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PRELIMINARY STATEMENT

1. Approximately 2,000 beagle dogs and puppies are currently confined in conditions that cause extreme suffering and death at Ridglan Farms. This Court has already found probable cause that Ridglan subjects beagles under its custody to criminal cruelty and appointed a special prosecutor to investigate. That prosecutor recently declined to pursue charges and acknowledged that the remedy of removing the dogs was not available through criminal process. The dogs remain in those conditions today and will continue to remain there until they are sold or euthanized by Ridglan.

2. This petition asks the Court to remedy a wrong in an instance when all other enforcement efforts have failed. This state's legislature, via passage of Wisconsin's anticruelty statute, has already created a legally protected interest for animals to be free from cruelty. Common law habeas has historically empowered courts to transfer custody when children suffer cruelty at the hands of unfit custodians. Petitioners ask this Court to apply that common law principle here to suffering dogs and puppies. Protection from cruelty is already recognized as a type of injury subject to habeas corpus relief. It would be inequitable to summarily dismiss the unlawful suffering of the petitioners simply because they are dogs.

PARTIES

3. This petition is filed on behalf of approximately 2,000 beagle dogs and puppies who are kept in the custody of Respondent Ridglan Farms, Inc. Beagles at the Ridglan facility range in age from adult dogs to puppies. Most are used for

breeding and their puppies are ultimately sold for biomedical research. A minority of the dogs are kept and used for biomedical research on site. The beagles lack competence to appear on their own behalf and are alleged to be incompetent within the meaning of Wis. Stat. § 803.01(3) (2023-24). They are represented in this action through undersigned counsel pursuant to Wis. Stat. § 803.01(3).

4. Respondent Ridglan Farms, Inc. is a commercial dog breeding facility located at 10489 West Blue Mounds Road, Blue Mounds, Wisconsin 53517.

JURISDICTION AND VENUE

5. The Wisconsin Constitution provides this Court with jurisdiction over all civil matters and all writs necessary in aid of its jurisdiction. Wis. Const., Art. VII, § 8. This is implemented by Wis. Stat. § 753.03 (2023-24) which recognizes that this Court possesses “all the powers, according to the usages of courts of law and equity, necessary to the full and complete jurisdiction of the causes and parties and the full and complete administration of justice.”

6. The Wisconsin Constitution preserves the common law as a basis for action. *See* Wis. Const., Art. XIV, § 13.

7. Wis. Stat. § 782.03 provides statutory authorization for this Court, or any judge or justice of this Court, to receive a petition for habeas corpus. This jurisdiction is guaranteed by the Wisconsin Constitution. *See* Wis. Const., Art. I, §§ 8 and 9.

8. Venue is proper in Dane County because it is the county where the beagles are kept and the county where the claim arose. Wis. Stat. § 801.50(2) (2023-24).

STATEMENT OF FACTS

I. **Ridglan confines thousands of beagles in a high-density commercial operation.**

9. Ridglan is a beagle breeding and research company located in Dane County, Wisconsin. Ridglan generally keeps between 2,500 and 3,000 beagles on its premises. As of January 2026, it publicly stated that it has over 2,200 beagles in its custody. *See* Bryan Polcyn, *Ridglan Farms’ lawsuit accusing Dane4Dogs of “extortion” dismissed*, Fox6 Milwaukee (Jan. 21, 2026), available at <https://perma.cc/63QW-A9WE>.

10. The beagles are kept in metal crates, stacked upon each other in warehouses. They are never taken for walks or brought outside. *In re Petition to Appoint a Special Prosecutor to Commence Prosecution of Ridglan Farms*, No. 24-JD-01, Evidentiary Hr’g Tr. at 101 (Wis. Cir. Ct. Dane Cnty. Oct. 23, 2024), Exhibit 1 (“Special Prosecution Hearing”) (testimony of Scott Gilbertson); *see generally Ridglan Standard Operation Procedure, Socialization*, Exhibit 2, 1–3. Ultimately, they are either used for research at Ridglan or sold to other facilities for biomedical testing purposes. Special Prosecution Hearing, Ex. 1 at 99.

11. Depicted below is a beagle in a cage at the Ridglan facility in 2017:



II. Ridglan has cruelly mistreated beagles under its custody.

12. Inspection reports, eyewitness accounts from former and current employees, as well as a 2017 undercover investigation, paint a picture of longstanding, systemic, and willful animal cruelty. Video footage of Ridglan, from the 2017 undercover investigation, can be found at Exhibit 3, <https://www.dropbox.com/scl/fo/ml9jp390gol0nrkou7ezc/AKFngbNKE-uxkTTbutf0vgk?rlkey=31gb1f426yep30l69ob2j38l&st=usj0mytg&dl=0>.

13. These egregious acts have included:

- a lack of proper veterinary treatment and health checks;
- having non-veterinarians perform unnecessary surgeries on beagles without anesthesia or proper pain relief;
- beagles that are routinely injured due to exposed, sharp, and rusted cage wires;
- beagles' legs falling through the gaps in the flooring causing repeated injuries;

- beagles experiencing traumatic and constant psychological torment due to housing conditions and a gross lack of socialization and enrichment; and
- a total failure to maintain proper sanitation and ventilation.

Wisconsin Department of Agriculture, Trade and Consumer Protection, *Case Summary Report*, 3 (2024), Exhibit 4 (“DATCP Summary Report”); Special Prosecution Hearing at 102–03 (testimony of Scott Gilbertson), 110 (testimony of Matthew Reich), Ex. 1; *In re Petition to Appoint a Special Prosecutor to Commence Prosecution of Ridglan Farms*, No. 2024JD000001, Post-Hr’g Br., 11–12 (2024), Exhibit 5; Declaration of Patricia McConnell, Exhibit 6, ¶ 10–12.

14. Ridglan has repeatedly been warned of these violations by state inspectors, yet these problems persist.

15. In June and September of 2024, the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) found numerous violations during inspections at Ridglan. These violations included lack of proper veterinary care, untreated and undocumented injuries, poor housing conditions, lack of appropriate socialization and enrichment, and insufficient sanitation and ventilation. Many of these were repeat violations. Wisconsin Department of Agriculture, Trade and Consumer Protection, *Dog Seller Inspection Report 8* (June 6, 2024), Exhibit 7 (“June 2024 DATCP Inspection Report”); Wisconsin Department of Agriculture, Trade and Consumer Protection, *Dog Seller Inspection Report 8–9* (Sept. 9, 2024), Exhibit 8 (“September 2024 DATCP Inspection Report”).

16. In October 2024, a Dane County Circuit Court conducted a hearing to determine whether probable cause existed that Ridglan had committed animal

cruelty, and whether a special prosecutor should be appointed to investigate it for criminal prosecution. Two former employees of Ridglan testified: Matthew Reich, who worked at Ridglan from 2006 to 2010, and Scott Gilbertson, who worked at Ridglan from 2021 to 2022. Both employees discussed constant issues of poor animal care, injuries, psychological torment, and wholly impermissible surgical practices. Special Prosecution Hearing at 98–108 (testimony of Scott Gilbertson), 108–121 (testimony of Matthew Reich), Ex. 1.

17. Both Mr. Gilbertson and Mr. Reich testified to Ridglan routinely having non-veterinarians conduct surgeries without anesthetic, pain control, or aftercare.

18. Similarly, Mr. Reich observed numerous devocalization surgeries performed at Ridglan. *Id.* at 116–18. Such “devocalization” surgeries involve removing a dog’s vocal cords. Devocalization is neither a normal nor accepted veterinary practice and the American Veterinary Medical Association strongly discourages such procedures. Devocalization surgeries by non-veterinarians without anesthesia or aftercare are always improper. *Id.* at 160–62.

19. Mr. Reich observed that the beagles were given a paralytic agent—but no anesthesia—and that other non-veterinarian employees removed their vocal cords. The beagles were not given pain relief or other care after these procedures. *Id.* at 117. Mr. Reich testified that he saw this procedure conducted on thirty to forty beagles at a time every few months. *Id.* at 118.

20. Both Mr. Reich and Mr. Gilbertson also observed and participated in cherry eye surgeries performed by non-veterinarians. *Id.* at 105, 114. Cherry eye surgeries involve the removal of a prolapsed third eyelid gland. *Id.* at 156. Cherry eye surgeries are *not* a normal or accepted veterinary practice and in the rare circumstances where they are appropriate to perform—for example, to remove a cancerous eye gland—they must be done by a licensed veterinarian. *Id.*

21. Mr. Gilbertson testified that during the cherry eye surgeries “the dog would be thrashing around in pain, often yelping, crying out but then we would just put them back in the cage.” *Id.* at 105. He also testified that the procedure caused substantial bleeding: “There would usually be a puddle on the floor, a pretty good-sized puddle.” *Id.* at 106. He saw these cherry eye removal surgeries performed on a nearly daily basis. *Id.*

22. Veterinarian Dr. Sherstin Rosenberg opined that Ridglan’s surgical practices amounted to mutilations, causing beagles unnecessary and excessive blood loss. Declaration of Sherstin Rosenberg, Exhibit 9, ¶ 5(a).

