

UNITED STATES DISTRICT COURT

for the
Eastern District of Oklahoma

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*THE SUBJECT PREMISES 21619 JIMBO ROAD, 21469
JIMBO ROAD AND 21371 JIMBO ROAD,
THACKERVILLE, OKLAHOMA 73459 AND SEIZURE OF
SPECIFIED ANIMALS IDENTIFIED THEREIN

Case No.

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Tiger King Park (a zoo) and all structures located at 21619 Jimbo Road, 21469 Jimbo Road, and 21371 Jimbo Road, Thackerville, Oklahoma 73459, described with more particularity in Attachment B-1.

located in the Eastern District of Oklahoma, there is now concealed *(identify the person or describe the property to be seized)*:

62 Big Cats and a jaguar, identified in Attachment C-1, as well as other Big Cats, including Big Cats aged 1 year and younger.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☐ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
16 U.S.C. sec. 1540(e)(4)(A)	The animals to be seized have been "taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of [the Endangered Species Act or], any regulation made pursuant thereto," and, thus, are subject to forfeiture.

The application is based on these facts:

See attached affidavit and supporting material.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

KEVIN L. SEILER, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: _____

Judge's signature

City and state: _____

Printed name and title

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES FOR A WARRANT)
AUTHORIZING THE SEARCH OF THE)
SUBJECT PREMISES 21619 JIMBO ROAD,)
21649 JIMBO ROAD AND 21371 JIMBO)
ROAD, THACKERVILLE, OKLAHOMA)
73459 AND SEIZURE OF SPECIFIED)
ANIMALS IDENTIFIED THEREIN)**

CASE NO. _____

UNDER SEAL

**AFFIDAVIT IN SUPPORT OF AN APPLICATION UNDER RULE 41
FOR A WARRANT TO SEARCH AND SEIZE**

I, Special Agent Kevin L. Seiler (hereinafter Affiant), being first duly sworn on oath,
hereby depose and state:

I. Introduction

1. This affidavit is made in support of applications for two warrants to seize a total of 68 Big Cats¹ and 1 jaguar listed in Attachments C (submitted to the Court on May 3, 2021) and C-1 located at an approximately 30-acre parcel associated with the following addresses: 21469 Jimbo Road, 21619 Jimbo Road, and 21713 Jimbo Road, Thackerville, Oklahoma (the “PREMISES”), as well as any other Big Cat found at the PREMISES. The applications and affidavit also seek the authority to search the PREMISES, based on the evidence described below, including any vehicles and any structures located thereon, more particularly described in Attachments B (submitted to the Court on May 3, 2021) and B-1, where Big Cat cubs or juveniles could be hidden.

2. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe these Endangered Species Act (“ESA”)-protected animals will be located at the PREMISES, have been taken in violation of 16 U.S.C. § 1538(a)(1)(B) and (G), and thus are forfeitable to the United States pursuant to 16 U.S.C. §1540(e)(4)(A), as evidence, instrumentalities, and fruits constituting “take” and/or illegal possession in violation of the ESA. Further, the animals must be removed from the PREMISES to be protected from further harm and harassment and, thus, additional unlawful take.

¹ Big Cats are defined as lions, tigers, and hybrids thereof.

3. Pursuant to the ESA Section 11(c), “[t]he several district courts of the United States, including the courts enumerated in section 460 of title 28, shall have jurisdiction over any actions arising under [the ESA].” 16 U.S.C. § 1540(c). In addition, ESA Section 11(e)(2) provides that “[t]he judges of the district courts of the United States and the United States magistrate judges may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and any regulation issued thereunder.” *Id.* § 1540(e)(2).

4. The issuance of a search and seizure warrant is appropriate using the procedures of FRCrP 41(c)(2), as the taken Big Cats are “contraband, fruits of crime, or other items illegally possessed.”

5. The statements contained in this affidavit are based on my own knowledge and observations, information provided to me by the U.S. Department of Agriculture, documents from *United States v. Lowe*, No. 20-cv-00423 (E.D. Okla.), and testimony provided in *People for the Ethical Treatment of Animals (PETA) v. Lowe*, No 20-cv-1076 (W.D. Okla.) on January 22 and 23, 2021.

6. Because this affidavit is being submitted for the limited purpose of establishing probable cause to search the PREMISES and seize the property defined below, I have not set forth each and every fact that I know concerning this matter. Where statements of others are set forth in this affidavit, they are set forth in substance and in part. In addition, the events described in this affidavit occurred on or about the dates provided herein.

II. Affiant’s Background

7. I have been employed by the United States Fish and Wildlife Service (hereinafter USFWS) as a federal law enforcement officer for approximately 16 years. Currently, I am assigned to a field office in Houston, Texas. Prior to employment with the USFWS, I spent six years on active duty as a United States Air Force (USAF) Officer and Special Agent for the Air Force Office of Special Investigations (OSI). Prior to that, I spent approximately four years on active duty in the USAF as an enlisted Airmen and Law Enforcement Specialist, including a two year assignment as a Security Police Investigator. Prior to that, I served as a municipal Law Enforcement Officer for the Cities of West Melbourne and Melbourne Village and as a Reserve Wildlife Officer (Game Warden) for the Florida Game and Fresh Water Fish Commission, all located in Brevard County, Florida. In 2016, I retired from the USAF Reserve and OSI as a

Special Agent in the grade of Major, with approximately 22 years of combined active duty and reserve duty. I have approximately 30 years of experience as a sworn law enforcement officer.

8. I have a Bachelor of Arts degree in Criminology from the University of South Florida in Tampa, Florida and a Master of Public Administration Degree from Troy State University in Troy, Alabama.

9. I have received formal training and have experience in the investigation of criminal activity and the identification of wildlife.

10. I have been involved in numerous investigations involving violations of United States law, including the illegal take, transportation, and sale of wildlife. Furthermore, I have been involved in multiple investigations that resulted in the service of search warrants on the residences of persons or businesses suspected of illegally taking, possessing, and trafficking in wildlife.

III. Additional Facts Supporting Probable Cause

11. I incorporate by reference the facts set forth in the expert affidavit of Dr. Laurie Gage supporting the applications for search and seizure warrants. *See* Dr. Laurie Gage Affidavit attached hereto as “Attachment A.”

IV. Property Subject to Seizure

12. There is probable cause to believe that the 46 tigers, 7 lions, 15 hybrids thereof, and 1 jaguar, are wildlife protected by the ESA, that were “taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, [or] carried” in violation of the ESA and, thus, are subject to seizure and forfeiture. 16 U.S.C. § 1540(e)(4). Specifically, based on my experience and knowledge of the ESA, personal observations during the execution of the first warrant on May 6, 2021, and review of Dr. Gage’s Affidavit, these 69 animals have been “harmed and harassed” under the meaning of the ESA. *See* 50 C.F.R. § 17.3 (definitions of harm and harass). The 68 Big Cats have been harmed and the Big Cats and jaguar have been harassed by acts and omissions that significantly disrupt their normal behaviors through inadequate sheltering and/or malnutrition.

13. While APHIS inspectors observed approximately 68 Big Cats and a jaguar at the PREMISES on February 19, 2021, the United States has reason to believe there are additional Big Cats cubs and juveniles that have not been seen by APHIS inspectors in plain view and that are subject to seizure and forfeiture. Specifically, based on APHIS inspector observations,

nineteen female Big Cats were still being housed with male Big Cats as of May 6, 2021. In the transcript of testimony provided on January 22, 2021, by Erik Cowie in *PETA v. Lowe*, No. 20-cv-1076 (W.D. Okla.), Mr. Cowie, one of the head animal caregivers at Tiger King Park, acknowledged that there are “active breeders” at Tiger King Park and noted, in a few cases, that particular females, including Lisa Marie are housed with males and are not spayed. He noted that, he maintains a breeding log and, as of the date of the deposition, Simba (a male lion) and Mani (a female lion-tiger hybrid) were actively breeding as were Opie (a male tiger) and Lyla (a female lion). APHIS inspectors also observed a known breeding pair—Jagger (a male tiger) and Stevie (a female tiger)—breeding during the December 15, 2020 inspection.

14. Additionally, on April 30, 2021, I received information conveyed to a USDA Investigative and Enforcement Services investigator that a person with lawful access to a neighboring property that shares a fence with the Lowes’ zoo personally observed “last week” a Big Cat juvenile estimated to be under the age of six months in the Lowes’ zoo with an adult Big Cat. I also received information on April 30, 2021 conveyed to a USDA Office of Inspector General Special Agent that a person with lawful access to the property has recently observed two cubs tan in color with spots and patterned fur on the property. This description is consistent with lion-tiger hybrids. The person described the animal as between the size of a house cat and a medium sized dog, which would put the Big Cats at around 3 to 4 months. The Lowes have not reported the addition of any Big Cat cubs or juveniles to the United States.

15. According to the December 16, 2020 inventory provided by the Lowes to the United States and information provided by Tiger Haven, a Tennessee facility that accepted a litter of Big Cat cubs in mid-December, between November 2019 and November 2020, there were at least 9 litters of Big Cat cubs. Yet, in the last five months, the Lowes have not reported a single litter to the United States.

16. Based on my training and experience and information provided to me by USDA, I understand that Big Cat cubs derive the most profit from Big Cat cubs because members of the public will pay to directly interact with them.

17. On January 23, 2021, Jeffrey Lowe testified that he may have housed four lion juveniles in his house during the summer of 2020. *See PETA v. Lowe*, No: 20-cv-1076 (W.D. Okla.), Jeffrey Lowe’s January 23, 2021 Deposition Transcript. During that deposition, he also testified that he permitted at least one employee to remove some Big Cat cubs from the zoo to

stay overnight at the employee's home. In light of the number of female Big Cats housed with male Big Cats, including a number of known breeding pairs, Erik Cowie's and Jeff Lowe's testimony, and information provided by USDA, it is likely that additional cubs have been born at the PREMISES that have not been observed by USDA and that there soon will be additional cubs born at the PREMISES.

18. Based on Dr. Laurie Gage's assessment of the condition of the 68 Big Cats and the jaguar, Jeffrey and Lauren Lowe's failure to provide them with adequate care, I concur that the animals will be at great risk of further harm and harassment in violation of the ESA if they are not seized by the United States. Therefore, the United States requests a search and seizure warrant authorizing the seizure of these Big Cats from the PREMISES.

V. Statutory Basis for Forfeiture

19. Congress enacted the ESA "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, [and] to provide a program for the conservation of such [species]." 16 U.S.C. § 1531(b).

20. The ESA defines the term "person" to include "an individual, corporation, partnership, trust, association, or any other private entity." 16 U.S.C. § 1532(13). The ESA defines the term "species" to include fish or wildlife that interbreed when mature and the term "fish and wildlife" as any member of the animal kingdom, including mammals, and any "offspring thereof." 16 U.S.C. §§ 1532(16), 1532(8). The ESA defines an "endangered species" as "any species which is in danger of extinction," 16 U.S.C. § 1532(6), and a "threatened species" as "any species which is likely to become an endangered species within the foreseeable future," *id.* § 1532(20).

