

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ANIMAL LEGAL DEFENSE FUND, a non-profit corporation,

Plaintiff,

v.

**NATIONAL FOUNDATION FOR
RESCUED ANIMALS D/B/A TIGER
CREEK ANIMAL SANCTUARY**, a non-profit corporation; **BRIAN WERNER
FERRIS**, an individual; & **EMILY OWEN**,
an individual,

Defendants.

Civil Action No. _____

**PLAINTIFF ANIMAL LEGAL DEFENSE FUND’S ORIGINAL COMPLAINT AND
REQUEST FOR DECLARATORY RELIEF AND PERMANENT INJUNCTION**

Plaintiff ANIMAL LEGAL DEFENSE FUND (“ALDF” or “Plaintiff”), by and through its attorneys of record, files this, its Original Complaint and Request for Declaratory Relief and Permanent Injunction against Defendants, NATIONAL FOUNDATION FOR RESCUED ANIMALS D/B/A TIGER CREEK ANIMAL SANCTUARY (“Tiger Creek”); BRIAN WERNER FERRIS, as an individual and in his capacity as founder and former director of Tiger Creek; and EMILY OWEN, as an individual and in her capacity as Chairman and Executive Director of Tiger Creek (collectively “Defendants”), and would respectfully show as follows:

I. NATURE OF THE CASE

1. Over the past five years, at least nine lions and tigers have died at Defendants’ “sanctuary” for big cats. Through a careless approach to providing timely and adequate veterinary care, Defendants’ actions have eviscerated the big cats’ population at Tiger Creek

by a third. Among these deaths are a tiger who laid dying for days in his own waste without any veterinary intervention, a lion with gaping wounds who was forced to endure extensive and painful medical treatments to generate donations until his death, and immobile, dying cats stabbed repeatedly in their chest in a brutal form of euthanasia.

2. Each death resulted from the haphazard management of Defendants Emily Owen or Brian Werner Ferris, the current and former Tiger Creek Directors who consistently ignored the pleas of dedicated employees seeking care for the injured and ill animals at Tiger Creek. Each death also resulted from Tiger Creek's persistently understaffed operations.

3. Despite their demonstrated inability to provide timely and adequate veterinary care for the dozens of big cats exhibited at their facility, Defendants have consistently added more animals over the past five years in a quest to generate public attention. The pursuit is without regard for Defendants' ability to care for those animals. This includes two ring-tailed lemurs—a highly social and intelligent species—Defendants acquired with no plan for their care, leaving each to live in bird cages, alone, for years and without a sufficient Animal Welfare Act (“AWA”)-mandated enrichment plan to account for their complex psychological needs.

4. The animals who remain alive—seventeen tigers, two lions, two ring-tailed lemurs, and a number of pumas, servals, and bobcats—suffer from the conditions of their confinement. Defendants' inadequate staffing has caused sparse and randomly-implemented enrichment, unsafe diets, and improper sanitation that has significantly disrupted each animal's normal behavioral patterns. Several animals chewed their tails off from stress and disruptions to their species-specific behaviors that Defendants' conditions of confinement have created.

5. Defendants' care of the animals contravenes generally-accepted practices for the conditions of captive animals, are contrary to the AWA's terms, and have actually injured,

wounded, and harmed the lions, tigers, ring-tailed lemurs, and members of other endangered or threatened species captive at Tiger Creek. The care has additionally harassed each of these animals by significantly disrupting their normal behavioral patterns. This case challenges these conditions under the Endangered Species Act (“ESA”) and seeks to enjoin Defendants from continued violations of the Act.

II. PARTIES

PLAINTIFF

6. ANIMAL LEGAL DEFENSE FUND is a national non-profit organization headquartered in Cotati, California with over 300,000 members and supporters. ALDF pursues its mission of protecting the lives and advancing the interests of animals by advocating for the protection of endangered and threatened animals. ALDF frequently focuses on animal husbandry practices and the confinement of animals used for entertainment and exhibition purposes. ALDF has expended significant organizational resources on advocacy and public education efforts to improve the welfare of animals—including members of threatened and endangered species—that are held in captivity. ALDF is entitled to bring a citizen suit under the ESA. 16 U.S.C. §§ 1540(g), 1532(13).

