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FRESNO'S CHAFFEE ZOO
CORPORATION and JON FORREST DOHLIN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

NONHUMAN RIGHTS PROJECT, INC., on behalf of Amahle, Nolwazi, and Vusmusi, individuals,

Petitioner,

v.

FRESNO'S CHAFFEE ZOO CORPORATION, and JON FORREST DOHLIN, in his official capacity as Chief Executive Officer & Zoo Director of the Fresno Chaffee Zoo,

Respondents.

Case No. CPF-22-517751

~~[PROPOSED]~~ ORDER TRANSFERRING MATTER TO FRESNO COUNTY SUPERIOR COURT - Granted

Date: July 11, 2012
Time: 9:30 a.m.
Dept.: 302

Respondents Fresno's Chaffee Zoo Corporation and Jon Forrest Dohlin's "motion for an order transferring matter to Fresno County Superior Court" is granted. Respondents are responsible for the transfer fee.

Respondents bring this motion pursuant to California Rules of Court, Rule 4.552, subdivision (b), which provides:

> (1) The superior court in which the petition is filed must determine, based on the allegations of the petition, whether the matter should be heard by it or in the superior court of another county.
>
> (2) If the superior court in which the petition is filed determines that the matter may be more properly heard by the superior court of another county, it may ... without first determining whether a prima facie case for relief exists, order the matter transferred to the other county. Transfer may be ordered in the following circumstances:
>
> ... (B) If the petition challenges the conditions of an inmate's confinement, it may be transferred to the county in which the petitioner is confined.

Petitioner argues that this is not a "conditions of confinement" case. To be sure, the petition states that it "does not challenge ... the conditions of Amahle, Nolwazi, and Vusmusi's imprisonment. Rather, it challenges the legality of the elephants' imprisonment itself and seeks their discharge from the Fresno Zoo." (Pet., ¶ 17; see also Prayer for Relief, ¶¶ 3-4.) Petitioner also cites to *People v. Romero* (1994) 8 Cal. 4th 728, 743 for the contention that "in habeas corpus proceedings, relief is granted ... by an order or judgment directing the petitioner's release from custody or alteration of the conditions of the petitioner's confinement." Petitioner asserts that it seeks the elephants' release from custody and does not seek to alter the conditions of their confinement.

Respondents argue, however, that the petition "devotes a considerable amount of time to explain the elephants' conditions of confinement, arguing why they are ... unacceptable." (Mot., 6:5-7; Pet., ¶¶ 87-92.) The Court agrees and finds little distinction between "conditions" of confinement and "legality" of confinement in this case. Petitioner alleges that any condition of confinement in a zoo is improper for elephants and argues that an elephant sanctuary is the only acceptable location for elephants. (Pet., sec. IV(b) ["Zoo captivity is physically and psychologically harmful to elephants"], ¶¶ 80-86; sec. IV(d), ¶¶ 93-95.)

Furthermore, Rule 4.552(b)(2)(B) requires the Court to make this determination "based on the allegations in the petition," not based on the relief sought (i.e., release from custody or alteration of conditions of confinement). The allegations in the petition certainly challenge the

elephants' confinement and the matter should therefore be heard by the Fresno County Superior Court.

DATED: July 11, 2022

LG

The Hon. Richard B. Ulmer Jr.
JUDGE OF THE SUPERIOR COURT