21. Except as authorized by permit, the ESA makes it unlawful for any person to "take" any "endangered species of fish or wildlife" within the United States. 16 U.S.C. § 1538(a)(1)(B); 50 C.F.R. § 17.21(a), (c)(1). Likewise, except as authorized by permit, the ESA prohibits any person from taking any "threatened species of fish or wildlife" within the United States listed prior to September 26, 2019, unless the U.S. Fish and Wildlife Service has issued a species-specific 4(d) rule. 16 U.S.C. § 1538(a)(1)(G); 50 C.F.R. § 17.31(a), (c). The ESA also makes it unlawful for any person subject to the jurisdiction of the United States to attempt to commit take, to solicit another to commit take, or to cause take to be committed with such endangered or threatened species. 16 U.S.C. § 1538(g); 50 C.F.R. §§ 17.21(a), 17.31(a), (c).

22. Congress defined the term “take” in the “broadest possible manner.” *Babbitt v. Sweet Home Chapter of Cmty. For a Great Or.*, 515 U.S. 687, 698 (1995). “Take” means to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” 16 U.S.C. § 1532(19) (emphasis added).

23. These prohibitions apply to fish and wildlife held in captivity or a controlled environment. *Id.* § 1538(b) (identifying limited exceptions to the ESA Section 9 prohibitions for captive species, none of which are applicable here); *see also* 81 Fed. Reg. 19,923, 19,923 (Apr. 6, 2016) (regarding tigers in captivity). Tigers, lions, hybrids thereof and jaguars in zoos are, therefore, protected by these prohibitions. 50 C.F.R. § 17.11(h); 16 U.S.C. § 1532(8) (including offspring).

24. The term “harm” refers to “an act which actually kills or injures wildlife.” 50 C.F.R. § 17.3(c)(3). Harm includes providing a nutrient-deficient diet. *See PETA v. Tri-State Zoological Park of W. Md.*, 424 F. Supp. 3d 404, 419-20 (D. Md. 2019) (finding that the Big Cats’ “basic nutritional needs” were not provided for, “the absence of which ‘results in skeletal, structural damage, neurological problems, or other potentially irreversible health problems including death’”).

25. The term “harass” is “less demanding.” *Hill v. Coggins*, 867 F.3d 499, 511 (4th Cir. 2017). “Harass” is defined by regulation to include an “intentional or negligent act or omission which creates a likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, *but are not limited to, breeding, feeding, or sheltering.*” 50 C.F.R. § 17.3(c) (emphasis added). This definition, when applied to captive wildlife, does not include generally accepted: (1) animal husbandry practices that meet or exceed the minimum standards for facilities and care under the AWA; (2) breeding procedures; or (3) provisions of veterinary care for confining, tranquilizing, or anesthetizing, when such practices, procedures, or provisions are not likely to result in injury to the wildlife. *Id.* This captive bred animal exemption is limited to the definition of “harass,” and does not apply to other forms of take, such as “harm.” *Kuehl v. Sellner*, 887 F.3d 845, 852 (8th Cir. 2018). If a facility “fails to meet the standards outlined in the [AWA] regulations, the exemption does not apply.” *Id.*

26. The ESA authorizes the Secretary of the Interior to issue a permit for any act that is otherwise prohibited by 16 U.S.C. § 1538, but, as relevant here, only if such act is “for

scientific purposes or to enhance the propagation or survival of the affected species” and other strict requirements are met. 16 U.S.C. § 1539(a)(1)(A), (c), (d). The Lowes do not qualify for an ESA permit nor have they been issued a permit by USFWS.

27. Tigers, *Panthera tigris*, are listed as “endangered” under the ESA. 50 C.F.R. § 17.11(h); 37 Fed. Reg. 6,476 (Mar. 30, 1972); *see also* 81 Fed. Reg. 19,923, 19,928 (all tigers, whether they are “purebred” or “inter-subspecific crossed or generic” are protected under the ESA). Lions are listed as either “endangered” or “threatened” depending upon their subspecies—the subspecies *Panthera leo leo* is listed as “endangered” and the subspecies *Panthera leo melanochaita* is listed as “threatened.” 50 C.F.R. §§ 17.11(h), 17.40(r); 80 Fed. Reg. 80,000 (Dec. 23, 2015). Through the species-specific 4(d) rule for *Panthera leo melanochaita*, all of the activities that are prohibited with endangered species are also prohibited with the threatened *Panthera leo melanochaita*. 50 C.F.R. §§ 17.31(a), (c); 17.40(r); 80 Fed. Reg. 80,000 (Dec. 23, 2015). Jaguars, *Panthera onca*, are listed as “endangered” under the ESA. 50 C.F.R. § 17.11(h); 37 Fed. Reg. 6,476 (Mar. 30, 1972); 62 Fed. Reg. 39,147 (July 22, 1997).

28. The offspring of two different ESA-listed species, such as a lion-tiger hybrid, are protected “fish or wildlife” under the ESA. 16 U.S.C. § 1532(8); *see also United States v. Lowe*, No. 20-cv-00423 (E.D. Okla.), Docket (“Dkt.”) 65 at 9 (lion-tiger hybrids are protected under the ESA); *PETA v. Wildlife in Need & Wildlife in Deed*, No: 17-cv-186, Dkt. 414 at 6-7 (S.D. Ind. Sept. 15, 2020) (same).

29. All fish or wildlife taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of the ESA, any regulation made pursuant thereto, or any permit or certificate issued hereunder shall be subject to forfeiture to the United States. 16 U.S.C. § 1540(e)(4)(A).

VI. Probable Cause

30. As set forth herein, there is probable cause to believe that the 68 Big Cats and the jaguar continue to be harmed and harassed and, therefore, unlawfully taken in violation of the ESA. As this Court recently concluded, the Lowes have a history of failing to provide their animals timely, adequate veterinary care. *See Lowe*, No: 20-cv-423, Dkt. 65 (Jan. 15, 2021 Order).

31. Despite the fact that nearly half of the Lowes’ animals are Big Cats, they have not employed a qualified veterinarian with expertise in Big Cats since at least 2018. As illustrated

by the APHIS inspection reports for the December 2020, January 2021, and February 2021 inspections, the Lowes continue to harm and harass their Big Cats by failing to provide them adequate veterinary care by a qualified veterinary with expertise in managing and caring for Big Cats. *See* Attachment A. This conclusion is bolstered by the medical intake records provided by the Wild Animal Sanctuary for the 14 Big Cats seized by the United States on January 24, 2021, pursuant to this Court's January 15, 2021 Order. The Wild Animal Sanctuary observed that some of the cats were underweight, some had worms, and most had issues with their pads from raw and irritated pads to lesions and ulcers believed to be due to housing the animals in wet, abrasive environments, such as sand, which is found at the PREMISES, specifically in the zoo.

32. Moreover, on May 6, 2021, the USDA veterinarians observed that the conditions at Tiger King Park had declined since the February 2021 inspection. There is probable cause to believe that the animals are not consistently being provided a sufficient quantity of food free from contamination. Notably, sixteen Big Cats were underweight to thin. *See* Affidavit A, ¶ 49. Moreover, there was a strong stench of rotting animals. As described in Dr. Gage's affidavit, there was a pile of rotting animals attracting flies, rotting carcasses inside some enclosures, and a refrigeration truck covered in flies, likely filled with putrid meat. *See id.* ¶¶ 50-51. Subjecting animals to unsanitary conditions constitutes harassment under the ESA. *Lowe*, 20-cv-00423, Dkt. 65 at 20-21.

33. Additionally, there is probable cause to believe that a number of the 68 Big Cats and the jaguar have been harmed and harassed by the Lowes' failure to provide adequate shelter to protect them from inclement weather and/or to allow them to engage in normal behaviors for the species.

34. As described above in paragraphs 13-15 and in Dr. Gage's affidavit, there is also probable cause to believe that the Lowes have failed to disclose the existence of additional cubs to the United States in violation of a court order.² Based on the Lowes' pattern and practice of

² On December 14, 2020, the United States and Jeffrey and Lauren Lowe, as well as two other defendants, filed a stipulation in which the Lowes agreed not to acquire or dispose of any animals protected by the Animal Welfare Act ("AWA") or the ESA without first conferring with the United States and then seeking leave of court. *Lowe*, No. 20-cv-00423, Dkt. 23. Under the AWA, acquisition includes by birth. *See* 9 C.F.R. § 2.75b(1). The court included that term in its January 15, 2021 Order and required the Lowes to "submit acquisition and disposition records to counsel for the United States within 7 days of any changes to the December 16, 2020 animal inventory, including the birth or death of any animal." *United States v. Lowe*, No. 20-cv-00423,

overbreeding their Big Cats, the way the Lowes are housing their Big Cats, the observations of the APHIS inspectors during inspections since December 2020, and the testimony of Erik Cowie, there is a strong likelihood that Big Cat cubs have been born since December 14, 2020, or will be born soon to animals listed on the December 16, 2020, inventory provided by the Lowes to the United States.

35. During the December 15, 2020 inspection, APHIS inspectors observed two tigers—Jagger and Stevie—a known breeding pair, actively breeding. Further, during each of the inspections of Tiger King Park, the inspectors have also observed over two dozen female Big Cats housed with male Big Cats. No information has been provided by the Lowes that establishes that they are taking steps to ensure that these females do not become pregnant.

36. On January 22, 2021, Erik Cowie testified at his deposition that there are “active breeders” at Tiger King Park. He also testified that particular females, including Lisa Marie and Ima Sweetie Pie are not spayed and are housed with males. He testified that, as of the date of the deposition, Simba (a male lion) and Mani (a female lion-tiger hybrid) were actively breeding as were Opie (a male tiger) and Lyla (a female lion).

37. On February 12, 2021, the United States filed a motion to enforce the court’s January 15, 2021 order. *United States v. Lowe*, No: 20-cv-00423, Dkt. 72. On March 22, 2021, the court determined that the Lowes had failed to comply with the January 15, 2021 order, including by failing to prevent additional births. The court ordered the Lowes to comply no later than April 2, 2021. Even facing a possible civil contempt order, the Lowes have failed to comply.

38. Although counsel for the Lowes confirmed on Saturday, December 12, 2020, that the Lowes agreed to the terms that were set forth in the stipulation filed on Monday, December 14, 2020, including that they would not dispose of any animals covered by the ESA or AWA pending resolution of the merits of the United States’ claims, the United States recently

Dkt. 65. The court additionally ordered the Lowes to provide acquisition and disposition records for “any and all animals added to or missing from their inventories since June 22, 2020.” *Id.* To date, the Lowes have not complied with these terms. The United States has not received any acquisition records for any births that have occurred since June 22, 2020, despite other documentation indicating that there have been at least four litters since that date. *See id.*, Dkt. 28, Exhibit DD (listing cubs who have been born since June 22, 2020).

discovered that the Lowes nevertheless transferred four tiger cubs the very next day. To date, the Lowes have not provided any documentation regarding those cubs.

39. Based on the observations of the USDA veterinarians at the Tiger King Park on May 6, 2021, there is reason to believe at least one female Big Cat, Sasha, is pregnant and due soon. The Lowes have housed her with four male Big Cats. As a result, it would have been difficult to remove just Sasha from the male cats and, therefore, she remains at the zoo.