23. Veterinary and animal behavioral experts concluded that, based on their review of footage from inside Ridglan, government inspection reports, and statements from former employees, Ridglan’s actions and the conditions it kept the beagles in caused the dogs trauma and unnecessary and excessive suffering. *See* Declaration of Marc Bekoff, Exhibit 10, ¶ 4(d), Rosenberg Decl., Ex. 9, ¶ 5(d–e).

24. On January 9, 2025, Dane County Circuit Court Judge Rhonda Lanford issued a written opinion concluding there was probable cause that Ridglan,

through intentional or negligent conduct, committed both felony and misdemeanor animal cruelty. *See generally* Decision and Order, *In re: Petition to Appoint Special Prosecutor to Investigate Ridglan Farms*, 2024-JD-000001, (Wis. Cir. Ct. Dane County, Jan. 9, 2025), Exhibit 11 (“Decision and Order”). La Crosse County District Attorney Tim Gruenke was appointed as special prosecutor. *State of Wisconsin v. Ridglan Farms*, Report of Special Prosecutor, 1 (2025), Exhibit 12 (“Report of Special Prosecutor”).

25. Despite its awareness of the allegations made against it, Ridglan apparently changed nothing.

26. In February of 2025, the Wisconsin Veterinary Examining Board (VEB) investigated Ridglan’s veterinarian, Rick Van Domelen, regarding allegations that surgeries were taking place by unlicensed employees without proper pain relief or aftercare. *In the Matter of the Proceedings Against: Richard Van Domelen, D.V.M., Respondent*, Affidavit in Support of Petition Seeking Summary Suspension of Respondent’s License, 5–8 (State of Wisconsin, Before the Veterinary Examining Board, Mar. 5, 2025), Exhibit 13.

27. On February 5, 2025, a VEB investigator conducted an unannounced inspection of Ridglan and interviewed several current employees. The employees confirmed the ongoing use of cherry eye surgeries. The VEB found that these surgeries were being performed by non-veterinarians with “no anesthetic, pain control, or after-care administered.” *Id.* at 5.

28. As a result of this investigation, on March 5, 2025, the VEB Interim Disciplinary Counsel found six violations of law that had been ongoing since 2008 and recommended immediate suspension of the lead veterinarian's license. *In the Matter of the Proceedings Against: Richard Van Domelen, D.V.M., Respondent, Petition Seeking Summary Suspension of Respondent's License, 2–4* (State of Wisconsin, Before the Veterinary Examining Board, Mar. 5, 2025), Exhibit 14. However, at the March 11th VEB meeting, the VEB instead laid out very clear guidance of what was expected of the facility in a stipulated agreement. *In the Matter of the Request for Summary Suspension of the Veterinary License of: Richard Van Domelen, D.V.M., Respondent, Stipulation to Resolve Pending Petition for Summary Suspension of Respondent's License, 3–5* (State of Wisconsin, Before the Veterinary Examining Board, Mar. 11, 2025), Exhibit 15.

29. On September 30, 2025, the VEB found that Mr. Van Domelen had violated the stipulated agreement and suspended his license. Specifically, the VEB found that Mr. Van Domelen inappropriately delegated surgical procedures to non-veterinarians on numerous occasions; engaged in conduct which evidenced a lack of knowledge or ability to apply professional principles or skills; engaged in gross, serious, or grave negligence in the practice of veterinary medicine; violated laws or administrative rules or regulations related to the practice of veterinary medicine; and engaged in numerous violations of VEB orders. *In the Matter of the Petition for Summary Suspension of the Veterinary License of: Richard Van Domelen, D.V.M.,*

Respondent, Order for Summary Suspension, 10–13 (State of Wisconsin, Before the Veterinary Examining Board, Sep. 30, 2025), Exhibit 16.

30. Ridglan subsequently stated that Mr. Van Domelen would remain as facility manager despite this suspension. Lindsay Pfeiffer, *Lead veterinarian's license suspended at local dog breeder after reports of animal cruelty*, Daily Cardinal (Oct. 23, 2025), available at <https://perma.cc/B7N2-WGYK>.

31. On October 14, 2025, DATCP formally asked the Dane County District Attorney to prosecute Ridglan for 488 counts of violations related to improper surgeries, 3 counts of violations for failure to perform checks on each dog, and 3 counts of violations for failing to have a licensed veterinarian examine each dog as often as necessary to ensure adequate healthcare. DATCP Summary Report, Ex. 4 at 10, 13–14.

32. On October 23, 2025, the Dane County Board of Supervisors overwhelmingly approved a resolution asking DATCP to not renew Ridglan's breeding license, citing the extensive animal cruelty allegations. *See generally Calling on Wisconsin Department of Agriculture, Trade, And Consumer Protection (DATCP) To Revoke Ridglan Farms' Commercial Dog Breeder License* (2025), available at <https://perma.cc/9Q2W-UX2Q>.

33. On October 28, 2025, Ridglan entered into a settlement agreement with the special prosecutor to avoid liability for criminal animal cruelty found by Judge Lanford and the pending DATCP allegations. *See generally State of*

Wisconsin v. Ridglan Farms, Stipulation and Agreement (Oct. 28, 2025), Exhibit 17 (“Special Prosecutor Stipulation Agreement”).

34. Under the agreement, Ridglan must cease operating as a licensed dog breeder by July 1, 2026. Prior to that date, dogs in Ridglan’s possession must be sold or used consistently with Ridglan’s USDA and DATCP licenses. Notably, disposition by euthanasia is not specifically prohibited. Dogs that have not been sold or cannot be used consistently with Ridglan’s USDA licenses after July 1, 2026, must be offered for adoption as appropriate or handled consistent with requirements and limitations of state law. *Id.* at 1–2.

III. Ridglan’s cruelty toward the beagles is ongoing.

35. As evidenced by inspection reports, accounts of former and current employees, and a 2017 undercover investigation, Ridglan has engaged in, and continues to engage in, willful conduct that amounts to animal cruelty in violation of Wisconsin state law.

36. Wis. Stat. § 951.02 provides: “No person may treat any animal, whether belonging to the person or another, in a cruel manner.” “Cruel’ means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.”

37. Ridglan is unlawfully holding thousands of beagles captive and subjecting them to cruel conditions in violation of Wis. Stat. § 951.02 and failing to provide them adequate shelter in violation of Wis. Stat. § 951.14.

A. Ridglan fails to provide adequate veterinary care, fails to prevent injuries from improper housing, and subjects beagles to unjustified euthanasia in violation of Wis. Stat. § 951.02.

38. Ridglan has violated and, on information and belief, continues to violate Wis. Stat. § 951.02, by confining beagles in cages that routinely and inevitably cause foot injuries and failing to provide proper veterinary care.

39. Ridglan's flooring systemically causes foot injuries in beagles, and despite being on notice about these recurring injuries, Ridglan has seemingly done nothing to ameliorate the problem.

40. Beagles are held in wire cages, in which, per Wis. Stat. § 173.41(10)(d)(3), plastic coating is supposed to fully cover the raw metal. This coating often wears away, exposing rusted and sharp metal. As a result, beagles routinely experience cuts and injuries to their feet. Worse, the cages are not regularly and thoroughly cleaned, resulting in the build-up of excess feces and significantly increasing the health risks through infection.

41. Depicted below is a still from footage taken inside Ridglan on April 17, 2017, showing the buildup of feces within a beagle's cage:



42. Depicted below is a ruptured interdigital cyst documented by a DATCP inspector on June 6, 2024:



43. The inspector who took the above photograph noted: “No documentation of the cyst was present.” June 2024 DATCP Inspection Report, Ex. 7 at 8. This lack of documentation indicates that the injury was unnoticed and untreated.

44. Mr. Reich, a former employee, often saw beagles with large blisters or ulcers—sometimes the size of golf balls—between their toes. Special Prosecution Hearing, Ex. 1 at 111 (testimony of Reich). In his five-year tenure with Ridglan, he never saw anyone replace a cage or repair a cage’s flooring. *Id.* at 110–11.

45. Mr. Gilbertson, also a former employee, likewise testified that the flooring in the cages was wire flooring with rust in some spots. He further testified that, every day, he saw beagles with inflamed feet or beagles lying down for long periods of time to relieve pressure on their feet. He was not aware of Ridglan ever changing its flooring to alleviate these foot issues. *Id.* at 102–03.

