

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

PEOPLE FOR THE ETHICAL	)	
TREATMENT OF ANIMALS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:17-cv-00186-RLY-DML
	)	
WILDLIFE IN NEED AND WILDLIFE IN	)	
DEED, INC.,	)	
TIMOTHY L. STARK,	)	
MELISA D. STARK,	)	
JEFFREY L. LOWE,	)	
	)	
Defendants.	)	

Order on Plaintiff's Motion to Compel as to Defendant Lowe (Dkt. 343)

Plaintiff People for the Ethical Treatment of Animals, Inc. ("PETA") moves to compel defendant Jeffrey Lowe to respond to the plaintiff's interrogatories and document requests, without objection, and sit for his deposition. PETA also seeks its attorneys' fees in bringing the motion to compel. PETA served written discovery on Mr. Lowe on April 1, 2020, to which Mr. Lowe responded in mid to late May. PETA noticed and took Mr. Lowe's deposition via remote means on May 27, 2020, and it attempted to address certain deficiencies it had identified in Mr. Lowe's written discovery responses during that deposition. Mr. Lowe refused to answer many questions, and he unilaterally terminated the deposition after a short period—and after constantly threatening to do so.

Among other topics, Mr. Lowe has refused to disclose records and information about the medical condition, diet, and enrichment plans of some Big Cats (four

lions) defendant Tim Stark physically transferred to Mr. Lowe during the course of this litigation on the grounds that the information is privileged or cannot be disclosed because the Indiana Attorney General told Mr. Lowe to keep such information secret. Neither ground has any merit. Mr. Lowe has also refused to answer questions about the day-to-day care of these Big Cats, including treatment by veterinarian(s) and their identity. Mr. Lowe has refused to answer some questions—questions clearly relevant and material to issues at stake in this litigation—on the grounds that it is none of PETA's "f\*\*\*ing business."

Mr. Lowe did not respond to PETA's motion to compel, and the court cannot conceive of any legitimate basis he could have to refuse to provide the information—via written discovery requests and deposition—that PETA has asked him. The court GRANTS PETA's motion (Dkt. 343) to compel in its entirety and ORDERS:

1. Mr. Lowe's objections to PETA's interrogatories and requests for production of documents are OVERRULED. Mr. Lowe is ORDERED to supplement his responses to the interrogatories and requests for production of documents, without any reliance on objections, within 21 days of the entry of this order. He must also produce the requested documents within the 21-day period.

2. Mr. Lowe is ORDERED to sit for another deposition by PETA and answer questions including, without limitation, (a) those regarding any Big Cats transferred between Mr. Lowe and other Defendants in this litigation and (b) those pertaining to the conditions of the Big Cats' confinement from the day they were transferred to Mr. Lowe's facility to the present.

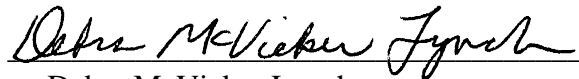
3. PETA must provide Mr. Lowe with several possible dates for his deposition scheduled after the 21-day period and allow Mr. Lowe five days to select one of the dates. If Mr. Lowe does not respond within that five-day period, PETA unilaterally may choose the date and serve an appropriate deposition notice. The deposition may last up to seven hours; that period may be extended, or a second deposition ordered, if Mr. Lowe continues to act in bad faith.

4. The court warns Mr. Lowe that sanctions may be imposed if he continues to act obstreperously.

5. The court GRANTS PETA's request under Rule 37 for an award of its fees in bringing the motion to compel. It may file its petition for fees within 30 days of the entry of this order.

So ORDERED.

Dated: 6/30/2020



Debra McVicker Lynch  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

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

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