40. There is probable cause to believe that any cubs or juveniles on the PREMISES are being or will be harmed and harassed and, therefore, unlawfully taken in violation of the ESA as a result of the Lowes removing the animals from their mothers too early and then providing them with a nutrient-deficient diet, which puts those cubs at grave risk.¹⁶ U.S.C. 1538(a)(1)(B), (G); *see also United States v. Lowe*, No. 20-cv-00423, Dkt. 65 at 16-20 (Court's January 15, 2021 finding that Big Cats aged 1 year and younger are being harmed and harassed as a result of being fed a nutritionally-deficient diet).

41. I am aware of at least three Big Cats under the age of 1 year who have died as a result of malnutrition since the end of September 2020. Two additional Big Cats under the age of 1 year have died under suspicious circumstances during that same time. Additionally, based on the observations of APHIS inspectors during the December 2020 and January 2021 inspections and information provided by Tiger Haven, the majority of Big Cat cubs born since August 2020 were either removed from their mother too early, fed an inappropriate supplemental diet or both, resulting in suffering or death due to conditions related to poor nutrition. *See* Attachment A.

42. APHIS inspectors have observed known Big Cat cubs and juveniles in the commissary and outside where adult cats are housed. However, there is probable cause to believe that additional Big Cat cubs may be located in other areas on the PREMISES or even off the PREMISES with employees. As discussed above, on January 23, 2021 Jeff Lowe testified that he has housed Big Cat juveniles and cubs in his residence and allowed at least one employee to remove the cats from the PREMISES. The Director of Tiger Haven, a Big Cat facility located in Tennessee, provided a declaration stating that the Lowes transferred four Big Cat cubs in mid-December through Jeff Lowe's adult son who, based on information and belief, also lives on the PREMISES. Thus, a search of vehicles leaving the PREMISES during the execution of the warrant and any structure on the PREMISES in which a Big Cat cub could be hidden is necessary to ensure that all such cubs can be identified and seized.

VII. Search Procedure

43. During the execution of the warrant on May 6, 2021, Lauren Lowe communicated a threat to kill me. While I was answering questions from Jeff Lowe about the service of the warrant, Lauren Lowe told USDA-OIG Special Agent Damon Musick, “I’m gonna kill him,” in reference to me. The statement was especially intimidating because their former Tiger King business partner is serving a prison sentence for hiring a hit man to assassinate a business rival in another state.

44. Lauren Lowe, Jeff Lowe, and Jeff Lowe’s adult son known to me as Taylor Lowe engaged in a sustained pattern of verbal and physical harassment of law enforcement personnel including screaming profane personal attacks at close range, delivering non-specific threats to personal safety and to personal reputations on social media and other media platforms, and by the repeated physical interference with the movement of law enforcement personnel and the safe movement and transport of the Big Cats by physically interfering with the safe use and movement of the heavy machinery used to lift and transport the Big Cats from the animal compound to the enclosed transport trailer.

45. Lauren Lowe also screamed and bombarded me personally with non-specific direct threats to me and my children on multiple occasions, referencing my children being taken away from me. This happened on multiple occasions when I was attempting to answer questions, give directions, and when I needed to complete required documentation of the seized wildlife. When I provided Jeff Lowe with a copy of the property receipt, he aggressively snatched it from my hand and crumpled it up in his fist while engaging the entire time in the creation of a disturbance yelling and screaming profanities in an apparent self-scripted effort to film the exchange for what he had commented earlier would be sold to Netflix as “Tiger King 2.”

46. The non-law enforcement personnel assisting the government with the movement and handling of the Big Cats communicated to me that they did not feel safe despite the law enforcement presence, due to the close proximity of the Lowes to them as the personnel entered and exited one of the gates to perform their duties, the sustained verbal harassment, yelling of profanities, and communication of non-specific threats. Specifically, the Lowes and their head zookeeper, Eric Cowie, told the non-law enforcement personnel, “I hope you die.” Jeffrey and Lauren Lowe also stated that they would “take care of us all,” “starting with Pat Craig” who, as a

result of his expertise in relocating Big Cats, has been tasked by the government with leading the team to remove the Big Cats from Tiger King Park.

47. The relentless harassment, intimidation of personnel, and physical obstructions resulted in the creation of an unsafe environment during a high-liability law enforcement activity dealing with the difficult search, seizure and movement of very dangerous wildlife species. A mistake made in this environment could easily result in the loss of life or grievous injury to someone on the property. In my professional opinion, the Lowes' actions increased the likelihood that a Big Cat would escape, which would likely result in the death or serious injury to one or more endangered Big Cats or to law enforcement and support personnel on the scene.

48. Moreover, the Lowes' behavior appeared to agitate and stress the vulnerable Big Cats. My conclusion is supported by the assessment of one of the veterinarians assisting with the transport of relocation of the animals, who stated that the "ongoing aggressive dialogue" and commotion created by the Lowes "caus[ed] additional distress to the animals on the premises." She described one case in which the animal handlers were trying to encourage Stevie, one of the breeding females seized, to enter the transfer cage without having to rely on tranquilizers. Even though the Lowes were not permitted inside the animal compound, they would scream from the fence outside the zoo, causing stress to the animals. The veterinarian stated that "[e]very time [Stevie] would go near the transfer cage [the Lowes] would yell at her to not go in there. They yelled that I would be waiting a long time and would cheer and yell go Stevie if she went near the exit. This continued the entire time until [Stevie] entered the transfer cage and was removed." Another member of that team stated that the Lowes and Eric Cowie would scream and hit things to scare or startle the animal so that the animal would not voluntarily enter the transfer cage. That veterinarian also stated that the Lowes would tear down shade barriers that the veterinarian had put up to protect one of the Big Cats from the sun's rays.

49. Finally, the Lowes significantly obstructed the service of the warrant, which resulted in the effective seizure of only six of the eight Big Cats the government intended to seize under the warrant. Ensuring the wellbeing of the animals was of the utmost importance to the non-law enforcement team selected to assist USFWS with the warrant. The six Big Cats that were seized were safely moved and loaded into the transfer cages without the need for sedation, however, the Lowes' behavior and actions created significant delays and caused the animals additional, unnecessary stress. Thus, after loading the six Big Cats identified in Attachment C,

the USDA veterinarians and the animal handlers assisting the government with the removal of the Big Cats determined that it was not safe to continue loading additional animals.

50. In light of the obstructive behavior of the Lowes, including Taylor Lowe, and the head zookeeper, Erik Cowie, during the removal of only 6 Big Cats, it is my professional opinion that their behavior will escalate during the second warrant once they become aware that the government is seizing the remaining 62 Big Cats and the jaguar. The only area that is large enough for the trailers to load the animals for transport is directly next to the main zoo gate, next to the Lowes' residence. *See* Attachment B-1 (map). There is not sufficient space in that area to create a perimeter to allow the Lowes or their employees to remain outside in the trailer staging area without interfering with the removal operation. Moreover, in light of the commotion and danger they created on May 6, 2021, we believe that, if they are allowed to remain in the staging area or along the perimeter fence they will take any steps they can to cause stress to the animals and impede the government's efforts to safely and efficiently remove the animals. Thus, this affidavit and the application for the search and seizure warrant seeks authority to direct the Lowes to either stay inside their home or, if they choose to leave their home, to require that they be escorted at all times in the warrant staging area. We also seek authority to require the Lowes to refrain from all noise or other disturbances (such as opening their windows and creating a commotion) from within their home.

51. The government will take every reasonable step to safely remove the Big Cats within two full days (sun up to sun down), weather permitting. But this tremendous task can only be safely completed if law enforcement has the latitude to ensure that the Lowes and their employees are not permitted to interfere with the safe removal of the wildlife. Thus, this affidavit and the application for the search and seizure warrant requests authorization for USFWS and the U.S. Marshals Service (USMS) to take all reasonable steps, in their sole discretion, to overcome and curtail resistance to the execution of the warrant. Any action that has, or is likely to have, the effect of disturbing, distracting, and/or otherwise agitating the animals being seized and/or rendering the animals more difficult to safely control and transfer, as determined by federal law enforcement, shall be considered resistance to the execution of the warrant.

52. The government also seeks authority to remain on the PREMISES throughout the operation (24/7) to guard the zoo gates to ensure that no one enters the zoo who is not authorized by the government to enter. Based on my observations from May 6, 2021, it is my professional

opinion that, if the Lowes or any designees are given an opportunity to enter the zoo, they will harm an animal, release an animal in an attempt to force law enforcement to kill or seriously injure the animal, and/or set traps or other hazards to harm law enforcement and those non-law enforcement assisting with the removal of the animals.

53. Authorization is also sought to permit the USFWS, USMS and any contractor assisting USFWS or USMS to bring any equipment necessary for the government to safely and efficiently remove the animals from the PREMISES.

54. As noted above, the government will take every reasonable step to remove the Big Cats and jaguar in two full days (sun up to sun down). However, delays may occur due to weather, among other potential issues. Thus, the affidavit and application seeks a multi-day warrant to allow for the seizure of the remaining animals over the course of not more than 5 days, commencing on or about May 17, 2021, weather permitting.

55. The logistics involved with seizing and safely transporting these wild animals are significant, and the government requests that the Court authorize additional time to complete execution of the search warrant, based on the following information. While many of the Big Cats may transfer easily from their present cages into a transport cage, in order to assure the safety of law enforcement personnel and those assisting with removal of the animal, this process will need to be completed methodically and slowly and is expected to take time, possibly hours, for some of the Big Cats. Once in the transport cage, the animals must be transported via a skid loader or telehandler to the staging area. For safety reasons, this process is done one cat at a time, which also takes considerable time due to the size and layout of Tiger King Park. For the Big Cats who refuse to transfer to a transport cage, they must be immobilized (tranquilized) in order to load them, which can be time-consuming, and requires veterinary monitoring and a recovery period.

56. In addition, each transport vehicle usually can only take a maximum of 8 Big Cats in each load. Moving this many cats will require around a dozen transport vehicles. This combined with the terrain and limited space in the staging area restricts the ability to complete this operation in just one day.

VIII. Conclusion

57. Based on the foregoing information, the government requests that this Court authorize a search and seizure warrants pursuant to FRCrP 41(c)(2) to be executed on or around May 17, 2021, to occur at any time, day and night if logistics allow, over the course of not more than 5 days, to

allow for the search of the PREMISES, more particularly described in Attachment B-1, and the seizure of all remaining Big Cats and the jaguar and any other Big Cat found on the PREMISES, as identified in Attachment C-1.

58. I seek permission to allow the USFWS to enlist the aid of any federal, state, and local law enforcement officers to ensure the safety of any persons executing the warrant. Permission is also sought to allow any non-law enforcement personnel, including veterinarians and animal handlers, the government determines are necessary to assist in executing the warrant to enter the property to assist with the handling, care, and removal of the animals listed in Attachment C-1, once the PREMISES are secure and the search has been completed.

59. Permission is sought to allow the government, including USFWS and the USMS, to engage, directly or indirectly, veterinary services to render medical care to the animals at the PREMISES as the government determines is necessary for the animals' wellbeing. The care that may be provided includes all manner of veterinary services recommended by competent medical professionals including euthanasia.

