to collect on a sanctions award of attorneys' fees and court costs in the amount of \$224,404.24 that the United States District Court for the Eastern District of Missouri issued in favor of PETA and against Defendant Tonia Haddix ("Haddix"). See *Missouri Primate Foundation et al. v. PETA et al.*, Case No. 4:16 CV 2163 (E.D. Mo.), at ECF No. 386. On March 18, 2025, the Sheriff of Camden County, Missouri served each of the following entities with a Subpoena for Taking Deposition (collectively, the "Subpoenas")

and a Notice of Deposition of Company Designee (collectively, the “Deposition Notices”) issued by PETA pursuant to Rules 57.09 and 58.02 of the Missouri Rules of Civil Procedure: (1) Primarily Primates, LLC; (2) Sunrise Beach Safari, LLC; (3) Lake of the Ozarks Wilderness Safari, Co; and (4) A-Z Exotic Animal Adventures, LLC (collectively, the “Deponents”).

2. The Subpoenas and Deposition Notices required the Deponents to designate witnesses and produce requested documents by the deadline of April 7, 2025.

3. After each Deponent failed to designate any witnesses or produce any documents by the deadline of April 7, 2025, PETA served “Golden Rule” letters (collectively, the “First Golden Rule Letters”) on each Deponent on April 9, 2025, by overnight mail, as more fully described in the Motion. The Deponents failed to respond to the First Golden Rule Letters. (See First Motion, ¶¶ 10 – 15).

4. On April 16, 2025, counsel for PETA also telephoned Justin Gelfand, Esq., Haddix’s criminal defense attorney, and emailed copies of the First Golden Rule Letters to Justin Gelfand, Esq. and Ian Murphy, Esq. (“Haddix’s Attorneys”). (See Motion, ¶ 16).

5. After each Deponent failed to appear for their scheduled depositions on April 17 or 18, 2025, PETA then sent an additional “Golden Rule” letter (collectively, the “Second Golden Rule Letters”) to each Deponent by overnight mail on April 24, 2025, and emailed copies of the Second Golden Rule Letters to Haddix’s Attorneys on April 24, 2025. (See First Motion, ¶¶ 17 – 23).

6. PETA did not receive any response to any of its Second Golden Rule Letters to Deponents. (See First Motion, ¶ 24).

7. The First Motion details the attempts of counsel for PETA to discuss the matters in the Motion in a good faith effort to resolve the disputed issues. (See First Motion, ¶¶ 37 – 39).

8. The First Motion also included public record evidence of Tonia Haddix's and Gerald Aswegan's control of, or connection to, Deponents. (*See* First Motion, Exhs. 21-24).

9. After a hearing held on June 24, 2025, which Deponents failed to attend despite receiving adequate notice of same, this Court issued an *Order to Deponents to Comply with Subpoenas and Notices of Deposition, and to Appear and Show Cause* (hereinafter, the "Order of June 24, 2025") that required each Deponent to:

- a. "[P]roduce to PETA's counsel all documents requested by the Subpoenas, **on or before June 30, 2025**, without any objections, which such objections, if any, having been waived" (emphasis in original) (*see* Order of June 24, 2025, ¶ A); and
- b. "[P]roduce one or more officers, directors, managing agents, or other persons" to "testify to the areas of inquiry specified in the Deposition Notice" at depositions to be held on July 8 and 9, 2025 (*see* Order of June 24, 2025, ¶¶ B-E).

10. On June 24, 2025, PETA caused copies of the Order of June 24, 2025, to be served on Haddix, each of the Deponents, as well as Haddix's criminal defense attorneys.

11. To date, the Deponents have not produced any of the required documents, nor have they sought any extension of time to do so or otherwise sought relief from their production obligations. The Deponents also failed to attend their depositions that this Court set for July 8 or 9, 2025, and have not sought to postpone same or otherwise sought relief from their obligation to participate in those depositions.

12. The Order of June 24, 2025, also expressly ordered Deponents to appear before this Court on July 14, 2025 at 1:30 p.m. to show cause why they should not be held in contempt, and further warned the Deponents that should they fail to appear on July 14, "the Court **will** issue a Body Attachment and Warrant and Commitment Order directed to Deponents and their members,

owners, officers and registered agents, to compel compliance with the foregoing Orders.” See Order of June 24, 2025, ¶ F (emphasis added).

13. Deponents failed to appear at the show cause hearing on July 14, 2025 at 1:30 p.m., and did not otherwise file any information with this Court purporting to show cause why they should not be held in contempt.

Authority for Enforcement of Subpoenas and Deposition Notices

14. PETA served each of the Deponents with Subpoenas and Deposition Notices pursuant to Rules 57.09 and 58.02 of the Missouri Rules of Civil Procedure.

15. Pursuant to Rule 58.02(f) of the Missouri Rules of Civil Procedure, “Any person who without adequate excuse fails to obey a subpoena served upon the person may be held in contempt of the court in which the civil action is pending.”

Authority for Civil Contempt and Sanctions

16. Civil contempt is “instituted to preserve and enforce the rights of a private party to an action and to compel obedience to a judgment or decree intended to benefit such a private party litigant.” *D.R.P., Appellant, v. M.P.P., Respondent*, WD78541 (Feb. 9, 2016), citing *A.G. v. R.M.D.*, 730 S.W.2d 543, 545 (Mo. banc 1987). *A.G.*, 730 S.W.2d at 545 (further cites omitted). “A party alleging contempt establishes a prima facie case for civil contempt when the party proves: (1) the contemnor’s obligation to perform an action as required by the decree; and (2) the contemnor’s failure to meet the obligation.” *Id.*, citing *Walters v. Walters*, 181 S.W.3d 135, 138 (Mo. App. W.D. 2005) (citing *Love v. Love*, 75 S.W.3d 747, 759 (Mo. App. W.D. 2002)).

17. The Deponents’ actions and continued refusal to comply are intentional, willful, and contumacious, and are without just cause or excuse, and such actions are in contempt of the

Subpoenas and this Court's Order of June 24, 2025, thereby justifying an order holding them in contempt of Court and awarding sanctions against them.

Orders

THEREFORE, the Court hereby enters the following orders:

Order of Contempt

- A. Each of the Deponents are in Contempt of this Court for failing to produce the required documents, failing to attend their depositions, and failing to attend the show cause hearing that took place on July 14, 2025.

Order Imposing Fine

- B. Each of the Deponents shall be liable for a fine in the amount of \$100.00 per day, commencing on July 14, 2025, which shall continue until they have purged themselves of the contempt.

Order for Body Attachment

- C. Body Attachment and Warrant and Commitment Orders shall issue via separate orders directing that Tonia Haddix and Gerald Aswegan be taken into custody. Tonia Haddix and Gerald Aswegan will then remain incarcerated until such time as they are prepared to cause Deponents to purge themselves of the contempt or further Order of this Court;

PETA's Attorneys' Fees

- D. The Court hereby orders the Deponents, jointly and severally, to pay PETA its costs and attorneys' fees in bringing the Motion. PETA shall file and serve evidence of its costs and fees in bringing the Motion by July 25, 2025. Deponents shall file and serve any objections to PETA's evidence of its costs and fees by August 15, 2025.

SO ORDERED:

HON. BRIAN H. MAY