46. Numerous DATCP inspections have noted the same. A 2022 inspection report found “[a]pproximately 30% of the enclosures with walls constructed of coated wire had some degree of rust or the wire coating was worn off.” Wisconsin Department of Agriculture, Trade and Consumer Protection, *Dog Seller Inspection Report 10* (July 6, 2022), Exhibit 18 (“2022 DATCP Inspection Report”). In June 2024, DATCP inspectors found a beagle that “was limping and keeping weight off her front right paw, which had what appeared to be a ruptured interdigital cyst.” June 2024 DATCP Inspection Report, Ex. 7 at 8.

47. Three months later, DATCP found that a beagle “was limping while moving through the enclosure, not bearing any weight on the right front leg. Two partially healed scratches and/or puncture wounds and swelling were present on the leg near the carpal joint.” Three enclosures were found where the coating on the flooring had worn in several spots, leaving exposed wire present. September 2024 DATCP Inspection Report, Ex. 8 at 8–9.

48. Dr. Sherstin Rosenberg, a licensed veterinarian who reviewed the available evidence, concluded that the flooring conditions at Ridglan cause beagles to experience unnecessary and excessive suffering. Rosenberg Decl., Ex. 9, ¶ 5(e).

49. Ridglan’s failure to provide adequate veterinary care by ensuring routine and frequent checks of each beagle exacerbates these injuries. DATCP inspections in 2024 found numerous beagles with injuries which went undocumented and untreated. DATCP issued numerous violations under Wisconsin administrative regulations related to the failure to conduct frequent health checks on the beagles. June 2024 DATCP Inspection Report, Ex. 7 at 8; September 2024 DATCP Inspection Report, Ex. 8 at 8.

50. DATCP ultimately asked the Dane County District Attorney to prosecute Ridglan for failing to conduct such checks and examinations. DATCP Summary Report, Ex. 4 at 17.

51. The beagles at Ridglan also face the continued threat of euthanasia, in violation of veterinary standards. *See* Report of Special Prosecutor, Ex. 12 at 6.

52. The notes from a 2012 meeting of Ridglan’s Institutional Animal Care and Use Committee (IACUC) state, “We still do occasional culling of retired breeders, dogs that have traits which render them unsellable and occasionally even out sex ratios in older dogs.” IACUC Committee August 2012, Exhibit 19 at 1.

53. Euthanizing the beagles for no reason other than to even out sex ratios, because the dogs have “unsellable” traits, or because they are no longer useful as breeding dogs, which can happen as early as 5 years old,¹ is unnecessary and therefore a violation of the anticruelty standard. *See* Wis. Stat. §§ 951.02; 951.01(2).

54. Nevertheless, nothing in Ridglan’s Stipulation Agreement with the Special Prosecutor appears to prohibit the facility from euthanizing dogs, for any reason. *See* Special Prosecutor Stipulation Agreement, Ex. 17 at 1–2. Moreover, the Special Prosecutor’s Report reflects that euthanasia “for economic reasons”—characterized as “a reality” of the business model—may have been a contested issue with Ridglan. Report of Special Prosecutor, Ex. 12 at 6.

55. Because these violations are related to structural issues within the facility, *infra* Statement of Facts Section IV, on information and belief, Ridglan is continuing its pattern and practice of violating Wis. Stat. § 951.02, and the beagles

¹ *See* Canine Specialist, *How to Determine If Your Dog Is Too Old to Breed: Essential Guidelines and Expert Insights*, Am. Breeder (Sept. 12, 2024) available at <https://perma.cc/L8X7-UFSW> (last accessed January 22, 2026) (“Generally, female dogs are considered too old to breed around the age of 5 to 7 years.”).

remaining in the facility continue to suffer from cruel and improper cage conditions as well as the threat of euthanasia.

B. Ridglan fails to provide proper shelter under Wis. Stat. § 951.14.

56. Wis. Stat. § 951.14 creates an ongoing duty to provide proper shelter to animals:

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. . .

(1) Indoor standards. Minimum indoor standards of shelter shall include: . . .

(b) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times. . .

(3) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) *Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(4) Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

57. Ridglan routinely fails to provide proper shelter for beagles in its facility, resulting in the beagles' physical and psychological harm.

1. Ridglan fails to provide adequate ventilation.

58. Ridglan repeatedly failed to ensure adequate ventilation throughout its facility despite numerous warnings.

59. A July 6, 2022 DATCP inspection report notes:

The ammonia / odor level in several locations within buildings (7, 1, 2a, 2b and 3) was bad enough that I experienced nausea on one occasion, and my throat and nostrils were irritated for several hours after I left the facility. The lead veterinarian acknowledged that there were dead spots in the ventilation within some of the buildings and stated they were working to address it. From my observation there was a strong correlation between drainage issues in the catch pans and the air quality within that section of the building.

2022 DATCP Inspection Report, Ex. 18 at 10.

60. A June 6, 2024 DATCP inspection report notes: “In several buildings within the facility, the drainage systems are not constructed and/or operated so that animal waste is rapidly eliminated, contributing to odors observed by the inspection team.” June 2024 DATCP Inspection Report, Ex. 7 at 8.

61. A September 16, 2024 DATCP inspection report notes: “In several buildings within the facility, the drainage systems are not constructed and/or operated so that animal waste is rapidly eliminated.” September 2024 DATCP Inspection Report, Ex. 8 at 8.

62. Housing animals in an area with excessive ammonia levels and with inadequate ventilation is extremely deleterious to the health of those animals. Such high ammonia levels—like the ones described in DATCP inspection reports—raise blood ammonia levels and cause nausea in the beagles, as well as potentially burn their nasal passages. McConnell Decl., Ex. 6, ¶ 10(b); Rosenberg Decl., Ex. 9, ¶ 5(d).

This can cause extreme discomfort, pain, and suffering, particularly if the exposure is chronic. *Id.*

63. In November 2024, DATCP cited Ridglan for repeatedly failing to maintain proper sanitation and for failing to provide proper ventilation. Wisconsin Department of Agriculture, Trade and Consumer Protection, *Initial Notice of Noncompliance* 3 (Nov. 8, 2024), Exhibit 20 (“2024 DATCP Initial Notice of Noncompliance”).²

64. Judge Lanford found probable cause that Ridglan intentionally or negligently failed to provide properly ventilated housing for the animals in its care. Decision and Order, Ex. 11 at 20.

65. As these ventilation issues are structural in nature, *infra* Statement of Facts Section IV, on information and belief, Ridglan continues to fail to provide adequate ventilation to the beagles in its facilities.

2. Ridglan fails to provide properly structured enclosures.

66. As discussed above, Ridglan fails to maintain cages to avoid causing injuries. *Supra* Statement of Facts Section III.A. Judge Lanford found probable cause that Ridglan intentionally or negligently failed to provide properly structured enclosures for the animals in its care. Decision and Order, Ex. 11 at 20–22.

² An October 2025 report from DATCP stated that “Upon review, the department determined that no further enforcement action would be taken at this time regarding this alleged violation. Ridglan has been made aware of the department’s concerns regarding these findings and encouraged improvement in care and facility maintenance. Infrequent removal of excrement and wastewater in the facility will impact air quality, odors, and ammonia levels within dog breeding facilities.” DATCP Summary Report, Ex. 4 at 12.

67. On information and belief, Ridglan continues to fail to provide properly structured enclosures to the beagles in its facilities, *infra* Statement of Facts Section IV.

3. Ridglan causes beagles to suffer from extreme and chronic stress by failing to provide adequate space.

68. The beagles at Ridglan are confined in small cages stacked upon each other, routinely exhibiting signs of stress and abnormal behavior patterns. “One of the most common forms of stress-induced stereotypies seen in dogs is spinning in circles. . . . [S]tereotypical behavior such as circling may even be symptomatic of Generalized Anxiety Disorder in dogs.” Declaration of Stacy Lopresti-Goodman, Exhibit 21, ¶ 7.

69. As Kelley Bollen, a Certified Animal Behavior Consultant, explained:

Dogs experience all the basic emotions that humans do (joy, affection, excitement, frustration, distress, fear, and anger). The negative emotions are considered adaptive, meaning they help the animal survive. They do so by causing the animal to change their behavior to escape or avoid aversive or dangerous situations. Situations of acute (short-term) stress that the animal can escape, are common in the life of all animals. However, when animals live in aversive situations that they are unable to escape, they experience chronic stress. Chronic stress not only affects the dog’s psychological well-being but can also lead to behavioral and physiological changes. Chronic stress can lead to long term damage to the adrenal gland that produces the stress hormone cortisol and compromise the functioning of the immune system. Thus, chronic stress affects the animal’s physical, mental and emotional wellbeing.