60. Permission is also sought for federal law enforcement officers or their designee to take any and all necessary actions, including but not limited to the use of reasonable force, to enter and remain on the PREMISES where the animals listed in Attachment C-1 are located, which includes the land, buildings, structures, enclosures, and vehicles located thereon, for the purpose of executing the warrant. Reasonable force hereby includes breaking locks, windows, and/or barricades as needed to execute the warrant, in the reasonable discretion of the federal law enforcement officers or their designee. The government has observed during inspections and during the May 6, 2021 seizure that the zoo gates and enclosures are locked, thus, requiring keys to be accessed. Reasonable force may be necessary if the Lowes refuse to cooperate.

61. I also seek permission to allow law enforcement to arrest and/or temporarily prevent access to the PREMISES any and all persons who obstruct or interfere, or who attempt to obstruct or interfere, with the execution of the warrant. I also seek permission to direct the Lowes to remain in their home or, if they choose to leave their home, to require the Lowes to be escorted by federal law enforcement at all times while in the warrant staging area. Any action taken anywhere on the PREMISES that has, or is likely to have, the effect of disturbing, distracting, and/or otherwise agitating the animals being seized and/or rendering the animals more difficult to safely control and

transfer, as determined by federal law enforcement, shall be considered resistance to the execution of the warrant

62. Based on the above statements, I submit that there is probable cause to believe that the Big Cats and the jaguar have been harmed or harassed and, therefore, unlawfully taken in violation of ESA Section 9, and that evidence of such violations will be found in the structures identified in Attachment B-1 and exterior property of the PREMISES, as well as vehicles leaving the PREMISES during the execution of the warrant. There is also probable cause to believe that there are additional Big Cats on the PREMISES that have been possessed, sold, purchased, offered for sale or purchase, transported, delivered, received or carried in violation ESA Section 9. Therefore, probable cause exists to believe that the Big Cats and the jaguar are subject to seizure and forfeiture pursuant to 16 U.S.C. § 1540(e)(4)(A).

63. It is further respectfully requested that this Court issue an Order sealing, until further order of this Court, all papers submitted in support of this Application, including the Application, Affidavits, and Search Warrant, and the requisite inventory notice (with the exception of one copy of the warrant and the inventory notice that will be left at the PREMISES). Sealing is necessary because the items and information to be seized are relevant to an ongoing investigation, and premature disclosure of the contents of this Affidavit and related documents may have a negative impact on this continuing investigation and may jeopardize its effectiveness.

5-12-2021
DATE



SPECIAL AGENT KEVIN L. SEILER
U.S. FISH AND WILDLIFE SERVICE

DATE

STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A –
AFFIDAVIT OF DR. LAURIE GAGE

AFFIDAVIT

I, DR. LAURIE J. GAGE, being first duly sworn, hereby depose and state as follows:

Background

1. Since March 2004, I have worked as a veterinary medical officer for Big Cats and Marine Mammals for the Animal Care Division of U.S. Department of Agriculture's ("USDA") Animal and Plant Health Inspection Service ("APHIS"). I earned my Doctor of Veterinary Medicine from the University of California, Davis, School of Veterinary Medicine in 1979. I have over 40 years of experience observing, handling, and treating Big Cats, including tigers and lions.

2. I am board certified in zoological medicine. I am also a member of the American Veterinary Medical Association, the American Association of Zoo Veterinarians, the International Association for Aquatic Animal Medicine, and a Diplomate of the American College of Zoological Medicine.

3. I am familiar with the information set forth herein based on my personal involvement in the assessment of the condition of the animals in the custody, care and/or control of Jeffrey and Lauren Lowe, conversations with APHIS inspectors, training and experience, and review of documents. I have reviewed USDA inspection reports, photographs, and videos from the June 22, 2020 and July 8, 2020 USDA-APHIS inspections of the Greater Wynnewood Exotic Animal Park ("GWEAP"), Wynnewood, Oklahoma and the December 15, 2020, January 20, 2021, and February 19, 2021 inspections of Tiger King Park, Thackerville, Oklahoma. I also visited Tiger King Park in January 2021 to assist with the removal of 14 tigers and at that time observed firsthand the conditions in which some of the Big Cats¹ at the zoo are living. I have also reviewed the veterinary records provided by the veterinarians who have treated additional animals at GWEAP and Tiger King Park in the last three years, including Dr. Thomas Gilmore, Dr. Jennifer Devine, Dr. Ashley Durham and Dr. Alyson Fryer.

Property Subject to Seizure

4. I submit this affidavit in support of an application being submitted by the United States for a search and seizure warrant seeking the seizure of approximately 68 Big Cats, including 46 tigers, 7 lions, 15 hybrids thereof, and 1 jaguar located at 21469, 21619 and 21371 Jimbo Road, Thackerville, Oklahoma (the "PREMISES"), as well as any offspring born to any of the Big Cats

located at the PREMISES since December 14, 2020. The PREMISES are located within the Eastern District of Oklahoma.

5. Based on my assessment of the condition of the Big Cats and the jaguar and the Lowes' ability to provide them adequate care, it is my opinion that these animals are at great risk of continued harm or suffering if they are not seized at once by the United States. Based on my firsthand observations of the Big Cats on May 6, 2021, a number of these animals are suffering as a result of being underfed and/or fed a diet deficient in necessary nutrients; receiving inadequate veterinary care from a veterinarian who lacks expertise in the care and management of Big Cats and jaguars; and many of the animals continue to be housed in cages that lack any protection from inclement weather and/or that are too small to allow them to engage in normal behaviors for the species. In addition, several of the animals had wounds or scars consistent with attacks by other Big Cats. These observations are discussed in detail below.

Facts

6. Jeffrey and Lauren Lowe operated GWEAP, exhibiting wild and exotic animals in Wynnewood, Oklahoma under Animal Welfare Act ("AWA") license 73-C-0230 until the APHIS Administrator suspended the license on August 14, 2020. On August 17, 2020, USDA filed an administrative complaint seeking permanent revocation of AWA license 73-C-0230. Jeffrey Lowe voluntarily terminated the license one week later. On March 31, 2021, the Chief Administrative Law Judge entered an order revoking AWA license 73-C-0230.

7. At the end of September 2020, the Lowes moved approximately 175 wild and exotic animals to Tiger King Park in Thackerville, Oklahoma. There are currently around 149 animals remaining at Tiger King Park, including approximately 68 Big Cats and a jaguar protected under the Endangered Species Act ("ESA").¹

8. The Lowes harm² and harass their animals by providing them substandard care,

¹ Although the Lowes are required by court order to provide disposition records accounting for all animals that are missing from their animal inventory since June 22, 2020, the Lowes have failed to comply with the order. *See United States v. Lowe*, No: 20-cv-00423, Docket ("Dkt.") 78. The United States is aware of and has documentation regarding the deaths of some of the missing animals. However, the Lowes have not accounted for all of the missing animals. *See id.*, Dkt. 83.

² In preparing this affidavit in my capacity as USDA's Big Cat Specialist, I examined Section 9 of the Endangered Species Act ("ESA") and the statutory definitions of "harm" and "harass" and

including inadequate veterinary care, nutrition, and housing. In the last seven (7) months alone, at least eight (8) ESA-protected Big Cats that had been in the custody or control of the Lowes died. In light of the fact that this figure includes five (5) Big Cat cubs and juveniles, that is an unusually high number. We know at least three (3) of those five (5) Big Cat cubs and juveniles have died due to malnutrition, one in September 2020 and two in December 2020. The other two died under suspicious circumstances. Based on my review of the available veterinary records and the APHIS inspection reports, others have suffered needlessly from being provided inadequate veterinary care.

9. The Lowes do not have the knowledge or expertise to care for their Big Cats without the regular assistance of a veterinarian with training and expertise in the care and management of Big Cats. This is evident from the numerous examples of mismanagement of care described below including the many animals who have suffered needlessly due to the inappropriate diet they have been provided by the Lowes. Even in the rare case in which the Lowes have consulted with a veterinarian with experience caring for Big Cats, the veterinary records and other documents indicate that the Lowes failed to provide accurate information regarding their animals, making it more difficult for the veterinarian to correctly diagnose the animal.

10. On January 15, 2021, this Court ordered the Lowes to employ a “qualified attending veterinarian under formal arrangements consistent with the requirements of 9 C.F.R. §§ 1.1, 2.40, no later than January 29, 2021.” *United States v. Lowe*, 20-cv-00423, Docket (“Dkt.”) 65 at 33. Under 9 C.F.R. § 1.1, the attending veterinarian must have “training and/or experience in the care and management of the species being attended.” Under 9 C.F.R. 2.40(b), each exhibitor must establish and maintain a program of adequate veterinary care as described in the regulation. When the Lowes did not comply with this requirement, the Court granted the United States’ motion to enforce the January 15, 2021 order and gave the Lowes until April 2, 2021, to comply and set a show cause hearing for May 12, 2021. *Id.*, Dkts. 78, 80. Once again, the Lowes failed to submit a program of veterinary care for their Big Cats and other animals that complies with 9 C.F.R. § 2.40(b). In addition, they failed to submit any documentation that establishes that the veterinarian

consulted with government counsel regarding the meaning of these terms in the ESA context. For purposes of this affidavit, I use “harm” to refer to acts that kill or injure an animal protected by the ESA. *See* 50 C.F.R. § 17.3(c)(3). I use “harass” to refer to an intentional or negligent act or omission, which creates a likelihood of injury to wildlife or which affects an animal to such an extent that it significantly disrupts normal behavioral patterns related to breeding, feeding, and sheltering. *Id.*

that they employed has the requisite training and/or experience in the care and management of Big Cats. Based on how the veterinarian, Dr. Fryer, has managed the care of such Big Cats as Django and Kyro, described below, it does not appear that she has such expertise.

11. Moreover, after receiving no veterinary records from the Lowes or Dr. Fryer in over a month, which are required to be provided by the January 15, 2021 Order, USDA contacted Dr. Fryer on April 19, 2021. Dr. Fryer indicated that she had not returned because she was waiting for the Lowes to pay her.

12. I received information on May 3, 2021, that Dr. Fryer had visited Tiger King Park on April 30, 2021. In the notes she shared with USDA, Dr. Fryer stated in relevant part:

“Discussed fly strike that is going to continue to be an issue as summer starts. Rec[ommend] daily removal of feces in larger pens. Rec[ommend] earlier removal of carcasses (sic) after feeding. Rec[ommend] any carcasses (sic) or expired ruined meat be moved to a location far from the animals and disposed of. Discussed the need for fly traps and also treating perimeter. Will look into a topical repellant that is safe for tigers.

Discussed population control. Rec[ommend] neuter the male lemur as 3 new babies have been born to three different females.”

In addition, Dr. Fryer also noted that another animal—a red fox—had unexpectedly died at Tiger King Park. The Lowes had not reported the death to Dr. Fryer before she visited the property. Nor have they to date submitted a disposition record to the government as they are required to do. She recommended the humane euthanasia of another red fox who has been diagnosed with prostatic cancer. She noted “significant weight loss” and that the animal was “straining to defecate.” Based on information provided to me, the U.S. Department of Justice promptly informed the Lowes’ counsel that the government did not object to the animal being humanely euthanized; however, the government has received no response from the Lowes’ attorney nor have the Lowes moved the court for permission to euthanize the animal, which they are required by court order to do. In my professional opinion, the Lowes should have sought permission immediately to humanely euthanize the red fox to avoid the animal suffering needlessly. Finally, Dr. Fryer noted that “per owner” Kyro had greatly improved. He no longer needed to use his cage as support to stand up and “ambulated in a normal fashion with no incoordination.” As discussed below, the finding that Kyro ambulated in a normal fashion with no incoordination is inconsistent with my observations from May 6, 2021. Moreover, this was the first that the government received knowledge that Kyro had been in such bad condition that he had to use his cage as support to stand up. Previous records

sent to the government grossly underplayed that observation.

