

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

UNITED STATES OF AMERICA,

Plaintiff,

No. 20-cv-00423-JFH

V.

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

Defendants.

-----/

CARRIE M. LEO

Plaintiff-Intervenor

V

INTERVENOR’S COMPLAINT

THE UNITED STATES OF AMERICA,
JEFFREY LOWE and LAUREN LOWE

Defendants in Intervention

_____ /

The undersigned Intervenor, as a pro se party, with the Court’s permission to file the instant Complaint in intervention alleges and says as follows:

1. This Court already has personal and subject matter jurisdiction of the action and the parties.
2. The undersigned is the owner of eight (8) exotic animals that Defendants in Intervention Jeffrey Lowe and Lauren Lowe have refused to return to the

Intervening Plaintiff despite proof of ownership and numerous demands for the return of them.

3. Joseph Maldonado-Passage was the former agent, owner, and business partner with the Defendants Jeffrey Lowe and Lauren Lowe, and all of the intentions and understanding between the Defendants taking receipt and possession of the undersigned Intervening Plaintiff's animals are established and reflected in an email dated February 10, 2017 (**Exhibit 1**); and a confirming email dated April 19, 2017 (**Exhibit 2**). These emails precede the delivery and tender of the Plaintiff-Intervenor's 8 exotic animals, from the undersigned owner-bailor to the care, custody, and possession of the Defendants and Mr. Maldonado-Passage.
4. **Exhibit 4** is the Affidavit of Joseph Maldonado-Passage dated May 10, 2019 which wholly corroborates the objective emails as shown in Exhibits 1 & 2.
5. Defendant in Intervention, the United States of America, through its regulatory federal agencies including the United States Department of Agriculture continue to interfere and take other legal measures that deprive, cause, enables and empowers the named Defendants to withhold the release and recovery of the Plaintiff's eight (8) exotic animals to her.

INTERVENOR'S DECLARATORY ACTION CLAIM OF REPLEVIN

6. The Intervening Plaintiff is the owner of the eight (8) exotic animals at Thackerville Zoo which is owned, controlled, and operated by Defendants in Intervention Jeffrey Lowe and Lauren Lowe, and the undersigned has continued to seek the immediate return of said property and the animals continue to be wrongfully withheld and as such the Plaintiff is suffering damages and injuries.
7. Defendant, the United States of America, continues to have its agents, agencies, and employees assert legal processes, administrative orders, and administrative actions that serve to keep the Plaintiff's property from her immediate repossession and recovery, but does allow the defendants named by the Plaintiff to continue to hold onto the undersigned's animals when there is no reasonable question as to the possessory/property rights of said exotic animals.
8. The Defendants in this intervening action are acting alone, in tandem, together, and in complimentary ways that continue to frustrate and inhibit the Plaintiff's right to recover her property, but the undersigned's clear delineated property rights is without quarrel or dispute.
9. Under the Declaratory Judgment Act, a district court "may declare the rights and other legal relations of [an] interested party seeking [declaratory

relief]." 28 U.S.C. § 2201(a) (emphasis added). The five factors district courts consider in deciding whether to exercise their discretion to hear and decide claims for declaratory judgment are:

[1] whether a declaratory action would settle the controversy; [2] whether it would serve a useful purpose in clarifying the legal relations at issue; [3] whether the declaratory remedy is being used merely for the purpose of procedural fencing or to provide an arena for a race to res judicata; [4] whether use of a declaratory action would increase friction between our federal and state courts and improperly encroach upon state jurisdiction; and [5] whether there is an alternative remedy which is better or more effective.

State Farm Fire & Casualty Co. v. Mhoon, 31 F.3d 979, 983 (10th Cir. 1994), Hatton v. Combs (10th Cir. 2019); Hatton v. Combs (10th Cir. 2019).