Declaration of Kelley Bollen, Ex. 22, ¶ 8.

70. On a daily basis, Mr. Reich saw beagles spinning in their cages. Special Prosecution Hearing, Ex. 1 at 111 (testimony of Reich).

71. Mr. Gilbertson, another former employee, saw a variety of abnormal behaviors daily, including beagles fighting and spinning endlessly in their cages. Ridglan did not separate the beagles who were fighting. *Id.* at 104–05. The beagles were never taken on walks, never let outside, and never removed from the cages except when being transferred to a different cage. *Id.* at 101.

72. DATCP inspections also observed the same signs of psychological torment. An October 26, 2016 report states:

A number of adult dogs in the facility were displaying prominent stereotypical behaviors; such as: circling, pacing, and wall bouncing. . . . Efforts should be taken to address dog's abnormal, stereotypical behaviors. Such behaviors are an indicator of the dog's welfare.

Wisconsin Department of Agriculture, Trade and Consumer Protection, *Dog Seller and Dog Facility Operator Inspection* 10–11 (Oct. 26, 2016), Exhibit 23 (“2016 DATCP Inspection Report”).

73. A September 16, 2024 inspection report states:

Ridglan farms has approximately 3,200 dogs present within the facility, and approximately 16 full time employees (at the time of the 6/6/24 routine inspection, not including manager and lead veterinarian). Three of these sixteen employees' duties primarily consist of dog socialization. All dogs within the facility are not receiving daily positive human contact and/or socialization, not limited to feeding time.

September 2024 DATCP Inspection Report, Ex. 8 at 8.

74. Assuming these three employees work 40-hour work weeks with no breaks or other tasks, that averages out to a little more than two minutes per beagle per week.

75. Professor Marc Bekoff, an animal behaviorist, reviewed footage and inspection reports from Ridgland and opined that the beagles at Ridgland were “extremely stressed to the point where they were behaving in a very abnormal way.” Bekoff Decl., Ex. 10, ¶ 4(a). He was especially concerned with the manic barking and spinning, which he noted were “off scale” based on the thousands of hours he has spent observing dogs. *Id.* at ¶ 4(b). He concluded that the abnormal behaviors were “way beyond anything that I have ever seen in what I would consider to be a normal relaxed dog.” *Id.* at ¶ 4(c). He ultimately opined that the beagles were traumatized and suffering unnecessarily and excessively. *Id.* at ¶ 4(d).

76. Ethologist and animal behaviorist Dr. Patricia McConnell reviewed footage from Ridgland and noted that the beagles were engaging in:

“stereotypic” behaviors, [which] are universally considered to be a clear indication of suffering and a lack of welfare. The behaviors illustrated in the videos are especially frantic versions of stereotypic behaviors. These types of high arousal, fast, erratic movements are usually the result of constant stress, frustration, or both. In short, these behaviors indicate that the dogs are suffering and are being subjected to abusive conditions.

McConnell Decl., Ex. 6, ¶ 10(a)

77. Dr. McConnell concluded that the conditions at Ridgland are “torturous for dogs” and that the “conditions do not constitute proper or adequate shelter, and such treatment causes extreme suffering for dogs.” *Id.* at ¶ 11(c), (f).

78. Dr. Stacy Lopresti-Goodman, a specialist in the welfare of laboratory animals who has published extensively on the welfare of dogs in laboratories, opined that many of the beagles at Ridgland are suffering from “chronic psychological distress,” including behaviors associated with canine Post-Traumatic Stress

Disorder, “as a result of their housing conditions.” Lopresti-Goodman Decl., Ex. 21, ¶ 17.

79. In November 2024 DATCP cited Ridglan for numerous violations for failing to provide proper human contact, socialization, activity, and enrichment to the beagles in its care. *See generally* 2024 DATCP Initial Notice of Noncompliance, Ex. 20.

80. Judge Lanford found probable cause that Ridglan intentionally and/or negligently failed to provide adequate space for the beagles in its care. Decision and Order, Ex. 11 at 17.

81. As these issues are structural in nature, *infra* Statement of Facts Section IV, on information and belief, Ridglan continues to fail to provide adequate space to the beagles in its facilities.

4. Ridglan causes beagles to suffer by failing to provide a sanitary environment.

82. Ridglan has also repeatedly failed to maintain proper sanitation.

83. In 2022, DATCP inspectors noted stagnant puddles of excreta because of poor drainage. 2022 DATCP Inspection Report, Ex. 18 at 9. These puddles emit ammonia and odors, contributing to Ridglan’s ventilation problems. *Supra* Statement of Facts Section III.B.

84. Depicted below are two photographs of accumulated feces and stagnant wastewater taken by a DATCP inspector on June 6, 2024:



85. Depicted below are two more photographs of accumulated feces and stagnant wastewater, taken by a DATCP inspector on September 16, 2024, only three months after Ridglan was cited for this very problem:



86. A June 6, 2024, DATCP inspection report notes:

In several buildings within the facility, the drainage systems are not constructed and/or operated so that animal waste is rapidly eliminated, contributing to odors observed by the inspection team. Low spots where waste accumulates and becomes stagnant were consistent in the catch pans beneath the second-level enclosures where adult dogs were kept, with the exception of the pre-shipment / order dogs area and the whelping rooms. Drainage channels and the graded surfaces beneath the enclosures in the aforementioned areas had excess accumulation of excreta and other organic matter.

June 2024 DATCP Inspection Report, Ex. 7 at 8.

87. A September 16, 2024, DATCP inspection report notes:

In several buildings within the facility, the drainage systems are not constructed and/or operated so that animal waste is rapidly eliminated. Excess excreta, low spots where waste and wash water accumulates and becomes stagnant were consistent in the catch pans beneath the second-level enclosures where adult dogs were kept, and on the concrete flooring beneath the first level enclosures – with the exception of the pre-shipment / order dogs area and the whelping rooms. A film of organic waste material was present on the concrete flooring beneath the enclosures throughout the facility.

September 2024 DATCP Inspection Report, Ex. 8 at 8.

88. These observations are not limited to inspection reports. Mr.

Gilbertson testified that, in January of 2022, he regularly witnessed the buildup of feces in the beagles' cages. Special Prosecution Hearing, Ex. 1 at 100 (testimony of Gilbertson). He was often assigned to clean hundreds of cages by himself—a near impossible task given the scale of Ridglan, and a testament to the facility's chronic understaffing. *Id.* at 100–01.

89. Dr. Rosenberg concluded that Ridglan's poor sanitation has a negative effect on the beagles' welfare, causes disease, and is “very disturbing” to the dogs.

Rosenberg Decl., Ex. 9, ¶ 5(c).

90. In November 2024, DATCP cited Ridglan for failing to maintain proper sanitation as required by state and federal regulations. 2024 DATCP Initial Notice of Noncompliance, Ex. 20 at 3.³

91. Judge Lanford found probable cause that Ridglan intentionally or negligently failed to provide proper sanitation for the animals in its care. Decision and Order, Ex. 11 at 19.

92. As these sanitation issues are structural in nature, *infra* Statement of Facts Section IV, on information and belief, Ridglan continues to fail to provide adequate sanitation to the beagles in its facilities.

IV. Ridglan’s pattern and practice of engaging in animal cruelty reveals that it is unable and unwilling to rectify these violations.

93. The animal cruelty occurring at Ridglan is not the result of a single bad employee or isolated mishaps. Rather, it is the result of a corporate culture that prioritizes profit margins over lawful treatment of dogs, and structural issues that Ridglan has been unable and unwilling to address for years. Addressing these violations would require a complete renovation of the facility’s space. *See* Bekoff Decl., Ex. 10, ¶ 5; Rosenberg Decl., Ex. 9, ¶ 6.

94. To prevent extreme and chronic stress caused by inadequate space, Ridglan would have to completely revamp its practices, including providing

³ An October 2025 report from DATCP stated that “Upon review, the department determined that no further enforcement action would be taken at this time regarding this alleged violation. Ridglan has been made aware of the department’s concerns regarding these findings and encouraged improvement in care and facility maintenance. Accumulating large amounts of excrement and wastewater within an indoor housing facility is not a normal or accepted industry practice within dog breeding facilities.” DATCP Summary Report, Ex. 4 at 12.

appropriate socialization and enrichment, adequate exercise, and sufficient veterinary care for the beagles. McConnell Decl., Ex. 6, ¶ 11.

95. To prevent repeated injuries, Ridglan would have to significantly modify, if not outright replace, its cages. Special Prosecution Hearing, Ex. 1 at 186 (testimony of Sherstin Rosenberg).

