

May 13, 2025

Via email and Certified Mail - Return Receipt Requested

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aka Black Pine Animal
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The Honorable Doug Burgum
Secretary of the Interior
U.S. Department of the Interior
1849 C St. NW
Washington, DC 20240

Paul Souza
Director, U.S. Fish & Wildlife Service
1849 C St. NW, Rm. 3331
Washington, DC 20240

Re.: Notice of Intent to File Citizen Suit Pursuant to the Endangered Species Act Against Professional Animal Retirement Center Inc, Black Pine Animal Sanctuary, Black Pine Animal Park, Amanda Plank, Ted Storer, Barry Rochford, Cindy O'Brien, Steve Smith

This letter constitutes notice, pursuant to Section 11 of the Endangered Species Act (“ESA”), 16 U.S.C. § 1540(g)(2)(A)(i), that Joseph Maldonado intends to file suit against Professional Animal Retirement Center, Inc, known as “PARC”, an organization doing business in the State of Indiana as Black Pine Animal Sanctuary, known as “BPAS”, located at 1426 W 300 N Albion, IN 46701, Amanda Plank as an individual and in her capacity as Executive Director and/or CEO, Barry Rochford as an individual and in his capacity as the President, Steve Smith as an individual and in his capacity as the Vice President, Cindy O'Brien as an individual and in her capacity as the secretary, Luke Funk as an individual and in his capacity as the treasurer, Ted Storer, as an individual and in his capacity as a board member, Jim Kratzat, as an individual and in his capacity as a board member, Jessica Fulk, as an individual and in her capacity as a board member, Steve Bobay, as an individual and in his capacity as a board member, Tom Tearney, as an individual and in his capacity as a board member, and the persons primarily responsible for caring for the animals described herein (collectively, (PARC)), in federal district court pursuant to 16 U.S.C. § 1540(g)(1)(A) for chronic and ongoing violations of the ESA, 16 U.S.C. § 1538(a)(1)(B), (G), and its implementing regulation, 50 C.F.R. § 17. 21, to enjoin the facility's ongoing "take" of tigers. Should PARC elect to remedy the ESA violations described below and avoid litigation, it should immediately contact the undersigned attorney to effectuate an agreement to immediately cease the spaying and neutering regarding the protected Big Cats within the sixty-day notice period.

I. The Endangered Species Act

Section 9 of the Endangered Species Act (“ESA”) prohibits the “take” of endangered and most threatened species within the United States. Tigers are listed as an “endangered species” under the ESA. To which the "take" prohibition applies. Congress defined "take" "in the "broadest possible" manner to include every conceivable way in which a person can take or attempt to take any fish or wildlife." "Take" is defined by statute to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." 16 U.S. Code § 1532(19).

"Harm" and "harass" are defined by regulation. "Harm" is "an act which actually kills or injures wildlife" including "by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering."⁶ "Harass" is "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." "Wound" is not defined by statute or regulation. Its dictionary definition, as a verb, is "to cause a wound to or in," or "to inflict a wound"; as a noun, wound is defined as "an injury to the body (as from violence, accident, or surgery) that typically involves laceration or breaking of a membrane (such as the skin) and usually damage to underlying tissues."

On information and belief, PARC does not allow the Big Cats in its care to reside in communal groups, therefore on information and belief the only purpose of this unnecessary procedure to neuter Elvis is to prevent the non-aggressive nuisance of marking, which is a genetically hardwired instinct. To deprive a big cat of its right to exhibit this natural tendency is a “harm” as defined under the ESA.

On Information and belief, PARC, do not possess a captive-bred wildlife permit and would need to possess any such permit to "take" Big Cats. Yet, PARC, as described below, confines and maintains Big Cats in conditions that "harm," "harass," and "wound" them in violation of Section 9 of the ESA⁹ and its implementing regulations,¹⁰ and thereby also unlawfully possesses them¹¹ in further violation of the Act.

II. Professional Animal Retirement Center Takes Big Cats in Violation of the ESA

PARC takes protected Big Cats by spaying and or neutering them, actions which harass and result in or creates a likelihood of injury to the animals.

Specifically, PARC has posted publicly, on social media platforms, their intent to neuter “Elvis”, a white Bengal tiger born in 2016, and a protected Big Cat under the provisions of the ESA, sometime between May 16, 2025, May 17, 2025, or May 18, 2025. Neutering Big Cats is illegal under the ESA. As defined by the ESA, neutering is an “act which actually kills or injures wildlife” including “by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” and is therefore a “harm”. Neutering Elvis certainly impacts his ability to breed, as well as puts him at greater risk for hormonal changes and certain cancers, as well as metabolic changes and weight gain, and an increased risk of urinary tract issues. There is also significant risk of surgical complications and death associated with this procedure. Sedation of big cats often causes distress and poses health risks to the animal such as seizures, convulsions, and risk of aspiration. Sedation of a tiger Elvis’s age carries significant higher risks due to age-related decline in organ function, particularly to the heart and lungs. Older animals may have less efficient hearts and blood vessels, making them more susceptible to complications during anesthesia. Anesthesia can further depress heart function, potentially leading to arrhythmias or heart failure. Senior Tigers may have decreased lung capacity and elasticity, making them more vulnerable to respiratory depression, reduced oxygen levels (hypoxia), and difficulties breathing.

The conditions set forth herein, violate ESA’s prohibition on the "take" of the Big Cats. Unless the violations described herein cease immediately, Joseph Maldonado intends to file suit against PARC under the ESA after the expiration of sixty days. Pursuant to the ESA, Joseph Maldonado will seek declaratory relief and an injunction against continued violations, including, but not limited to; requesting that the court order the transfer of the Big Cats to reputable accredited American Zoological Association (“AZA”) facilities that participates in the Tiger Species Survival Plan (“SSP”), as well as attorney's fees and litigation costs.

In the interim, Joseph Maldonado demands that PARC and its staff and Board of Directors agree to enter a preservation order in this matter containing the following terms: (i) PARC, its staff, and board of directors agree to preserve and not destroy, or alter in any manner any and all animals in their possession; (ii) PARC, its staff, and board of directors agree to preserve and not destroy any and all evidence, documents, tangible items and electronic data that are the subject of or relevant to the violations addressed in this letter; and. (iii) PARC, its staff, and board of directors agree to permit an on-site inspection of the property, within thirty days, to confirm that all of the Big Cats at PARC are being preserved and altered in any manner. Please confirm by 5 p.m. (ET) May 19th 2025, that PARC, its staff, and board of directors agree to enter into a preservation order as described herein. If I do not hear from you by then, Joseph Maldonado will have no alternative but to seek appropriate legal relief with the court.

During the sixty-day notice period, Mr. Maldonado, through counsel, is willing to discuss a mutually agreeable remedy for the violations addressed in this letter. Specifically, Mr. Maldonado is willing to drop all claims, in exchange for an agreement that PARC shall not spay or neuter any Big Cats in perpetuity. If PARC wishes to pursue this remedy and avoid litigation directly, you can reach me by phone at (775) 764-9347 or by e-mail at roger@rootsjustice.com

Respectfully,
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