10. Intervening Plaintiff can affirmatively establish an intended bailment of her exotic animals, her properties, as per the following case law examples and definition of a bailment, and as such seeks an order for the return of same:

"A bailment of goods to be kept by the bailee without reward and delivered according to the object or purpose of the original trust. In general, an act by which a person received the property of another, binding himself to preserve it and return it in kind The giving of the possession of personal property by one person to another, with his consent, to keep for the use and benefit of the first or a third person." See Black's Law Dictionary 394 (5th ed. 1979).

Broaddus v. Commercial Nat. Bank of Muskogee, 1925 OK 527, ¶9, 237 P. 583, 584 (defining bailment as "a delivery of personalty for some particular purpose, or on mere deposit, upon a contract, express or implied, that after the purpose has been fulfilled it shall be redelivered to the person who delivered it, or otherwise dealt with according to his directions, or kept until he reclaims it as the case may be."). In the Matter of Assessment of Personal Property Taxes against Missouri Gas Energy, 2008 OK 94 (Okla. 10/21/2008), 2008 OK 94 (Okla. 2008).

11. Intervening-Plaintiff's rights to an order returning her bailed property is consistent with the Animal Welfare Act, U.S.C. Title 7, §2131 that allows for the private collection of exotic and wild animals if such animals are not to be part of regulatory commerce, therefore the undersigned's rights to her returned property as a failed bailment and/or replevin are near identical, and the continued withholding of her property constitutes the ongoing injury and damages.

WHEREFORE, Plaintiff moves this Court for a declaratory action ordering the return of her property, a bona fide bailment, and/or replevin, the immediate return of her property, is the sole and exclusive relief being sought.

Date: September 30, 2021



Carrie M. Leo, Plaintiff, Pro Se
3199 Walworth Road
Walworth, New York 14568
carrieleo15@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document, ***INTERVENOR'S COMPLAINT***, was transmitted electronically by means of the court's electronic case filing system on September 16, 2021, to the following:

Mail:

BRIAN J. KUESTER

United States Attorney
SUSAN BRANDON, Civil Chief
United States Attorney's Office
Eastern District of Oklahoma
520 Denison Ave.
Muskogee, OK 74401

JONATHAN D. BRIGHTBILL

Principal Deputy Assistant Attorney General
Environment and Natural Resources Division

MARY HOLLINGSWORTH

Senior Trial Attorney
(303) 844-1898
US Attorney (CO-Denver)
999 18th St, S Terrace
Ste 370
Denver, CO 80202
mary.hollingsworth@usdoj.gov | (202) 598-1042

BRIENA L. STRIPPOLI

Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Wildlife & Marine Resources Section
P O Box 7611, Ben Franklin Station
Washington, DC 20044-7611
US Department of Justice (Civil-Commercial)
1100 L St, NW
Washington, DC 20530
US Department of Justice (Federal Programs)
1100 L St NW
Washington, DC 20005
briana.strippoli@usdoj.gov | (202) 598-0412
Fax: (202) 305-0275

Michael J. O'Malley
Micahel.O'Malley@usdoj.gov

Robert M. Norway
robert.m.norway@usdoj.com

Susan S. Brandon
susan.brandon@usdoj.gov

Attorneys for Plaintiff the United States of America

/s/ Mary Hollingsworth

MARY HOLLINGSWORTH

Senior Trial Attorney

BRIENA L. STRIPPOLI

Trial Attorney

United States Department of Justice

Environment & Natural Resources Division

Wildlife & Marine Resources Section

P.O. Box 7611, Ben Franklin Station

Washington, D.C. 20044-7611

Mary.hollingsworth@usdoj.gov | 202-598-1042

Briena.strippoli@usdoj.gov | 202-598-0412

Fax: 202-305-0275

Attorneys for the United States of America

Jeff & Lauren Lowe
21469 Jimbo Road
Thackerville, OK 73459

Self-Represented Litigants

/s/ Carrie M. Leo
Carrie M. Leo, *Proposed Intervenor*

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No. 20-cv-00423-JFH

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

Defendants.