13. On May 10, 2021, Dr. Fryer contacted USDA and stated in response to USDA's concerns regarding two thin cougars that they "appear thin to me. When I have gone [to Tiger King Park] I don't think they have been out of their crate and nothing has been told to me about concerns for their well being. The plan was to order sedation medications so we can do full exams on as many animals as possible when I go down next but unfortunately due to continued issues with not getting paid this has not happened yet. I am going to give my notice this month and give them until June to find another veterinarian." She also stated that she would complete a full physical of the cougars and testing right away if the Lowes paid their outstanding veterinary bills.

14. Dr. Fryer's infrequent visits (supposedly resulting from the Lowes' failure to pay their veterinary bills) combined with her apparent lack of expertise in Big Cats already made it probable that the Big Cats would continue to be harmed and harassed if they remained at Tiger King Park. However, even though Dr. Fryer lacked the requisite expertise, she seemed to be an otherwise competent veterinarian who was doing her best to identify medical issues in the Lowes' animals. In the absence of *any* veterinarian visiting Tiger King Park, it is my professional opinion that the Big Cats and jaguar may be in serious danger moving forward and should be removed immediately. Based on the available documentation from the last three years, and in particular since June 2020, it is apparent that the Lowes are not capable of managing the large number of animals held at Tiger King Park and, in any event, the staff's general lack of knowledge of appropriate nutrition and management of medical issues when they occur puts these animals at significant risk of continued harm and harassment..

I. The Big Cats in the Lowes' care, custody, possession or control have been harmed and harassed as a result of being fed a nutritionally-deficient diet.

15. The Lowes have consistently failed to provide their Big Cats with a diet containing the necessary nutrients to allow them to grow properly and thrive.

16. Between the end of September and mid-December of 2020, at least three of their young Big Cats have died from complications caused by metabolic bone disease, an easily preventable condition caused by providing the Big Cats a nutritionally-deficient diet. One additional young Big Cat, Nala, suffered greatly from being fed a diet void of vitamin A and recovered only after the animal was transferred to another facility that fed Nala a nutritionally complete diet.

17. Metabolic bone disease (a.k.a. nutritional secondary hyperparathyroidism) is a painful disease that is easily preventable by feeding an appropriate, balanced diet. The condition occurs when an animal is fed a calcium- and vitamin-D deficient diet, both of which are necessary to promote strong bones in animals. While all Big Cats fed a deficient diet are at risk of developing metabolic bone disease, young Big Cats under the age of one (1) year are especially at risk because these animals are growing rapidly and, thus, require a calcium-rich diet to support bone growth. Calcium is also necessary for other bodily functions. If the Big Cat is being fed a calcium-deficient diet, what little calcium is in the animal's system may be pulled from their bones to support those other functions. Metabolic bone disease in young Big Cats can lead to the inability to walk or stand, bone fractures, stunted growth, misshaped limbs, neurological conditions, and death.

18. Metabolic bone disease frequently develops within a few weeks after Big Cat cubs are removed from their mother and fed a calcium-deficient diet, or are transitioned from a diet of formula to a boneless meat diet with insufficient calcium supplementation. A young Big Cat's bones can decalcify in just a few weeks when fed an inappropriate diet. When Big Cats' bones are deficient in calcium, their bones are fragile and can break with very little exertion or pressure. The animals may appear normal to an observer until their first fracture, which would then cause them significant pain and cause them to exhibit lameness or a reluctance to move. At that point, multiple bones in their body may fracture, causing the animal more pain and suffering.

19. This condition is often seen when Big Cats are fed a diet of boneless or ground turkey, beef, or chicken. Diets consisting primarily of these boneless meats are deficient in calcium and vitamin D and, therefore, must be augmented by calcium and vitamin supplements. Supplements designed to create nutritionally balanced diets for Big Cats are readily available commercially.

20. In the case of Ayeesha, a lion-tiger hybrid, the Lowes' failure to provide her with proper nutrition and adequate veterinary care caused this animal to suffer greatly before she had to be euthanized at the age of ten months. On or around December 24, 2019, the Lowes determined that the eight-week old cub was dehydrated and malnourished. A healthy 8-week old cub would have been out of the den box and playful. A person with experience caring for and handling Big Cats should have been able to determine that something was wrong long before the cub's condition became so serious. The Lowes then waited six days before having a veterinarian physically examine Ayeesha at which point she was so debilitated that the consulting veterinarian

recommended hospitalization and a feeding tube. The Lowes had tried to give Ayesha subcutaneous fluids under the consulting veterinarian's direction. Had the Lowes employed an attending veterinarian with expertise with Big Cats visiting the zoo on a regular basis, Ayesha's condition would not have become so grave and she may not have suffered the need to have a feeding tube placed. By the time Ayesha was seen by a veterinarian, she was not eating and required a feeding tube to be surgically inserted into her esophagus for many days causing pain and suffering to this animal that could have been avoided. In light of the Lowes' pattern and practice of feeding their cats a nutrient-deficient diet, the fact that the Lowes still have not employed a veterinarian with expertise in Big Cats, the likelihood that the Lowes are removing young cubs from their mothers, thereby depriving them of the nutrition they would receive from nursing from their mother, and the condition of cats, such as Kyro and Django described below, who recently exhibited neurological symptoms that may be associated with a vitamin-deficient diet, there is a strong likelihood that other cats in the Lowes' possession, custody and care are currently suffering due to malnutrition.

21. As of June 2020, Ayesha was seven (7) months old and weighed only 60 pounds. The lion-tiger hybrid should have weighed approximately 60 pounds by five (5) months of age. By eight (8) months, Ayesha had lost weight, weighing only 58.6 pounds. At that time, the consulting veterinarian diagnosed her with leg fractures and metabolic bone disease. If the condition is diagnosed quickly, the animal can recover fully. However, in the case of Ayesha, her veterinary records demonstrate that the Lowes failed to provide her a proper diet containing calcium and other necessary nutrients to allow her to grow and the bones to develop normally. This resulted in multiple painful fractures in several limbs that caused the animal to suffer needlessly.

22. In July 2020, APHIS inspectors observed Ayesha in an outdoor enclosure at GWEAP. She did not move while the inspectors were observing her. The Lowes stated that the consulting veterinarian had released her from the medical hold and authorized them to return her to an outdoor enclosure. When APHIS inspectors followed up with the veterinarian, the veterinarian stated that she had not lifted Ayesha's medical hold. In fact, several days after the July 8, 2020 inspection, the Lowes had to bring Ayesha back to the veterinarian for treatment for yet another fracture. Ayesha likely suffered from an additional fracture as a result of the Lowes failing to follow the medical advice of the consulting veterinarian.

23. On September 22, 2020, Ayesha was seen again by the consulting veterinarian. While her fractures appeared to be healing, the veterinary records state that the fractures had “create[d] a deformity in leg with the rotation, hard to know if it will affect mobility since she is non ambulatory at the moment...LR distal tibial fracture is healed but with a angular abnormality.” *Lowe*, No. 20-cv-00423, Dkt. 28-12 (Ex. G) at 71. In my opinion, the poor diet Ayesha received caused her to be so disfigured that it was affecting her mobility and preventing her from walking. At that point, given that Ayesha had so many fractures and was in a fragile state, it was inappropriate for the Lowes to transport her to Tennessee a few days later, where, for humane reasons, she had to be euthanized within two days of her arrival.

24. Nala, a lion cub, also suffered greatly as a result of being fed a diet devoid of necessary nutrients. During the June 22, 2020 inspection, APHIS inspectors observed Nala who was “lethargic, depressed, and thin and would not get up out of the mud from the sitting position even after prompting.” *Lowe*, No. 20-cv-00423, Dkt. 28-15 (Ex. J) at 4; *see also* photos below of Nala from June 2020. “She had a string of purulent nasal discharge hanging from her right nostril and an accumulation of green discharge in her eyes. Her respiration was shallow and rapid.” *Id.* Due to Nala’s dire condition, APHIS stopped the inspection and directed the Lowes to get immediate veterinary care for the lion. *Id.*



25. At the time she was transferred to the Wild Animal Sanctuary (“TWAS”) in Colorado, Nala was ataxic, which is a neurological sign consisting of lack of voluntary coordination of muscle movements that leads to abnormalities in an animal’s gait, making it difficult for her to walk even a few steps without falling over. This aspect of Nala’s condition is apparent in the following video taken shortly after the animal’s arrival at TWAS in September 2020. PETA, *Lion Rescued from Jeff Lowe Can Barely Walk*, YouTube (Sept. 22, 2020)

<https://youtu.be/zIy9--KkGIU>. These symptoms were likely due to a Vitamin A deficiency, which in young lions is associated with abnormalities in the cranial bones. These abnormalities cause progressive ataxia in young lions. Many juvenile lions exhibiting the clinical signs of this syndrome have a history of being fed a poor diet of chicken parts with little-to-no vitamin supplementation. In fact, the veterinary records from Colorado State University confirm that Nala's Vitamin A level was 0.1 mcg when she arrived; 90 mcg is a normal level for a lion. Timely treatment through Vitamin A supplementation and a proper diet often allows lions to recover significantly if not fully in a relatively short period of time. This has been the case for Nala whose gait and strength have improved dramatically in the two months she has been at TWAS as evidence in the videos attached to Dr. Joyce Thompson's declaration. *Lowe*, No. 20-cv-00423, Dkt. 28-17 (Ex. L) at 4-5; *see also id.* Attachments 2 and 3. The vast improvement in Nala's gait and strength supports the conclusion that Nala's condition is due in large part to the easily preventable issue of poor diet and untimely veterinary care.

26. In addition, Nala had multiple fractures, consistent with metabolic bone disease. These fractures would have caused her great physical pain and distress because she could not walk or socially interact with her pen mates. The veterinarians in Colorado similarly concluded that Nala was in pain, quickly prescribing her pain medication as she heals.

27. USDA recently discovered that on or about December 13, 2020, the Lowes delivered four tiger cubs to Tiger Haven, Tennessee. Tiger Haven euthanized one tiger cub—between 3 and 4 months old—almost immediately after the cub's arrival in Tennessee as a result of complications caused by severe metabolic bone disease. According to the veterinary records, the Lowes apparently told Tiger Haven that the cub was reared by her mother. However, the veterinarian concluded that the tiger cub's multiple severe fractures in her limbs, pelvis and spine were caused by a calcium-deficient diet, which would indicate that the cub was not nursing, and in fact, was being fed a calcium-deficient diet. It is highly probable that this tiger cub experienced severe pain due to the number of fractures identified, yet it was transported in that condition from Thackerville, OK to Tiger Haven in Tennessee—at least a twelve-hour trip—without the benefit of having been seen by a veterinarian or prescribed pain medication.