96. To address the substandard sanitation and ventilation, Ridglan would have to fully replace its current drainage and ventilation systems. Even then, it would be extremely difficult to maintain with the number of beagles warehoused solely indoors at Ridglan. *Id.* at 168–69.

97. Ridglan would also have to substantially increase its staff.

98. Likewise, Ridglan apparently has fewer than 20 employees for thousands of beagles. Ridglan refused to explain to DATCP investigators how these few employees provided positive human contact and socialization to each of the thousands of beagles in its care. DATCP Summary Report, Ex. 4 at 15–16. Given these numbers, it is impossible to provide proper checks on the animals, maintain and clean the cages, provide proper socialization, and generally maintain the facility.

99. Ridglan would also have to make significant structural changes to alleviate the severe psychological torment suffered by the beagles, beyond simply providing adequate socialization and enrichment. Shelters often provide visual barriers between kennels to reduce stress and agitation, as well as installing sound-dampening structures to decrease noise McConnell Decl., Ex. 6, ¶ 11(a). However, in

large facilities such as Ridglan, the sources of stress are not isolated bad practices but rather are built into the basic design of the facility, which features high numbers of dogs in small spaces; elevated noise levels; small, barren enclosures; and a lack of autonomy. Lopresti-Goodman Decl., Ex. 21, ¶ 14.

100. Even if these problems could be addressed, Ridglan has exhibited a clear unwillingness to do so. Ridglan has been repeatedly put on notice of its legal violations and has consistently done nothing to change its operations. Moreover, given that Ridglan has already agreed to relinquish its state breeding license, it has even less of an incentive to come into compliance with the anticruelty law and to rectify its ongoing legal violations.

101. Problems and injuries from exposed cage wires have been noted by inspectors in 2016, 2017, 2020, 2022, and twice in 2024. These issues were also highly publicized because of a 2017 undercover investigation. *See, e.g.*, Glenn Greenwald, Leighton Akio Woodhouse, *Bred to Suffer: Inside the Barbaric U.S. Industry of Dog Experimentation*, *The Intercept* (May 17, 2018). Despite this, nothing has changed in the beagles' housing situation.

102. Likewise, instances where beagles' feet fell through the openings in cage floors were noted by DATCP in 2016. Ridglan claimed it "intended" to take corrective actions, yet these same problems were noted again in 2020 and 2023 during inspections. 2016 DATCP Inspection Report, Ex. 23 at 10.

103. The harm from the inadequate cage conditions is aggravated by Ridglan's chronic failure to adequately examine the beagles and treat any injuries.

In 2017, U.S. Department of Agriculture inspectors told Ridglan that it must ensure daily observations are done and any conditions communicated properly to the veterinarian. U.S. Department of Agriculture, *Inspection Report 1* (Feb. 6, 2017), Exhibit 24. Ridglan was again warned of this by state inspectors in June of 2024, and, despite that, Ridglan continued to fail to meet this basic requirement by the time of the September 2024 follow-up inspection. June 2024 DATCP Inspection Report, Ex. 7 at 8; September 2024 DATCP Inspection Report, Ex. 8 at 8.

104. DATCP investigators also observed “stereotypical behavior” from dogs in 2016. 2016 DATCP Inspection Report, Ex. 23 at 10. At the time, Ridglan told DATCP it would “consider” DATCP’s recommendations to provide suitable socialization and enrichment. *Id.* It did not implement any of the recommendations, and the same problems were observed during both 2024 DATCP inspections. June 2024 DATCP Inspection Report, Ex. 7 at 8; September 2024 DATCP Inspection Report, Ex. 8 at 8.

105. Finally, inspectors have noted problems with sanitation and ventilation repeatedly. In 2022, DATCP inspectors found stagnant puddles of excreta. 2022 DATCP Inspection Report, Ex. 18 at 9. The air quality was so poor that one inspector experienced nausea and soreness in his throat and nostrils for several hours after the inspection. *Id.* at 10. Poor sanitation and ventilation were again found in June 2024. June 2024 DATCP Inspection Report, Ex. 7 at 8. Ridglan was unable to adequately solve the issue before the subsequent September

inspection, highlighting the structural nature of this problem. September 2024 DATCP Inspection Report, Ex. 8 at 8–9. *See also* Rosenberg Decl., Ex. 9, ¶ 6.

106. Ridglan has demonstrated a pattern of ignoring DATCP citations and veterinary board stipulations and, instead, has chosen to continue its cruel and unlawful practices.

107. As Dr. Rosenberg explained:

The housing facilities and management at Ridglan Farms systematically create suffering for the dogs living there. The extreme confinement, poor ventilation, inappropriate construction, degraded infrastructure, and years of failure to correct these problems despite repeated warnings point to the systemic nature of the cruelty. Persistent failure to correct problems over many years makes the situation unlikely to improve.

Rosenberg Decl., Ex. 9, ¶ 6.

108. As Dr. McConnell explained, the longer these beagles are allowed to remain at Ridglan, the more they will suffer:

[I]t should be noted that even brief periods of time in such an abusive environment can have long term effects on each individual dog. In my experience as an animal behaviorist, the length of exposure to these conditions can have profound effects on the ability of an animal to recover. As part of my practice, I have seen dogs who have been exposed to similar conditions, for only a few days or weeks, behave as if traumatized. But, there is no doubt that the longer a dog is held captive in such a situation, the longer it will take for the dog to recover and lead a normal life.

McConnell Decl., Ex. 6, ¶ 11(g).

109. Dr. Lopresti-Goodman further explains the importance of rehabilitation for the beagles:

Scientific evidence supports the conclusion that meaningful psychological and behavioral rehabilitation for dogs coming from

intensive confinement common in commercial breeding and laboratories requires removal from such facilities and placement in stable, enriched, supportive homes (Doring et al., 2017a; b; Lopresti-Goodman & Bensmiller, 2022). When adopted into private homes with positive human relationships, autonomy, environmental complexity, patience and time, most dogs exhibit substantial improvements in their well-being indicated by relaxed body language, reduced heart rate, and increased performance or typical everyday behavior over the first weeks to months (Doring et al., 2017a; b; Lopresti-Goodman & Bensmiller, 2022).

Lopresti-Goodman Decl., Ex. 21, ¶ 15.

110. Every additional day that the beagles remain at Ridglan has severe consequences for their psychological wellbeing. Quick relief is necessary to end their suffering and release them from the cruel, unlawful conditions they are currently experiencing.

STATEMENT OF LAW

111. The purpose of the common law writ of habeas corpus is to provide protection against all manner of unlawful confinement. *See* William Blackstone, *Commentaries on the Laws of England: A Facsimile of the First Edition of 1765--1769* Volume 3, Article 1, Section 9, Clause 2, Document 4, ¶ 4 (1979) (available at <https://perma.cc/QX3B-DQ8L>).

112. While the usual use of the writ involves someone in custody of the State due to criminal process, a subset of cases extends the doctrine to child welfare, empowering courts to order new custody arrangements to protect children from cruelty. *See Ex parte Bellmore*, 189 Wis. 431, 431, 207 N.W. 699, 699 (1926); *Markwell v. Pereles*, 95 Wis. 406, 406, 69 N.W. 798, 799 (1897) (explaining that habeas corpus can be used to transfer the custody of children subjected to “gross ill

treatment, cruelty, or abandonment”); *see generally* Sarah Abramowicz, *English Child Custody Law, 1660-1839: The Origins of Judicial Intervention in Paternal Custody*, 99 Colum. L. Rev. 1344, 1371–81 (1999) (tracing the history of the English Court of Chancery’s use of equitable jurisdiction to transfer custody away from the rightful parent or guardian).

113. In such situations, habeas corpus permits transfer of a child from a party who otherwise has a right to custody of that child, such as a natural parent. *See, e.g., In re Goodenough*, 19 Wis. 274, 274 (1865) (noting that a court may withhold custody from parent if there “is something in his situation or conduct rendering him unfit for the trust”).

114. The purpose of habeas corpus in such cases is to protect the vulnerable from serious harm. *See Romasko v. City of Milwaukee*, 108 Wis. 2d 32, 37–38, 321 N.W.2d 123, 125–26 (1982) (explaining that “the general policy consideration that minors are the special objects of the solicitude of the courts and of government generally” and the court’s duty is to ensure that “justice is done to those who are defenseless and who are the objects of the special concern of government”); *Markwell*, 69 N.W. at 799.

115. Wisconsin recognizes that the beagles also have a legally protected interest to be free from cruelty. Wis. Stat. § 951.02 (“No person may treat any animal, whether belonging to the person or another, in a cruel manner.”); Wis. Stat. § 951.14 (“No person owning or responsible for confining or impounding any animal

may fail to provide” adequate ventilation, structurally sound facilities, sufficient space, and sanitation.).

