

STATE OF INDIANA
IN THE MARION COUNTY SUPERIOR COURT

CAUSE NUMBER 49D10-2002-PL-006192

FILED

August 28, 2020
CLERK OF THE COURT
MARION COUNTY
JW

STATE OF INDIANA,

Plaintiff,

v.

WILDLIFE IN NEED AND
WILDLIFE IN DEED, INC.,
TIMOTHY STARK, and
MELISA LANE,

Defendants.

**ORDER GRANTING STATE'S
MOTION FOR REMOVAL OF
ANIMALS PENDING A FINAL
JUDGMENT**

The Court, having considered the State's Motion for Removal of Animals Pending a Final Judgment, finds:

FINDINGS OF FACT

The Court incorporates the following paragraphs of the State's Motion for Removal of Animals Pending a Final Judgment:

Paragraphs 5-10.

CONCLUSIONS OF LAW

Indiana Code § 23-17-24-1.5(b) provides that temporary or permanent receivers can be appointed as an interim remedial or protective measure pending final judgment. Indiana Code §§ 23-17-24-3 & 23-1-47-2 provide that a court in a proceeding brought to dissolve a corporation may appoint a receiver or custodian

pendente lite, with all powers and duties the court directs, to take action required to preserve the corporate assets wherever located.

The Court finds that the State has provided evidence supporting the imposition of one or more receivers or custodians to transport and take possession of the animals described below to ensure the animals' health and welfare, and their preservation as assets in dispute in this action.

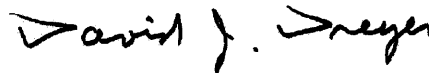
The Court **ORDERS** as follows:

1. The State's Motion for Removal of Animals Pending a Final Judgment is hereby GRANTED. The Court ORDERS all animals identified in the State's Inspection Report and in Wildlife in Need's subsequent weekly reports, excluding lions, tigers, and lion-tiger hybrids, be removed and placed into the custody of temporary receivers and/or custodians by September 18, 2020 pending a final judgment.
2. The State shall arrange for the animals, besides lions, tigers, and lion-tiger hybrids, to be put into custody of custodians and/or temporary receivers no later than September 18, 2020. Prior to September 18, 2020, the State shall submit its proposed temporary receivers and/or custodians for the Court's approval. The temporary receivers and/or custodians need not post a bond under Ind. Code § 23-17-24-3(b).
3. Defendants shall continue to follow the provisions of the Court's Preliminary Injunction, Amended Preliminary Injunction, and all others Orders currently in effect. Defendants WIN and Stark shall

continue to provide requisite care to all animals pending their removal. Pending animal removal, WIN and Stark shall immediately notify the State and the Court if WIN and Stark cannot continue to provide adequate care for the animals.

4. Defendants shall not interfere with, impede, threaten, or intimidate any person working to implement this Order, or attempt any such conduct. Defendants shall not threaten, intimidate, or attempt to influence any potential witness, counsel, or judge.
5. The State may petition the Court for additional relief and/or protective orders to assist in the effectuation of the animal removal or a matter related to implementing or complying with this Order.

Dated this 28th day of August 2020.



David J. Dreyer, Judge ^{JW}

**DISTRIBUTION TO COUNSEL OF RECORD AND PRO SE DEFENDANTS
MELISA LANE AND TIMOTHY STARK**