28. The veterinary records provided by Tiger Haven also state that the remaining three cubs, Prada, Gucci and Fendi, which were littermates and born just three weeks before being seen by the veterinarian at the University of Tennessee on December 15, 2020, were suffering from

nutritional deficiencies. All three of the cubs suffered from alopecia, or hair loss, and one of the cubs suffered from anemia and alopecia. They all had distended abdomens. These clinical signs suggest the cubs were being fed a protein-deficient diet. Prada later developed cataracts, which can also develop from a diet lacking in sufficient taurine and other amino acids. These nutritional deficiencies were likely compounded by the Lowes breeding female Big Cats who themselves receive inadequate nutrition, removing the cubs from their mothers too early, and then providing the cubs an improper diet. Once again the Lowes' animals are suffering and are caused harm from easily preventable conditions.

29. In the December 15, 2020 inspection report, the APHIS inspectors noted that the only food available at the Thackerville facility for Big Cats was boneless chicken. *See photo to the*



left taken by APHIS inspectors during the December 2020 inspection. When asked to present the supplements that were being provided to the Big Cats, the facility representative showed a product called Gleam & Gain, which is a horse weight gain supplement. The supplement does not provide the

nutrients necessary to create a nutritionally balanced diet for Big Cats.

30. On December 21, 2020, a 17-week old male tiger from the Thackerville facility named Daniel was euthanized by the Ada Veterinary Clinic. The tiger weighed approximately 25 pounds. In my experience and professional opinion, a 25-pound, 17-week old male tiger would be very small for his age and perhaps suffering from stunted growth. Stunted growth is consistent with being fed a poor diet and may be one of the clinical signs seen with a diagnosis of metabolic bone disease.

31. Additionally, the radiographs of Daniel showed that his bones had significant losses in bone density, which is consistent with a diagnosis of metabolic bone disease. Consequently, based on the information in the Ada Veterinary Clinic records and in my experience and professional opinion, Daniel had metabolic bone disease.

32. In the case of Daniel, the Lowes or one of their associates consulted by phone with a veterinarian with some experience caring for Big Cats. However, the veterinarian—Dr. Dan

Danner—appears to have been provided incorrect information about the age and diet of the cat, leading the veterinarian to incorrectly conclude that the animal suffered from a genetic condition and that his prognosis was poor. *See Lowe*, No. 6:20-cv-00423, Dkt. 57-2 (Ex. TT). Dr. Danner stated to a USDA-Investigative and Enforcement Services investigator that the tiger was only around eight (8) weeks old and that the cub was nursing. In fact, the cub was 17 weeks old, around the age that Big Cats may start to display signs of metabolic bone disease. Additionally, just a week before the tiger’s death, he was observed by APHIS inspectors in a small cage with two other young tigers. There was no adult female tiger in the cage, suggesting this tiger was being hand-reared by the staff. Finally, the necropsy report showed only signs of boneless white meat in his stomach.

33. Additionally, the Lowes claim that an eight-month-old tiger named Bubbles choked to death on a chicken bone on December 16, 2020. In my opinion, it is highly unlikely that a healthy tiger this age and size would choke to death on a chicken bone. It is possible that a tiger suffering from metabolic bone disease may not be able to chew bones well if offered them, so that could be a reason for the animal to die in this manner. Moreover, according to the Lowes, the animal did not actually die the day the tiger choked. Lauren Lowe told APHIS inspectors that they were able to remove the bone, but that the tiger “never acted right” after that, and then choked again a couple days later and died. *Lowe*, No. 20-cv-00423, Dkt. 72-4 (Exh. CCC) at 4. However, the Lowes failed to seek veterinary assistance for Bubbles. *Id.*

34. As of the February 2021 inspection, the Lowes continued to house over a dozen female Big Cats with male Big Cats. The APHIS inspectors observed cats breeding during the December 15, 2020 inspection. Additionally, as discussed in section IV below, the Lowes’ head zookeeper testified that the Lowes continue to breed their animals. Thus, it is highly likely that additional cubs have been born to the Big Cats at Tiger King Park. If the Lowes are removing those cubs from their mothers prematurely to prevent them from being detected by USDA or for any other reasons, then they are at significant risk of metabolic bone disease and other conditions caused by being fed a nutritionally-deficient diet.

II. The Big Cats in the Lowes’ care, custody, possession or control have been harmed and harassed as a result of receiving untimely and often inadequate care.

35. The Lowes have a history of failing to provide their animals with timely, adequate veterinary care. *See Lowe*, No: 20-cv-423, Dkt. 65 (Jan. 15, 2021 Order).

36. In 2019, the Lowes allowed a 12-year-old tiger named Mama to be in labor for 48 hours before seeking the advice of a veterinarian. Anyone with experience with tigers knows that on average tigers give birth to an entire litter in 1-2 hours. Forty-eight hours is an unreasonable length of time to fail to notify the veterinarian and delay veterinary care for a tiger in labor and puts the tiger at great risk of pyometra, a uterine infection. Mama's veterinary records state that the Lowes gave Mama three doses of oxytocin. Oxytocin should only be given under the direction of a veterinarian experienced with the species. When oxytocin is given to an animal that has not produced a fetus after a certain amount of time, depending on the species, the hormone may increase the risk of uterine rupture. As a result of their delay in seeking adequate veterinary care and their administration of oxytocin without trained veterinary oversight, Mama's uterus ruptured, causing sepsis.³ The consulting veterinarian had to euthanize Mama. It is possible Mama's life and the lives of her offspring may have been saved had a C-section been performed by a trained veterinarian in a timely manner.

37. Around June 2020, a five-year-old tiger named Dot died due to complications from an emergency ovariohysterectomy conducted two days earlier. According to her veterinary records, Dot had a history of three litters of stillborn cubs. It is unusual for tigers to have one litter of stillborn cubs, let alone three litters of stillborn cubs in a row. After the first litter of dead cubs, a full veterinary examination should have been done on Dot as well as a necropsy on at least one of the dead cubs to try to determine the cause of the stillborn cubs. When more than one set of stillborn cubs were born to this female, this would be alarming to any conscientious animal manager because it strongly suggests the tiger likely could not produce normal litters and that measures should be taken to protect the health of the tiger by ensuring that she never becomes pregnant again. Instead, the Lowes allowed Dot to become pregnant again, resulting in a painful labor that ultimately required emergency surgery. At that point, the surgery was done in the field without the benefit of oxygen or intubation to protect the airway from aspiration of fluids into the lungs. Further, at the age of five (5), Dot had already had five (5) total litters. Tigers normally do not start to reproduce until they are between three (3) and four (4) years of age. Captive tigers may reach sexual maturity at a younger age, but responsible tiger managers would allow their female tiger to fully mature before breeding them, and would not breed them more than once a year.

³ Sepsis is a life-threatening complication in the body's attempt to fight an infection, which potentially results in the malfunctioning of various organs and death.

Permitting this tiger to reproduce more frequently in such a short time, combined with the inadequate diet the Lowes provide to their animals, made it more likely that Dot would not be able to support the pregnancies and greatly increased the likelihood of an untimely death.

38. In the case of Petunia, a 5-6-year-old tiger who was euthanized apparently from renal failure, the Lowes contacted the consulting veterinarian on March 1, 2019. According to the veterinary records, the consulting veterinarian was out of town and the veterinary hospital recommended that the Lowes consult with Oklahoma State University. The veterinary records state that, according to the Lowes, the tiger was not eating and was “pretty lethargic.” *Lowe*, No. 20-cv-00423, Dkt. 28-9 (Ex. G) at 82. Instead of seeking care and treatment for the seriously ill tiger from a veterinarian with expertise in treating Big Cats as recommended by the veterinary hospital, the Lowes instead consulted a local food animal veterinarian. That veterinarian—Dr. Thomas Gilmore—diagnosed Petunia with renal failure and suggested that the tiger be treated with 700 ml of fluids over the next day. *Id.*, Dkt. 28-25 (Ex. T) at 31. This is not close to the amount of fluids an adult tiger in renal failure would require for treatment. Optimally, someone should have reached out to a veterinarian familiar with the species for treatment options. Furthermore, it would be highly unusual for a tiger this age to develop renal failure, so the cause of the renal failure should have been explored. If an animal receives adequate and timely veterinary diagnostics and treatment, renal disease is typically a treatable condition in animals as young as this tiger. Thus, the Lowes’ failure to provide the animal appropriate veterinary care likely led to the untimely death of this tiger.

39. Dr. Gilmore reported to an investigator for USDA that he and the Lowes had a falling out after the Lowes insisted on treating Petunia with CBD oil and then falsely stated on social media that Dr. Gilmore had recommended the treatment. CBD oil may have a positive effect in animals with chronic renal problems but would not be an appropriate treatment for a tiger in acute renal failure, such as Petunia.

40. In the case of Lizzie, an 11-year-old tiger, a consulting veterinarian examined the cat on August 2, 2019, because she was exhibiting lameness in her left rear limb. *See Lowe*, No. 20-cv-00423, Dkt. 28-9 (Ex. G) at 103-111. The consulting veterinarian concluded that Lizzie could be suffering from arthritis, disc disease, injury/fracture, or herniation of a vertebral disc, and recommended radiographs of the hips and spine. *Id.* at 104. While apparently an equine veterinarian took radiographs, there is no indication that the results were reviewed by a qualified

radiologist or specialist. *See id.* at 108. The only thing prescribed to Lizzie was a non-steroidal anti-inflammatory drug. *Id.* The next time Lizzie was physically treated by the consulting veterinarian, over a month later, she could not use and was dragging her hind limbs resulting in severe wounds through muscle and even down to the bone on her left knee, requiring surgery. *Id.* at 110. The consulting veterinarian discussed getting Lizzie a magnetic resonance imaging (“MRI”) with the Lowes, but no MRI was performed. *Id.* at 108-110. Disc surgery was also ruled out because the Lowes would not be able to handle the aftercare. *Id.* at 111. As a result, Lizzie was euthanized on September 18, 2019. *Id.* Over the course of about a month, Lizzie went from being lame in one limb to being immobile with wounds on her rear limbs going down to the bone. It was egregious for the Lowes to have waited over a month to have Lizzie physically evaluated by a veterinarian. Disc surgery has been successful in resolving these cases especially when performed early in the disease. Further, the radiographs should have been evaluated by a radiologist familiar with tiger anatomy. If the problem had been diagnosed early, surgery is often a viable choice, or euthanasia may have been the other alternative, which, had it been done early in this disease, would have prevented this tiger from more than a month of unnecessary suffering.

41. In the case of Promise, a 12-year-old tiger, the animal had been declining for about a month and unable to walk for two weeks before the Lowes sought veterinary treatment. The Lowes treated the animal with CBD oil, which was not recommended by a veterinarian. *Lowe*, No. 20-cv-00423, Dkt. 28-13 (Ex. H) at 2. By the time Promise was examined by a consulting veterinarian, he could not get up on his back legs, had large pressure sores on both hips and left stifle, and was euthanized shortly thereafter. *Id.*, Dkt. 28-25 (Ex. T) at 38-39. In my opinion, Promise’s weakness/paralysis in the hind legs may have been caused by a condition in tigers called fibrocartilaginous emboli, which causes a sudden blockage of the veins or arteries around a section of spinal cord by an embolus of fibrocartilaginous material in the bloodstream. This leads to the acute damage or death of that part of the spinal cord. In some cases, tigers may recover with appropriate husbandry and supportive care. But with surgery, tigers have a better chance of full recovery. In some cases, euthanasia is selected if the quality of life is poor during supportive care. In this case, the Lowes once again delayed seeking veterinary care for the animal until his prognosis was poor. A veterinarian should have examined Promise when the problem first occurred to give the tiger the best chance of recovery and to ensure the best decision for the animal’s welfare.

