UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.,

Plaintiff,

v. **Case No.: 8:16-cv-2899-T-36AAS**

DADE CITY'S WILD THINGS, INC., STEARNS ZOOLOGICAL RESCUE & REHAB CENTER, INC. D/B/A DADE CITY'S WILD THINGS, KATHRYN P. STEARNS, AND RANDALL E. STEARNS,

Defendants.
_____/

ORDER

The parties and third-party Kenneth E. Sterns appeared before the undersigned for a hearing today. For the reasons stated on the record, it is **ORDERED**:

1. Counsel's Motion to Withdraw as Counsel for Defendants (Doc. 173) is **GRANTED**. As a courtesy to the defendants, opposing counsel and the court, however, Messrs. Wardell and Purcell have agreed to complete limited tasks related to their representation of the defendants. Those tasks are listed in paragraphs 5-8 below.

2. Defendants Kathryn P. Stearns and Randall E. Stearns, and third-party Kenneth Stearns (collectively, the "Stearns") are now proceeding pro se (i.e., without the assistance of counsel). The Stearns are advised that they will be subject to the same law and rules of court as a litigant represented by counsel, including the Federal Rules of Civil Procedure and the Local Rules for the Middle District of Florida. *See Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). This court's local rules can be found on the court's website at

www.flmd.uscourts.gov.[1] The Federal Rules of Civil Procedure and the Federal Rules of Evidence are publicly available at www.uscourts.gov/rules-policies.

3. The Stearns are responsible for updating the Clerk of Court with any changes to the contact information that they provided to the court today. The Clerk is **DIRECTED** to update the docket to include the following information: (1) Kathryn P. Stearns, 36909 Blanton Road, Dade City, Florida 33523, dcwildthings99@gmail.com, (813) 714-2555; (2) Randall E. Stearns, 5320 3rd St., Zephyrhills, FL 33542, mail@thetigerman.com, (352) 467-2698; and (3) Kenneth Stearns, 36909 Blanton Road, Dade City, Florida 33523, (352) 424-1386.

4. A corporation may appear and be heard only through counsel, so Dade City's Wild Things, Inc. and Stearns Zoological Rescue & Rehab Center, Inc. (the "DCWT corporations") must file a notice of appearance of new counsel by **February 9, 2018**. *See* Local Rule 2.03(e). If the DCWT corporations fail to obtain counsel, a default may be entered against them upon PETA filing an appropriate motion pursuant to Rule 55 of the Federal Rules of Civil Procedure.

5. The responses to PETA's Third Set of Requests for Production of Documents to Defendants are expedited and due by **January 31, 2018**. The document requests are narrowed to cell phones and text logs from July 12-18, 2017. If the Stearns are unable to meet this production deadline, the Stearns (through Mr. Purcell) shall detail to PETA's counsel their

[1] The Stearns are also encouraged to consult the "Proceeding Without a Lawyer" guidelines on the court's website, located at www.flmd.uscourts.gov/pro_se. In addition, the Tampa Bay Chapter of the Federal Bar Association operates a Legal Information Program on Tuesdays from 11:00 a.m. to 12:30 p.m. on the 2nd floor of the Sam M. Gibbons United States Courthouse, 801 North Florida Ave, Tampa, Florida. Through that program, pro se litigants may consult with a lawyer on a limited basis for free. More information about the program is available on the Court's website at www.flmd.uscourts.gov/pro_se/docs/pro-seLegal_Assist.htm.

efforts to procure this information by **January 31, 2018**. PETA thereafter may file a notice with the court if further judicial action is necessary.

6. The videos missing from the defendants' most recent production and discussed at today's hearing shall be provided to PETA by **January 31, 2018**. Mr. Wardell has indicated that he will assist the defendants with this production.

7. The Stearns must search for any additional electronic documents (including text messages and other documents discussed at today's hearing) that are properly responsive to PETA's prior document requests and provide them to PETA by **January 31, 2018**. Also, by **January 31, 2018**, the Stearns must detail to PETA's counsel their efforts to search for the responsive electronic documents. Mr. Purcell has agreed to assist the Stearns with providing this detail to PETA's counsel. PETA thereafter may file a notice with the court if further judicial action is necessary.

8. PETA's Motion to Shorten Discovery Response Time and to Expedite Briefing (Doc. 171) is **DENIED**. A written response to PETA's Second Request for Entry upon Land and Inspection of Tiger(s) and Facilities (Doc. 171-1) shall be served and filed by **February 2, 2018**. Mr. Purcell has agreed to assist the Stearns with the drafting, service and filing of the written response. In addition, the response shall include all known information as to the scheduling of upcoming tiger swims (i.e., when the tiger swims will begin, the date and time of tiger swims currently scheduled, and the projected timeframe in which the tiger swims will be occurring). The defendants thereafter shall update PETA and the court if tiger swims are scheduled to occur earlier than the dates stated in the written response.

9. PETA will take the depositions of Kathryn Stearns and Randall Stearns in Dade City, Florida, on **February 2, 2018**. As discussed at the hearing, Mrs. Stearns' deposition will

begin at 9 a.m. with Mr. Stearns' deposition to begin at the earlier of the conclusion of Mrs. Stearns' deposition or 3 p.m. These depositions are not general discovery depositions (which instead may occur later in the case), but rather shall be limited to testimony related to the issues underlying PETA's contempt motions (Docs, 76, 97). The undersigned is available on February 2nd to address any problems that arise during those depositions and may be reached by calling 813-301-5315.

10. An evidentiary hearing on PETA's Motion for Sanctions and Order to Show Cause Why Defendants Should Not Be Held in Contempt (Doc. 76) and PETA's Motion for an Order to Show Cause Why Non-Party Kenneth Stearns Should Not Be Held in Contempt (Doc. 97) will be held beginning at **9:00 a.m.** on **February 21, 2018** (and continuing to **February 22, 2018**, if necessary), in Courtroom 10B of the Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida, 33602.

11. On or before **February 16, 2018,** the parties shall file statements with the court that contain the following:

(a) a list of people that the party intends to call as witnesses and whether the witnesses are testifying in person or by deposition; and

(b) a list of documents that the party intends to present to the court.

12. Pursuant to 28 U.S.C. § 636(e)(6), after the conclusion of the evidentiary hearing, the undersigned will certify facts to United States District Judge Charlene Edwards Honeywell, as well as issue a Report and Recommendation as to the ultimate outcome of those motions.

13. PETA orally requested that the court award its expenses incurred as a result of the continuation of yesterday's hearing due to the Stearns' failure to appear. Based on the information presented by the Stearns and their now-former counsel, the court cannot conclude

that the Stearns' failure to attend the originally scheduled hearing was in bad faith. Under the circumstances presented to the court, including Mrs. Stearns' health issues and Messrs. Stearns' credible claims that they were not aware of yesterday's hearing, and as a result of the Stearns' appearance and participation at the continued hearing today, the court finds that an award of expenses is not appropriate at this time.

ORDERED in Tampa, Florida on this 25th day of January, 2018.

Amanda Arnold Sansone

AMANDA ARNOLD SANSONE
United States Magistrate Judge

Copy to:

Kathryn P. Stearns
Randall E. Stearns
Kenneth Stearns