116. The beagles are “vulnerable and helpless” individuals⁴ who “are so much a part of the human experience” and “provide humans with devoted friendship.” *Rabideau v. City of Racine*, 2001 WI 57, ¶ 4, 243 Wis. 2d 486, 492, 627 N.W.2d 795, 798.

117. Granting this petition is a natural application of habeas corpus law. The petition asks the court to protect vulnerable beings from suffering and dying of cruelty in Ridglan’s custody—precisely the type of injury that habeas corpus is designed to prevent. Nothing intrinsic to the writ of habeas corpus precludes its use to challenge the unlawful confinement of dogs. To the contrary, courts have repeatedly extended the writ to vindicate the legally recognized right of vulnerable individuals to be free from unlawful conditions. Summarily dismissing this petition solely because of the injured party’s biological category would subvert the purpose of the writ to provide relief in all manner of unlawful confinement.

HABEAS RELIEF IS AVAILABLE FOR THE BEAGLES

I. The common law writ of habeas corpus, which remains vital and dynamic in Wisconsin, provides protection against all manner of unlawful confinement.

A. The origin of the common law writ of habeas corpus.

118. The writ of habeas corpus “can be traced deep into English common law and indisputably holds an honored position in our jurisprudence.” *J. V. by*

⁴ *State v. Bauer*, 127 Wis. 2d 401, 409, 379 N.W.2d 895, 899 (Ct. App. 1985).

Levine v. Barron, 112 Wis. 2d 256, 260, 332 N.W.2d 796, 799 (1983) (quoting *Engle v. Isaac*, 456 U.S. 107, 126, 102 S.Ct. 1558, 1571 (1982)).

119. Its roots trace to Magna Carta's guarantee in 1215 that "[n]o free man shall be taken, imprisoned, disseised, outlawed, banished, or in any way destroyed . . . except by the lawful judgment of his peers and by the law of the land." A.E. Dick Howard, *Magna Carta: Text & Commentary* 14 (1964). In the centuries that followed, habeas corpus has developed as the mechanism by which any person held in custody could compel their custodian to justify the detention before a court.

120. As the common law of habeas corpus developed, its scope expanded to reach unlawful custody of any kind. By the time Blackstone wrote his influential Commentaries in the eighteenth century, the writ had become "the great and efficacious writ in all manner of illegal confinement," requiring "the person detaining another . . . to produce the body of the prisoner" and demonstrate lawful authority for the detention. Blackstone, *supra* at ¶ 4. Its reach extended well beyond state imprisonment. Blackstone observed that "a wife, a child, a relation, or a domestic, confined for insanity or other prudential reasons" could petition for the writ. *Id.* Though at the time those classes had few rights, habeas corpus was both available and a mechanism for confirming the (albeit limited) legal status of such classes. *See id.* Habeas operated under common law to examine private custody arrangements and not merely confinement by government authority. *See id.*

B. Wisconsin protects the common law writ of habeas corpus.

121. The Wisconsin Constitution preserves the English common law as it existed at the time Wisconsin became a state, with the understanding that it

continues to develop through judicial decisions. Wis. Const. Art. XIV, § 13; *State v. Picotte*, 2003 WI 42, ¶ 19, 261 Wis. 2d 249, 262, 661 N.W.2d 381, 387 (“[P]roperly construed, Article XIV, Section 13 of the Wisconsin Constitution does not codify English common law circa 1776, but rather preserves law that by historical understanding is subject to continuing evolution under the judicial power.”).

Moreover, Wisconsin courts recognize a presumption against statutory abrogation of common law rules unless the legislature clearly expresses an intent to do so. *See Walker v. Tobin*, 209 Wis. 2d 72, 78 n.3, 568 N.W.2d 303, 306 n.3 (Ct. App. 1997).

122. The Wisconsin Constitution specifically protects the writ of habeas corpus from legislative diminishment: “The privilege of the writ of habeas corpus shall not be suspended unless, in cases of rebellion or invasion, the public safety requires it.” Wis. Const. Art. I, § 8.

123. Wisconsin has enacted a habeas corpus statute, Wis. Stat. Ch. 782, which provides procedural mechanisms for the writ. Wis. Stat. §§ 782.01–782.46. The statute is procedural in nature; it does not and cannot abrogate the common law writ. “The writ of habeas corpus arises out of the common law and is guaranteed by both the Wisconsin and federal constitutions as well as state and federal statutes.” *State ex rel. L’Minggio v. Gamble*, 2003 WI 82, ¶ 17, 263 Wis. 2d 55, 66, 667 N.W.2d 1, 6.

124. Wisconsin courts have repeatedly recognized the continued vitality of common law habeas corpus alongside the statutory writ. *See, e.g., State ex rel. Britt v. Gamble*, 2002 WI App 238, ¶ 15 257 Wis. 2d 689, 698, 653 N.W.2d 143, 148 (“This

is an action in common law habeas corpus . . . which is an equitable doctrine allowing a court to tailor a remedy applicable to the particular facts.”).

C. Habeas corpus provides equitable relief where no adequate alternative remedy exists.

125. Equity ensures that no legally protected interest goes unvindicated simply due to lack of appropriate procedure under the circumstances. The ancient maxim *ubi jus, ibi remedium* captures this principle: where there is a right, there is a remedy.

126. Because habeas corpus is equitable in nature, it is available only where no adequate alternative remedy exists. *State v. Pozo*, 2002 WI App 279, ¶ 8, 258 Wis. 2d 796, 802, 654 N.W.2d 12, 15. This limitation flows from equity’s core function: to act where the law provides no relief.

127. In cases where no adequate alternative remedy exists, habeas corpus “is a separate civil action that is founded on principles of equity.” *L’Minggio*, 263 Wis. 2d 55, ¶ 17. As such, it “empowers a court of equity to tailor a fair and just remedy to the given factual circumstances. . . .” *State ex rel. Fuentes v. Wisconsin Ct. of Appeals, Dist. IV*, 225 Wis. 2d 446, 451, 593 N.W.2d 48, 50 (1999).

D. Wisconsin courts are entrusted to develop and adapt habeas corpus law under the common law.

128. Wisconsin courts possess the authority to develop and adapt the common law.

129. According to the Wisconsin Constitution:

Such parts of the common law as are now in force in the territory of Wisconsin, not inconsistent with this constitution, shall be and

continue part of the law of this state until altered or suspended by the legislature.

Wis. Const. Art. XIV, § 13.

130. “Article XIV, Section 13 of the Wisconsin Constitution does not codify English common law circa 1776 but rather preserves law that by historical understanding is subject to continuing evolution under the judicial power.” *Picotte*, 261 Wis. 2d 249, ¶ 19.

131. “The common law develops to adapt to the changing needs of society. This is, as it has been called, its ‘genius.’” *Thomas ex rel. Gramling v. Mallett*, 2005 WI 129, ¶ 130, 285 Wis. 2d 236, 305, 701 N.W.2d 523, 557 (quoting *Moran v. Quality Aluminum Casting Co.*, 34 Wis. 2d 542, 551, 150 N.W.2d 137, 141 (1967)). Thus, the common law is dynamic, subject to continuing judicial development, and responsive to the changing conditions of society:

[I]nherent in the common law is a dynamic principle which allows it to grow and to tailor itself to meet changing needs within the doctrine of stare decisis, which, if correctly understood, was not static and did not forever prevent the courts from reversing themselves or from applying principles of the common law to new situations as the need arose.

Picotte, 261 Wis. 2d 249, ¶ 19 (alteration in original) (quoting *Bielski v. Schulze*, 16 Wis. 2d 1, 11, 114 N.W.2d 105, 110 (1962) (*overruled in part on other grounds by Wangen v. Ford Motor Co.*, 97 Wis. 2d 260, 275, 294 N.W.2d 437, 446 (1980))).

132. While the common law evolves, new precedent requires justification. “[E]quitable principles never necessarily remain stationary,” and “may advance, from time to time, as the exigencies of new situations seem to demand, to the end that justice may not fail of vindication.” *Rowell v. Smith*, 123 Wis. 510, 102 N.W. 1,

7 (1905). Such advancement is warranted when “the needs of such a situation . . . should be of an extraordinary nature.” *Id.*

II. The common law writ of habeas corpus extends to child custody cases for children subjected to cruelty.

A. Habeas corpus has been used historically in Wisconsin to protect children from gross mistreatment and cruelty.

133. Wisconsin courts have long recognized that habeas corpus lies where a custodian subjects a child to gross mistreatment or cruelty. In *Markwell v. Pereles*, the Wisconsin Supreme Court explained this history of issuing equitable relief in cases of cruelty towards children:

[T]he court of chancery in England would interfere to control [a father’s] paternal rights, and deprive him of the custody of his children, and to award it to some suitable person as guardian, where it was shown that he had forfeited his right *by reason of gross ill treatment, cruelty, or abandonment*. . . . [I]n such cases courts of equity, to promote the welfare and best interests of the children, have taken them from him, and placed them in the custody of others; and this jurisdiction is exercised in this country in proceedings by habeas corpus affecting the custody of infants.