42. During each of APHIS's recent inspections of Tiger King Park in December 2020, January 2021 and February 2021, the inspectors observed a young adult Big Cat hybrid named Django with various gait abnormalities, including lameness and neurological abnormalities in his hind quarters. *Lowe*, No. 20-cv-00423, Dkt. 28-33 (Ex. BB) at 4, Dkt. 72-4 (Ex. CCC) at 5-6. Some of these symptoms were apparently intermittent, which could indicate that such complications may be a result of an inadequate diet. Despite multiple citations for failure to provide adequate care, for months Django's symptoms went untreated by a veterinarian. Another young adult lion-tiger hybrid named Kyro started exhibiting similar intermittent neurological issues in February 2021. In response to this Court's January 15, 2021 order, the Lowes hired Dr. Fryer, who appears to lack familiarity with conditions commonly found in Big Cats who received inadequate diets and, thus, did not treat Django for those symptoms. In March 2021, Django was viciously attacked by one or more tigers and died during surgery. Django was diagnosed post mortem with extraordinarily low levels of Vitamin A in the liver, supporting the conclusion that a vitamin deficiency may have been contributing to his intermittent neurological problems. It is likely that Kyro's neurological issues similarly stem from an inadequate diet.

43. During the February 19, 2021 inspection, one tiger was observed with a circular wound on her nose. *See* photo below. Such skin lesions can be caused by trauma, infection, parasites, or other medical issues. Another tiger had hair loss on the top and inside of both front legs just below the elbow and small red lesions on several toes of both back feet. No veterinary records were provided for either animal.



44. During the January 2021 inspection, the APHIS inspectors cited the Lowes for failing to provide adequate veterinary care to a senior wolf hybrid and a senior lion despite being cited during the previous inspection for failure to provide these animals adequate veterinary care. *Lowe*, No. 20-cv-00423, Dkt. 28-33 (Ex. BB) at 2-3, Dkt. 72-4 (Ex. CCC) at 4-5. During the December inspection, Simba, the lion (see photo, right), was quite thin and had areas of hair loss near the hip area. *Id.*, Dkt. 28-33 (Ex. BB) at 3. His spine and hip bones were easily visible and he remained lying down throughout the time he was observed by APHIS inspectors. *Id.* Nevertheless, the Lowes did not seek veterinary care for the lion in the five weeks between inspections, though they apparently gave him some weight gain supplement. *Id.*, Dkt. 72-4 (Ex. CCC) at 5. When asked about an arctic fox who was limping and suffering from an infected right front limb, the facility representative indicated that they had not



noticed the problem and, thus, had not sought veterinary care for the animal. *Id.* at 6. The inspectors also observed the black jaguar with hair loss on the end and sides of its tail, likely caused by the animal sucking on its tail. This was confirmed by Erik Cowie, one of the head animal caretakers at Tiger King Park, who stated during a deposition on January 22, 2021, that the condition of his tail was due to the “neurotic behavior” of sucking his tail. This behavior is common among jaguars who are in enclosures that are too small or who lack appropriate enrichment. The facility representative once again stated that they had not noticed the problem and, thus, had not sought veterinary care for the animal.

45. Pursuant to this Court’s January 15, 2021 order, the Lowes relinquished to USDA 10 tigers aged 1 year or younger and four of the adult mothers on January 24, 2021. TWAS ran fecal samples for some of the juveniles who had poor coats, which can indicate the presence of parasites. Four tested positive for roundworms and giardia. Most of the young tigers were underweight according to the TWAS veterinarian, by 20-25 percent of their body weight. One of the adult tigers, Gracie, was observed to have decreased range of motion and possible discomfort due to a severe deformity of her left forelimb and possible mild deformity of her right forelimb. The other adult tigers had lesions or ulcers on their foot pads, which can be due to inappropriate housing and/or a poor diet. Six of the ten juveniles had raw, thin, or irritated dry pads possibly resulting from housing the animals in wet, abrasive environments, such as sand. These wounds can be painful, result in infection, discomfort and gait changes. To date, the United States has not been provided any veterinary records that indicate that these animals were being provided adequate care by the Lowes to address these issues.

III. The Big Cats in the Lowes' care, custody, possession or control have been harmed and harassed as a result of being housed in enclosures that lack protection from inclement weather and/or that are so small as to prevent the animals from engaging in basic behaviors that are normal for the species.

46. The Lowes have harmed a number of their Big Cats by failing to provide those animals with adequate shelter from inclement weather. APHIS inspectors visited Tiger King Park days after the severe winter storm that affected Oklahoma in mid-February 2021. Fourteen Big Cats did not have adequate shelter from inclement weather despite APHIS inspectors citing the Lowes for providing their animals with inadequate shelter in both December 2020 and January 2021. *See* photo below taken by APHIS inspectors during February 2021 inspection; *see also* *Lowe*, No. 20-cv-00423, Dkt. 28-33 (Ex. BB) at 9, Dkt. 72-4 (Ex. CCC) at 3. Although Big Cats are generally cold tolerant, they may still be adversely affected by windy and wet conditions. Failing to provide them any shelter from winter storms, such as the one in Oklahoma in February, likely caused the animals significant discomfort to the point of being life-threatening.



47. The Lowes also have harmed and harassed at least 20 of the Big Cats by failing to provide them enclosures of sufficient size to allow the animals to engage in normal behaviors. *See, e.g.,* photos to right and below taken by APHIS inspectors during February 2021 inspection. Lions, tigers, and hybrids thereof must have enough space to freely stand on their rear legs and stretch. Leopards should have elevated resting platforms. Instead, the Lowes are housing most of these Big Cats in “box cages,” which measure 7 feet tall, 8 feet wide and 14 feet long. *Lowe*, No. 20-cv-00423, Dkt. 28-33 (Ex. BB) at 8. Being housed long term in small



enclosures that are meant to be used temporarily can disrupt a Big Cat’s normal behavioral patterns and harass the animal, an issue that the Lowes were warned of in December 2020 and January



2021. *Id.*, Dkt. 28 (Ex. BB) at 8, Dkt. 72 (Ex. CCC) at 3-4. In fact, during the February 19, 2021 inspection, fourteen of the Big Cats were observed pacing in their enclosures. Pacing can be a stereotypical behavior caused by boredom and stress in Big Cats. The number of Big Cats pacing has increased since the January 2021 inspection in which four Big Cats were

observed pacing in their inadequate enclosures. *Id.*, Dkt. 72 (Ex. CCC) at 3. If the Big Cats

continue to be housed in enclosures that are too small to allow them to engage in normal behaviors, it is likely that the number of Big Cats exhibiting stress behavior will continue to increase.

48. During the February 19, 2021 inspection, four tigers were observed to have hair thinning to hair loss and thickening of the skin on their elbows. Hair loss and thickening of the skin usually occurs when the elbows are subjected to continuous trauma from laying on inappropriate surfaces. Elbow

calluses or hygromas—fluid filled sacs that can form on the joints—can become ulcerated and infected if not addressed early. Most of the floors in the box cages are constructed of wood. During the inspection, many of the floors were extremely muddy or soiled. Many of the animals could not



avoid these soiled areas and did not have a choice of a clean, dry area. Animals should not be forced to spend all of their time in moist dirty conditions as it can adversely affect their pads, cause skin irritation, or exacerbate existing problems such as elbow hygromas.

IV. Observations from the Execution of the First Warrant on May 6, 2021

49. On May 6, 2021, I inspected all of the Big Cats at Tiger King Park with the assistance of a USDA-APHIS inspector (a veterinarian with Big Cat experience) who inspected the zoo in January 2021 and February 2021. Our initial impression was that the conditions at the facility had declined since USDA's last visit in February 2021. In particular, the body condition of a number of cats has worsened. On a scale of 1 to 10, with 5 being ideal, 4 being a little underweight, 3 being underweight, 2 being thin, and 1 being emaciated, the following Big Cats appear to be receiving an insufficient quantity of food:

- a. Ima Sweetie Pie: 2 (thin)
- b. Daisy: 3 (underweight) (seen below with scarring on nose from cage rub



- c. Legacy: 3 (underweight)
- d. Wendy: 3 (underweight)
- e. Rita: 3 (underweight)
- f. Opie: 3 (underweight)
- g. Simba: 3 (underweight)
- h. Patronus: 4 (a little underweight)
- i. Rico: 4 (a little underweight)
- j. Samira: 4 (a little underweight)

- k. Mia: 4 (a little underweight)
- l. Griffey: 4 (a little underweight)
- m. Gladys: 4 (a little underweight)
- n. Enzo: 4 (a little underweight)
- o. Jax: 4 (a little underweight) and
- p. Clay: 4 (a little underweight)

In addition, I observed two cougars of concern, one a little underweight (score of 4) and one thin (score of 2) (see photo below).



50. Consistent with Dr. Fryer's observations from April 30, 2021, we observed rotting animal carcasses inside some of the Big Cat enclosures (see photo below) and a pile of rotting

carcasses that had not been properly disposed of inside the zoo with flies (see photo below).



Jeff Lowe was cited for similar sanitation issues in June 2020. USDA informed Mr. Lowe at the time, the “improper or delayed disposal of carcasses has resulted as an attractant for flies and other pests....The flies have created fly strikes on many species in the park including tigers, lions, and wolves. Fly strikes have resulted in large patches of painful ulceration on the ears, and legs of numerous tigers, lions, and wolves. Ulcerated areas are red, have scabs and some have exuded pus or fresher blood. These affected areas are missing hair, skin and/or deeper flesh.” *Lowe*, No. 20-

cv-00423, Dkt. 28-15 (Ex. J) at 6-7. Fly strike is caused by flies continuously attacking, biting, and penetrating the skin of an animal, laying eggs on open and irritated skin and causing infestations of maggots.

51. In addition to the rotting carcasses, I observed the refrigerator truck covered in flies, which a facility representative previously indicated was the primary source of refrigeration for meat to be provided to the Big Cats. A stench of rotting animals was coming from the truck, which appeared to be in need of repair.

52. On May 6, 2021, I visually inspected, to the extent possible, every Big Cat at Tiger King Park. I observed at least 8 Big Cats with notches or other healed damage to their ears. This could be from frostbite, fly strike, or from fighting with other Big Cats.

53. Sasha, a female tiger being housed with four males, had obvious nipples and may be pregnant. Due to the complexity of removing only her from the group of five tigers, the team opted to wait until the second warrant to remove her. Mani, one of the female Big Cats removed, also had obvious nipples, appeared very round, and is likely pregnant and near-term. In addition, a representative of the sanctuary that is caring for Priscilla, another female Big Cat removed on May 6, indicated that they believe she is also pregnant.