CARRIE M. LEO

**AFFIDAVIT IN SUPPORT OF
INTERVENOR'S COMPLAINT**

Plaintiff-Intervenor,

v.

THE UNITED STATES OF AMERICA,
JEFFREY LOWE and LAUREN LOWE

Defendants in Intervention.

**AFFIDAVIT IN SUPPORT OF AMENDED MOTION
TO INTERVENE AND INTERVENOR'S COMPLAINT**

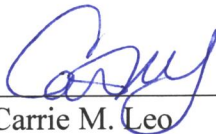
1. **Exhibit 1** contains a true and correct copy of a private messaging conversation between the Intervenor, Carrie M. Leo, and the director of the GW Zoo in 2017, Joseph Maldonado-Passage. It took place via *Facebook Messenger* on February 10, 2017 and began at 10:17 A.M. EST.
2. **Exhibit 2** contains a true and correct copy of a private messaging conversation between the Intervenor, Carrie M. Leo, and the director of the GW Zoo in 2017, Joseph Maldonado-Passage. It took place via *Facebook Messenger* on April 19, 2017 and began at 9:40 A.M. EST.
3. **Exhibit 3** contains a true and correct copy of a private messaging conversation between the Intervenor, Carrie M. Leo, and Jeff and Lauren

Lowe, the Defendants. It took place via *Facebook Messenger* on October 25, 2017 and began at 10:14 P.M. EST.

4. **Exhibit 4** contains a true and correct copy of an affidavit signed by former director of GW Zoo, Joseph Maldonado-Passage dated May 10, 2019, and filed in the Oklahoma District Court of Garvin County in Cause No. CJ 2019-00089 (case filed on June 11, 2019). The signature was witnessed by William P. Earley, Assistant Counsel for Oklahoma State Public Defender's Office.

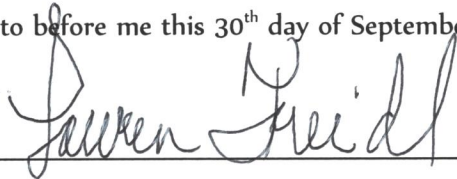
5. **Exhibit 5** contains a true and correct copy of the *Intervenor's Complaint*.

Dated: September 30, 2021



Carrie M. Leo
3199 Walworth Road
Walworth, NY 14568
ph: (315) 538-8316
email: carrieleo15@gmail.com

Sworn to before me this 30th day of September 2021



Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document, ***AFFIDAVIT IN SUPPORT OF AMENDED MOTION TO INTERVENE AND INTERVENOR'S COMPLAINT***, was transmitted electronically by means of the court's electronic case filing system's email CM-ECFIntake_oked@oked.uscourts.gov and with each of the following parties' individual emails on September 30, 2021. Defendants Jeff and Lauren Lowe have been mailed the foregoing affidavit via USPS First Class.

MARY HOLLINGSWORTH

Senior Trial Attorney
(303) 844-1898
US Attorney (CO-Denver)
999 18th St, S Terrace
Ste 370
Denver, CO 80202
mary.hollingsworth@usdoj.gov | (202) 598-1042

BRIANA L. STRIPPOLI

Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Wildlife & Marine Resources Section
P O Box 7611, Ben Franklin Station
Washington, DC 20044-7611
US Department of Justice (Civil-Commercial)
1100 L St, NW
Washington, DC 20530
US Department of Justice (Federal Programs)
1100 L St NW
Washington, DC 20005
briana.strippoli@usdoj.gov | (202) 598-0412
Fax: (202) 305-0275
Attorneys for Plaintiff the United States of America

Jeff & Lauren Lowe
21469 Jimbo Road
Thackerville, OK 73459
Self-Represented Litigants

/s/ Carrie M. Leo
Carrie M. Leo, *Proposed Intervenor*
3199 Walworth Road
Walworth, NY 14568
315.538.8316
carrieleo15@gmail.com