69 N.W. at 799 (emphasis added) (citations omitted); *see also Dovi v. Dovi*, 245 Wis. 50, 55, 13 N.W.2d 585, 588 (1944) (explaining that a court “acts as *parens patriae* to do what is best for the interest of the child” and quoting *Finlay v. Finlay*, 240 N.Y. 429, 433–34, 148 N.E. 624, 626 (N.Y. 1925)). In *Finlay v. Finlay*, Judge Cardozo explained that the court’s protective jurisdiction—whether exercised through habeas corpus or another equitable action—“has its origin in the protection that is due to the incompetent or helpless.” 148 N.E. at 625.

134. This standard has been affirmed repeatedly. In *Lemmin v. Lorfeld*, 107 Wis. 264, 83 N.W. 359 (1900), the Wisconsin Supreme Court held that a parent “has

the right to the custody, care, and education of his minor children, *unless it be shown that he is unfit or unsuitable* for the trust.” 83 N.W. at 360 (emphasis added).

135. In *State ex rel. Tuttle v. Hanson*, Justice Steinle’s dissent traced the development of this standard, explaining that the animating concern goes “to [the children’s] welfare, in some very serious and important respect.” 274 Wis. 423, 437, 80 N.W.2d 387, 396 (1957) (Steinle, J., dissenting).

“Under the common law, and by the terms of our statute . . . the father has the right to the custody, care, and education of his minor children, unless it be shown that he is unfit or unsuitable for the trust. . . . [I]t must appear that the father has so ‘conducted himself, or shown himself to be a person of such description, or is placed in such a position, as to render it not merely better for the children, but essential to their safety or to their welfare, in some very serious and important respect, that his rights should be treated as lost or suspended’”.

Id. at 437 (quoting *Lemmin*, 107 Wis. at 266 and *Markwell*, 69 N.W. at 801) (emphasis altered).

136. Such habeas cases do not turn on a parent’s right to custody and may instead result in a child being transferred to a nonparent. “[A] child . . . will generally be delivered to the father on his petition, unless there is something in his situation or conduct rendering him unfit for the trust.” *In re Goodenough*, 19 Wis. at 274; *id.* at 275 (remanding case for determination whether child should stay with father or master of an apprentice relationship).

B. In habeas corpus cases involving cruelty to children, the cruelty’s impact on the child’s welfare is of paramount importance.

137. Wisconsin courts have extended the common law writ to empower courts to review whether a custodial arrangement is detrimental to a child’s welfare and make changes to custodial rights if necessary:

Ordinarily the basis of the issuance of the writ of habeas corpus is an illegal detention, but, in the case of the writ sued out for the detention of a child, the law is not so much concerned about the illegality of the detention as the welfare of the child. . . . The court, when asked to restore an infant, is not bound by any mere legal right of parent or guardian, but is to give it due weight as a claim founded on human nature, and generally equitable and just. The court is in no case bound to deliver a child into the custody of any claimant, but should, in the exercise of a sound judicial discretion, after a careful consideration of the facts, leave it in such custody as the welfare of the child at the time appears to require.

Ex parte Bellmore, 207 N.W. at 699.

138. While habeas corpus’s classic function—vindicating the “right of personal liberty”—may seem inapt in cases where the remedy is a transfer from one custodian to another,⁵ the Wisconsin Supreme Court has explained that “[t]he ascertainment and enforcement of the custody of minor children by the use of the writ of habeas corpus is equitable in its nature, and in such cases the question of personal freedom is not involved, for an infant, from humane and obvious reasons, is presumed to be in the custody of some one until it has attained its majority.” *Ex parte Bellmore*, 207 N.W. at 699. Thus, when a particular custody is detrimental to

⁵ See *State ex rel. Richards v. Leik*, 175 Wis. 2d 446, 454, 499 N.W.2d 276, 279 (Ct. App. 1993) (stating that “[h]abeas corpus is the proper remedy for the inmate who seeks to shorten the time of his imprisonment but not if the inmate seeks a transfer to a less restricted form of custody”).

a child's welfare interests, courts "treat[] the removal of a child from lawful custody as an illegal restraint" subject to the writ of habeas corpus. *J.V. by Levine*, 112 Wis. 2d at 260.

III. The applicable habeas corpus standard in this case is the common law standard regarding custody of children.

139. Wisconsin law recognizes two distinct habeas corpus traditions. In the prisoner context, habeas is available to challenge the legality of a restraint on liberty, and it is generally only available to remedy jurisdictional or constitutional defects. In the child-custody context, habeas is an equitable vehicle used to remove a child from unlawful or harmful conditions. The writ is not used to free the child from custody altogether but to reassign custody based on the best interests of the child. *See supra* Section II(A–B).

140. Habeas corpus case law in the prisoner context establishes a three-part test: the petitioner must demonstrate "(1) restraint of his or her liberty, (2) [that the] restraint was imposed contrary to constitutional protections or by a body lacking jurisdiction, and (3) no other adequate remedy available at law." *Pozo*, 258 Wis. 2d at 802.

141. The second prong—that the restraint was "imposed contrary to constitutional protections or by a body lacking jurisdiction," *id.*—is not alleged in this petition. That is because the beagles' confinement does not stem from criminal sentencing or similar judicial process. There is no order of confinement whose constitutional validity or jurisdictional basis can be challenged. The usual case

involving a prisoner challenging a sentence of confinement presupposes a court order to test. Here, there is none.

142. Instead, the appropriate standard is drawn from the common law cases regarding custody of children. Wisconsin courts have recognized that child custody habeas proceeds under a different standard than prisoner habeas: “When [habeas corpus relief] is used in custody matters, however, it is not the narrow legal remedy that it is in criminal cases.” *Anderson v. Anderson*, 36 Wis. 2d 455, 459, 153 N.W.2d 627, 629 (1967). Rather, “the law is not so much concerned about the illegality of the detention as the welfare of the child.” *Ex parte Bellmore*, 207 N.W. at 699.

143. The reason for this distinction is that children, like the beagles here, will necessarily be in someone’s custody: “[T]he ascertainment and enforcement of the custody of minor children by the use of the writ of habeas corpus is equitable in its nature, and in such cases the question of personal freedom is not involved, for an infant, from humane and obvious reasons, is presumed to be in the custody of some one until it has attained its majority.” *Ex parte Bellmore*, 207 N.W. at 699. The question is not whether the child should be let loose on the streets, but whether the current custodian should retain custody.

IV. The habeas corpus standard used in child custody cases applies equally to dogs whose protected interest in freedom from cruelty has been violated.

A. Wisconsin’s animal cruelty statute creates a legally protected interest for animals to be free from cruelty.

144. By its plain terms, Wisconsin’s animal cruelty law creates a duty owed to *animals*: “No person may treat any animal, whether belonging to the person or another, in a cruel manner.” Wis. Stat. § 951.02. “Cruel” means “causing

unnecessary and excessive pain or suffering or unjustifiable injury or death.” Wis. Stat. § 951.01(2). The duty applies regardless of ownership. Wis. Stat. § 951.02. Notably, section 951.02 does not require proof of intentional behavior. *See State v. Stanfield*, 105 Wis. 2d 553, 560–61, 314 N.W.2d 339 (1982), *overruled on other grounds by State v. Poellinger*, 153 Wis. 2d 493, 504 n.5, 451 N.W.2d 752 (1990).

145. The statute also imposes a duty to provide proper care to animals: “No person owning or responsible for confining or impounding any animal may fail to provide” adequate ventilation, structurally sound facilities, sufficient space, and sanitation. Wis. Stat. § 951.14. Inadequate space “may be indicated by evidence of debility, stress or abnormal behavior patterns.” Wis. Stat. § 951.14(3)(b).

146. Duties and rights are correlative: where the law imposes a duty on one party it creates a corresponding right in another. As Hohfeld explained: “A duty or a legal obligation is that which one ought or ought not to do. ‘Duty’ and ‘right’ are correlative terms. When a right is invaded, a duty is violated.” Wesley Newcomb Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning*, 23 Yale L.J. 16, 30–32 (1913). Thus, the animal cruelty law creates a correlative legal right for animals to be free from cruelty by imposing a duty to refrain from causing cruelty or failing to provide proper care.