54. Beatrice, a Big Cat seized on May 6, has a rough, unthrifty coat, which could be indicative of poor nutrition and/or parasites. At least two other Big Cats seized last week have been diagnosed with bad infestations of parasites. In addition, Beatrice was ataxic.

55. Pandora, another Big Cat that the government would have seized on May 6 if it had been safe to do so, was also ataxic, exhibiting signs of an abnormal gait.

56. I observed other Big Cats in need of veterinary care. Elvis has an eye condition, Stalker has cage rub on the side of his face—a raw area caused by rubbing against a cage. Jagger has a puncture wound on his leg that should be treated at once. Jagger also showed signs that he had been clawed on his face. The puncture wound and scars on his face indicate that his cage mate, Stevie, likely attacked him. This probably occurred as a result of the two tigers being housed in box cars far too small to safely house these animals together. In light of the fact that Dr. Fryer did not mention any of these issues in her email to USDA, it is unlikely that the Lowes are currently providing these animals treatment.

V. Big Cat Cubs

57. Based on the Lowes' pattern and practice of overbreeding their Big Cats, the way the Lowes are housing their Big Cats, the observations of the APHIS inspectors from December 2020 to February 2021, the January 2021 testimony of Erik Cowie, and my observations on May 6, 2021, there is a strong likelihood that Big Cat cubs have been born since December 14, 2020 or will be born soon to animals listed on the December 16, 2020 inventory provided by the Lowes to the United States. As already discussed, any cubs born at Tiger King Park are in grave danger because, based on evidence of past practices, the cubs are likely to be removed from their mothers too early and the Lowes consistently fail to provide them with adequate nutrition.

58. Breeding a female Big Cat more than once per year because overbreeding can be detrimental to the cat's health. However, the December 16, 2020 inventory provided by the Lowes to the United States shows that a number of the Lowes' female Big Cats have been bred more frequently, including Phoenix, Priscilla, Ima, Tilly, Boo Boo, and Mia. *See Lowe*, No. 20-cv-00423, Dkt. 28-35 (Ex. DD). And these are only the litters we know about due to information about the offspring included in the animal inventory.

59. According to the APHIS inspectors who participated in the December 15, 2020 inspection, they observed two tigers, Jagger and Stevie, breeding. Given that the gestation period for Big Cats averages 109 days, we would expect to see a litter around April 3, 2021. The Lowes have not provided any acquisition records for any litters born to animals in their care, custody, possession or control as required by the December 14, 2020 court-approved stipulation or the Court's January 15, 2021 or March 26, 2021 orders. *See Lowe*, No. 20-cv-00423, Dkt. 23, 65, 80. Jagger and Stevie have been bred together before and are the parents of Axyl, a male tiger born around September 4, 2016. *Id.*, Dkt. 28-35 (Ex. DD) at 9.

60. Based on the transcript of testimony provided by Erik Cowie on January 22, 2021, Mr. Cowie acknowledged that there are "active breeders" at Tiger King Park. Excluding the females who have already been seized, the Lowes continue to house over a dozen female Big Cats with males. As noted above, at least one of those female Big Cats—Sasha—appears to be pregnant.

61. Even for someone with training and experience with Big Cats, it can be difficult to determine whether a Big Cat is pregnant. Some Big Cats display mammary development and other visible signs of pregnancy while others may not have any visible signs of pregnancy until just before they are about to give birth.

62. Big Cat cubs are quite small when they are born. For example, tigers weigh only around 2.5-3.5 pounds. The following chart provides the approximate weight of generic “Bengal” tiger cubs. Generic Siberian tigers will be a bit a larger.

AGE	WEIGHT
1 week	4.5 - 6 lbs
2 weeks	6. - 7.5 lbs
3 weeks	7.5 - 9 lbs
4 weeks	9 - 10 lbs
5 weeks	10 - 12 lbs
6 weeks	12 - 15 lbs
7 weeks	14 - 17 lbs
8 weeks	16 - 19 lbs
10 week	19- 25 lbs

As the chart demonstrates, Big Cat cubs remain small for the first 2 to 3 months of life. Thus, they could easily be transported or moved in a small pet carrier. **Conclusion Regarding Seizure**

Based on my training and experience and my review of the information available regarding the care and welfare of the Big Cats and the jaguar at the PREMISES, it is my professional opinion that these animals are at significant risk of continued harm and harassment. In addition, it is likely that there currently are or soon will be additional Big Cat cubs who will

MAY 11 2021
DATE

DATE _____

STEVEN P. SHREDER
U.S. MAGISTRATE JUDGE

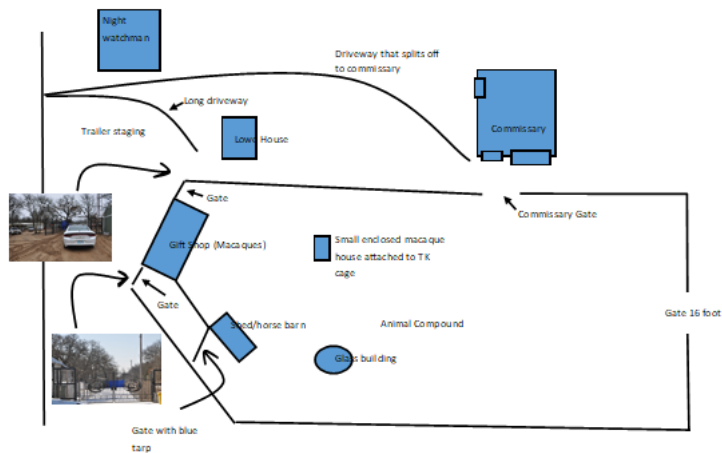
ATTACHMENT B-1

The subject premises is located on an approximately 30-acre parcel associated with the three following addresses: 21619 Jimbo Road, 21469 Jimbo Road and 21371 Jimbo Road, Thackerville, Oklahoma 73459. The Love County Assessment Property Record Card lists the address for the parcel, which is owned by Cheryl Scott, as 21619 Jimbo Road. On November 12, 2020, Love County Sheriff William L. Grisham told U.S. Department of Agriculture Investigator, Russell Russ, that 21371 Jimbo Road was associated with the mobile home where the night watchman stays, further described below. The Sheriff also told Investigator Russ that, on November 2, 2020, when the Sheriff asked Lauren Lowe for the address of the property in general, she provided 21371 Jimbo Road. Investigator Russ submitted an address information request to the Thackerville Post Office, which indicated that the Lowes' address is 21469 Jimbo Road. This is also the address listed on the Articles of Organization for Tiger King, LLC, filed with the Oklahoma Secretary of State on May 15, 2020.

A portion of the 30-acre parcel is being used as a zoo where approximately 149 wild and exotic animals are currently housed. The premises is shown in the aerial footage below:



The following is a top view diagram of the premises and most of the structures to be searched on the premises. In addition, there are four prefabricated cabins within the zoo (animal compound) to be searched. The structures are described in more detail below.



A long private driveway off of Jimbo Road leads to the main gates of the zoo. That long driveway is shown in the upper left corner of the diagram above. About 100 yards from Jimbo Road on the driveway is the following signage, referring to Tiger King Park:



Beyond the signage, the driveway travels over the crest of a small hill and then bends to the right. At the bend is located a mobile home where the Lowes' security guard stays at night.

Past the mobile home, the driveway leads to one of the gates to the zoo, shown in the photo below.



The Lowes' residence is the single-story portable cabin or home resting on cinder blocks seen to the left of the gate in the distance in the above photo. The cabin has a white door with a window pane and a front porch with wooden beams. When facing the cabin, on the right side is a large white roller garage-type door. The green structure on the right is another portable cabin that is intended to be used as a gift shop, but has housed some zoo animals since at least January 2021. The cabin has a white front door with a window pane and a front porch with a wood frame. To the side of the front door are two windows with white trim. The gift shop and second gate to the zoo can be seen in the photo below:



To the left of the cabin in which the Lowes reside, the driveway leads to the commissary. The commissary is a building made of corrugated metal panels. The building has corrugated metal walls and roof. When you approach the building from the Lowes' cabin, there is a walk thru doorway on the left side of the building. If you continue to the right side of the building, there is a garage-type door and then another walk thru door. When facing that wall of the commissary, behind you is another gate to the zoo.

Within the zoo's perimeter fence are structures housing the animals such as the following:



In addition, the zoo contains a horse barn, a glass building, a structure that has been used to house the macaques, and four 12x20 portable cabins, such as the one seen below each with a porch made of wood beams and trim.



ATTACHMENT C-1

PROPERTY TO SEIZE

The United States seeks authorization to seize any and all of the Big Cats and the jaguar listed in the chart below that are found at the PREMISES:

Number	Species	Name	Gender
1	Tiger	Nobu	F
2	Tiger	Kingsly	M
3	Tiger	Luxor	M
4	Tiger	Emory	F
5	Tiger	Daisy	F
6	Tiger	Gladys	F
7	Tiger	Thor	M
8	Tiger	Stalker	M
9	Tiger	Ima Sweetie Pie	F
10	Tiger	Enzo	M
11	Tiger	Lisa Marie	F
12	Tiger	Thor Sr.	M
13	Tiger	Thunder	M
14	Tiger	Lightening	M
15	Tiger	Mia	F
16	Tiger	Griffey	F
17	Tiger	Sebastian	M
18	Tiger	Elvis	M
19	Tiger	Prince	M
20	Tiger	Patronus	M
21	Tiger	Clay	M
22	Tiger	Brutus	M
23	Tiger	Pandora	F
24	Tiger	Merlin	M
25	Tiger	Sasha	F
26	Tiger	Rocky	M
27	Tiger	Charlie Bear/Brown	M
28	Tiger	Axel	M
29	Tiger	Gemma	F
30	Tiger	Tara	F
31	Tiger	Nora/Nova	F
32	Tiger	Braden	M
33	Tiger	Buckley/Blackely	F
34	Tiger	Zuzu	F
35	Tiger	Kuma	M
36	Tiger	Songa	M
37	Tiger	Maddie	F
38	Tiger	Chuffers	F

39	Tiger	Sansa	F
40	Tiger	Cersi	F
41	Tiger	Tierian	M
42	Tiger	Khaleesi	F
43	Tiger	Chuckles	M
44	Tiger	Opie	M
45	Tiger	Jagger	M
46	Lion	Rico	M
47	Lion	Samira	F
48	Lion	Jax	M
49	Lion	Aurora	F
50	Lion	Allana	F
51	Lion	Simba	M
52	Lion-Tiger Hybrid	Mayte/Mayti	M
53	Lion-Tiger Hybrid	Grace	F
54	Lion-Tiger Hybrid	Legacy	F
55	Lion-Tiger Hybrid	Rita	F
56	Lion-Tiger Hybrid	Wendy	F
57	Lion-Tiger Hybrid	Alyssa	F
58	Lion-Tiger Hybrid	Lucky	M
59	Lion-Tiger Hybrid	Jon Snow	M
60	Lion-Tiger Hybrid	Ashley	F
61	Lion-Tiger Hybrid	Drogon	M
62	Lion-Tiger Hybrid	Shear Khan	M
63	Black Jaguar	Bagheera	M

In addition to the above animals, the United States seeks authorization to seize any and all additional Big Cats found at the PREMISES.