7. ALDF brings this action on behalf of its members pursuant to the citizen-suit provision of the ESA. 16 U.S.C. § 1540(g). Several ALDF members have visited and worked at Tiger Creek, where they observed, had daily interactions with, and developed aesthetic and emotional connections to the animals there, including the tigers, lions, ring-tailed lemurs, pumas, servals, and bobcats. These members became distressed and upset due to the animal mistreatment and suffering that they witnessed. The inhumane and inadequate conditions

prevent ALDF members who worked at Tiger Creek from viewing and enjoying the animals kept there, both during and after their employment at Tiger Creek.

8. Because ALDF's members appreciate and are attached to the particular animals at Tiger Creek and are concerned about their welfare, they wish to observe the animals in humane conditions and, likewise, are injured by seeing them in inhumane, harmful conditions. If the animals at Tiger Creek were transferred to a sanctuary or other place where they were no longer mistreated and where they lived in humane conditions, ALDF's members would visit the animals. Similarly, if the Court ordered Tiger Creek to improve the conditions in which the animals are kept at Tiger Creek such that the animals are living in safe, humane, and ESA-compliant conditions, then members of ALDF would visit the animals at Tiger Creek without aesthetic injury.

9. ALDF and its members seek to guard their interests in protecting the lives of and advancing the interests of the endangered and threatened animals located at Tiger Creek. Further, both ALDF and its members have been, and will continue to be, harmed by Defendants' "take," transfer, and other violations of the ESA against the endangered and/or threatened animals through Defendants' operation and management of Tiger Creek. Neither the claims asserted by ALDF, nor the relief it requests, require the participation of its individual members.

DEFENDANTS

10. NATIONAL FOUNDATION FOR RESCUED ANIMALS D/B/A TIGER CREEK ANIMAL SANCTUARY is a 501(c)(3) non-profit organization located at 17552 Farm to Market Road 14, Tyler, Texas 75706. Tiger Creek has its principal place of business in Texas.

11. BRIAN WERNER FERRIS, in his individual capacity and in his capacity as founder and a former director of Tiger Creek, is, upon information and belief, a citizen and resident of Tyler, Texas.

12. EMILY OWEN, in her individual capacity and in her capacity as Chairman and Executive Director of Tiger Creek, is, upon information and belief, a citizen and resident of Tyler, Texas.

III. JURISDICTION & VENUE

13. The Court has subject-matter jurisdiction over these claims pursuant to 28 U.S.C. § 1331 because this Complaint states claims arising under federal law. Specifically, the Complaint alleges violations of the Endangered Species Act, 16 U.S.C. §§ 1531 *et. seq.*

14. Pursuant to 28 U.S.C. §§ 2201–02, the Court is authorized to provide declaratory relief. The ESA’s citizen-suit provision further authorizes the Court to enjoin violations of the ESA and its implementing regulations. *See* 16 U.S.C. § 1540.

15. Plaintiff provided Defendants and the Secretary of the Interior (“Secretary”) notice of its intent to sue Defendants on January 10, 2022 via email, first class mail, and certified return receipt requested mail at least sixty (60) days in advance of this Complaint, as required by the ESA. 16 U.S.C. § 1540(g)(2)(A)(i); *see also* Exhibit A, a true and correct copy of ALDF’s Notice of Intent Letter to Defendants, which is specifically incorporated herein by reference. The violations identified in the Notice Letter continue to occur and are reasonably likely to continue to occur. On information and belief, Defendants have not applied for any permit to lawfully take or transfer interstate members of federally-listed species, nor have Defendants taken any action to remedy or prevent continued violations of the ESA. The

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