

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

UNITED STATES OF AMERICA,

Plaintiff,

–v–

JEFFREY LOWE, LAUREN LOWE,
GREATER WYNNEWOOD EXOTIC
ANIMAL PARK, LLC, and TIGER KING,
LLC,

Defendants.

Case No. 6:20-cv-00423-JFH

**PROPOSED INTERVENOR-PLAINTIFF PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS' BRIEF IN SUPPORT OF MOTION TO INTERVENE**

Table of Contents

Statement of Compliance With LCvR 7.1(f)	1
Preliminary Statement.....	1
Factual Background	2
Procedural Background.....	3
Argument	6
I. PETA is Entitled to Intervene As of Right.....	6
A. PETA’s Intervention Is Timely.....	6
B. PETA Has Substantial Interests in This Proceeding.....	8
1. PETA seeks to redress impairment of its mission	8
2. PETA has litigation interests at stake	9
3. PETA has financial interests at stake.....	11
C. The Disposition of This Case May Impair PETA’s Interests	11
1. PETA is entitled to redress impairment of its mission	11
2. PETA is entitled to protect its litigation interests	12
3. PETA is entitled to protect it is financial interests	13
D. PETA’s Interests Are Not Adequately Represented by the Existing Parties.....	13
1. The government presumptively represents varied stakeholders	13
2. PETA is entitled to pursue its own litigation strategy	16
II. Alternatively, PETA Satisfies the Standards for Permissive Intervention.....	17
Conclusion	18

Table of Authorities

Cases

<i>Big Cat Rescue Corp. v. Schreibvogel</i> , No. CIV-16-155-SLP, 2020 WL 2842845 (W.D. Okla. June 1, 2020).....	17
<i>Coal. of Arizona/New Mexico Ctys. for Stable Econ. Growth v. Dep’t of Interior</i> , 100 F.3d 837 (10th Cir. 1996).....	passim
<i>Kane Cty. v. United States</i> , 928 F.3d 877 (10th Cir. 2019).....	passim
<i>Nat’l Farm Lines v. Interstate Commerce Comm’n</i> , 564 F.2d 381 (10th Cir.1977).....	6, 14, 16
<i>Natural Res. Def. Council v. United States Nuclear Regulatory Comm’n</i> , 578 F.2d 1341 (10th Cir.1978).....	11, 13
<i>PETA v. Dade City’s Wild Things, Inc.</i> , No. 8:16-CV-2899-T-36AAS, 2019 WL 245343 (M.D. Fla. Jan. 17, 2019).....	3
<i>PETA v. Lauren Lowe</i> , No. 5:20-CV-00612-PRW (W.D. Okl. Dec. 17, 2020).....	11
<i>PETA v. Lowe, et al.</i> , No. 5:20-CV-01076-D (W.D. Okla. Oct. 22, 2020).....	passim
<i>PETA v. Tri-State Zoological Park of W. Maryland, Inc.</i> , 424 F. Supp. 3d 404 (D. Md. 2019), aff’d, No. 20-1010, 2021 WL 305546 (4th Cir. Jan. 29, 2021).....	3, 17
<i>PETA v. United States Dep’t of Agric.</i> , 861 F.3d 502 (4th Cir. 2017).....	14
<i>PETA v. Wildlife in Need and Wildlife in Deed, Inc., et al.</i> , 476 F. Supp. 3d 765 (S.D. Ind. Aug. 3, 2020)	passim
<i>San Juan Cty., Utah v. United States</i> , 503 F.3d 1163 (10th Cir. 2007).....	7
<i>United States v. Osage Wind, LLC</i> , No. 14-CV-704-GKF-JFJ, 2020 WL 3578351 (N.D. Okla. July 1, 2020).....	6
<i>Utah Ass’n of Ctys. v. Clinton</i> , 255 F.3d 1246 (10th Cir. 2001).....	passim
<i>W. Energy All. v. Zinke</i> , 877 F.3d 1157 (10th Cir. 2017).....	passim
<i>WildEarth Guardians v. National Park Service</i> , 604 F.3d 1192 (2010)	8, 9, 11, 13

Statutes

16 U.S.C. § 1540(g)(2)	5, 7
16 U.S.C. § 1540(g)(4)	11, 12

Rules

Rule 12(b)(6), Federal Rules of Civil Procedure	7
Rule 24(a)(2), Federal Rules of Civil Procedure	8, 11, 12
Rule 24(a), Federal Rules of Civil Procedure	2, 6, 17, 18
Rule 24(b)(1)(B), Federal Rules of Civil Procedure.....	17, 18

..

Rule 24(b)(3), Federal Rules of Civil Procedure 17
Rule 24(b), Federal Rules of Civil Procedure..... 2, 6, 17, 18
Rule 27(a)(2), Federal Rules of Civil Procedure 5
Rule 7.1(f), Local Civil Rules..... 1

...

Statement of Compliance With LCvR 7.1(f)

Proposed Plaintiff-Intervenor People for the Ethical Treatment of Animals, Inc. (“PETA”) has fulfilled its obligation to meet and confer with counsel of record for Defendants and the Plaintiff the United States of America under LCvR 7.1(f). Counsel for the United States, by telephone conference and email (allowed under LCvR 7.1(f) given the significant distance between offices of counsel), informed PETA that the United States does not oppose PETA’s requested intervention, but reserves the right to move the Court to place any limits on PETA’s participation it may deem reasonable and necessary. During an in-person meet and confer with counsel for Defendants held Tuesday, April 20, 2021, counsel discussed the parties’ positions with respect to the proposed intervention, after which counsel for Defendants informed PETA’s counsel that his clients intend to oppose PETA’s motion to intervene, on grounds to be set out in their opposition.

Preliminary Statement

PETA is a non-profit dedicated to protecting animals from abuse, neglect, and cruelty. For many years, this has meant confronting Jeffrey Lowe, Lauren Lowe, and their many business partners and facilities through, among other means, fielding public complaints, conducting investigations, submitting public records requests and regulatory complaints, publishing press releases and other media content, coordinating public demonstrations, and prosecuting litigation in Florida, Indiana, and Oklahoma.

These measures were necessitated by PETA’s mission. For years, Defendants have been the hub of a national industry of hands-on interaction between members of the public and exotic animals including lions, tigers, and hybrids thereof. As some of the highest profile exploiters and abusers of animals, including those protected by the Endangered Species Act (“ESA”), Defendants’ ongoing operations have significantly impaired PETA’s mission. In addition, Mr. Lowe and Mrs. Lowe and their accomplices, many of whom are Defendants in this action, have

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.