B. Legislative prohibitions against animal cruelty arose in tandem with laws prohibiting cruelty against children.

147. Originally, at common law, violence toward animals created no legal consequences unless it coincided with some other wrong such as public nuisance or malicious mischief. In such cases, the injury ran to the public or the human owner

rather than to the animal. *See* Claire Priest, *Enforcing Sympathy: Animal Cruelty Doctrine After the Civil War*, 44 L. & Soc. Inquiry 136, 139–41 (2019). It was thus the owner or the public that was conceived of as the victim of cruelty towards animals rather than the animals themselves.

148. The first known animal cruelty statute to protect animals themselves regardless of owner or public interest were the Puritans of the Massachusetts Bay Colony. In 1641, they voted to enact “The Body of Liberties” which consisted of 100 “rites, liberties and privileges. . . to be respectfully impartialle and inviolably enjoyed[.]” Body of Liberties of the Massachusetts Colony (1641), digital copy available online at <http://archives.lib.state.ma.us/handle/2452/430907>. “Liberty 92. Cruelty to animals forbidden”, required that “[n]o man shall exercise any Tirranny or Crueltie towards any brute Creature which are usually kept for man’s use.” *Id.* at Lib. 92.

149. The widespread enactment of animal cruelty statutes protecting animals in their own right took off two centuries later. New York passed the first modern animal cruelty statute in 1828, and eventually every other state passed some form of animal cruelty law. *See* Priest, *supra* at 143–45.

150. Wisconsin’s animal cruelty law tracks the evolution from protecting ownership and public interests to protecting animals themselves. An 1838 law enacted by the then-territory of Wisconsin illustrates the latter tendency, prohibiting abuse or injury to a stray animal. An Act Relating to Strays, No. 79 § 18, 1838 Wis. Terr. Laws 442, 445-46, available at <https://perma.cc/R86H-6MF8>.

The sole remedy was double damages payable to the owner of the stray. *Id.* at § 26. The act did not prohibit abusing an animal under the abuser’s ownership.

151. Wisconsin enacted its first animal cruelty statute a year after statehood. Revised Statutes of the State of Wisconsin, Ch. 139 Offences Against Chastity, Morality and Decency § 20 (passed Jan. 10, 1849). The statute embodies an expansion of legal protection from purely human interests to include animal interests as well: “[e]very person who shall cruelly beat or torture any horse, ox or other animal, *whether belonging to himself or another*, shall be punished. . . .” *Id.* (emphasis added).

152. Modern animal cruelty laws mark a fundamental doctrinal shift from protecting owners and the public to protecting animals themselves. As the Supreme Court of Arkansas explained in 1881, the new anticruelty laws “recognize and attempt to protect some abstract rights in all that animate creation” and “must be considered wholly irrespective of property, or of the public peace, or of the inconveniences of nuisances.” *Grise v. State*, 37 Ark. 456, 459 (Ark. 1881). More recently, the Oregon Supreme Court found that the purpose of that state’s animal cruelty law was to protect animals themselves, and not to protect human interests such as property rights or public morals. *State v. Nix*, 355 Or. 777, 779, 334 P.3d 437 (2014) (holding that animals qualify as victims for purpose of sentence merger), *vac’d on procedural grounds*, 356 Or. 768, 345 P.3d 416 (Or. 2015); *State v. Hess*, 273 Or. App. 26, 35-36, 359 P.3d 288 (Or. 2015) (adopting the holding and reasoning in *Nix*).

153. Relevant to this petition, laws protecting animals from cruelty developed in tandem with laws protecting children from cruelty. In 1879, the Wisconsin Humane Society was founded with a unified mission to prevent cruelty to animals, children, and other vulnerable persons. The missions diverged only when the state created dedicated child protective agencies in the early twentieth century. *See* Wisconsin Humane Society, *History*, available at <https://perma.cc/WZE8-ZHWB>; Wisconsin Public Radio, *Wisconsin Humane Society Founded as Protector of Animals, Children* (Jan. 10, 2024), available at <https://perma.cc/TZW4-5BT9>.

154. Child and animal anticruelty laws stemmed from a concern for their common condition of physical and legal helplessness. As historian Susan J. Pearson explains in her in-depth study of the advent of child and animal anticruelty laws:

[R]eformers explained that animals and children were joined by their common helplessness. More to the point, reformers pictured animals' and children's helplessness as grounded in a single, common source: their speechlessness. . . . For animal and child protectionists too the trope of speechlessness stood in for the inability to act physically, legally, and politically on one's own behalf. Reformers continually emphasized that "small animals, small children, young lives—they are all the same as far as the need of protection and gentleness is concerned."

Susan J. Pearson, *The Rights of the Defenseless: Protecting Animals and Children in Gilded Age America* 32–33 (2011). In other words, political reformers enacted protective legislation for children and animals as a way to remedy their legal disempowerment.

155. This parallel concern is evidenced in Wisconsin's statutory code. Animal and child cruelty provisions existed together in Chapter 948 until 1987, when the legislature reorganized them into separate chapters with parallel titles:

“Crimes Against Children” (Chapter 948) and “Crimes Against Animals” (Chapter 951). As the identical grammatical construction indicates, both statutes provide for prohibited behavior toward the relevant protected classes.

156. Child and animal anticruelty statutes thus serve the same purpose: protecting beings whose helplessness leaves them unable to seek legal recourse on their own behalf. Historically, habeas has been one mechanism by which courts vindicate that interest for children.

C. Application of the child custody habeas standard should not focus on the categories of petitioners, but rather on the existence of an injury to a legally protected interest.

157. This case fits well within the child custody framework. Both children and dogs are protected from cruelty. Like children, dogs will be in someone’s custody. The question is not whether they should be set loose, but whether their current custody is lawful. Like children, dogs cannot petition on their own behalf. And like child custody habeas, this case involves private custody where no court order exists to test for constitutional or jurisdictional defect.

158. While habeas corpus in Wisconsin has not yet been applied in situations involving animals, its application here does not call for any alteration or fundamental change to the existing habeas law. Rather, it simply requires an application of that law to a different situation based on the same fundamental premise that animates child custody habeas: the writ may reach a dependent individual kept in conditions detrimental to their welfare where the individual cannot protect their own welfare interests through ordinary legal processes.

159. That premise does not rest on the *category* of the subject (children) but is rooted in detriment to their welfare, i.e., cruelty.

160. As in cases involving children, the beagles at Ridglan have a legally protected interest in being free from cruelty. This interest is being violated. Thus, the question that applies to both is the fitness of the custodian.

161. Applying the logic from habeas corpus cases involving children, the beagles at Ridglan are entitled to the same process and relief to vindicate their legally protected interest to be free from cruelty.

V. That the subjects suffering from unlawful cruelty are dogs and puppies should not defeat an otherwise valid plea for relief under habeas corpus.

162. Wisconsin’s habeas corpus statute provides that “[e]very person restrained of personal liberty may prosecute a writ of habeas corpus.” Wis. Stat. § 782.01(1) (2023-24). This Court may wonder whether the word “person” in the habeas statute forecloses the beagles’ claim. It does not.

A. The Court does not need to determine that dogs are “persons”; it is sufficient that a legally protected interest exists under the animal cruelty laws.

163. Habeas corpus is a flexible writ intended to provide a remedy for “all manner” of illegal detention. *See* Blackstone, *supra* at ¶ 4. The key question is whether the beagles have a legally protected interest under the animal cruelty law sufficient to warrant recognition under common law habeas. They do, *supra* Section IV(A), and this Court’s obligation is to vindicate such interest.

164. The separation of powers squarely entrusts the judicial branch with stewardship of the common law, including the writ of habeas corpus. *See* Wis.

Const. Art. I, § 8 (suspension clause); Art. XIV, § 13 (common law preservation).

This Court can therefore recognize the beagles as rightsholders under the anticruelty law for the purpose of this habeas petition without having to determine whether they qualify as “legal persons” in any broader sense.

165. The Oregon Court of Appeals took precisely this approach in *State v. Fessenden*, 258 Or. App. 639, 310 P.3d 1163 (Or. Ct. App. 2013), *affirmed on narrower grounds by State v. Fessenden/Dicke*, 355 Or. 759 (Or. 2014). There, the court confronted whether the “emergency aid” exception to the warrant requirement could apply to a starving horse. The defendant argued that because Oregon's Supreme Court had described the exception in terms applying to “persons,” it should not extend to animals. *Id.* at 645–46. The Court of Appeals disagreed. It acknowledged that prior cases “described the emergency aid exception in terms that apply to human beings and not, expressly, to other animals.” *Id.* at 646. But it recognized the reason for that pattern:

[T]he court’s description of the exception in human terms is understandable, perhaps inevitable, given that the few emergency aid cases it has addressed all have turned on perceived threats to human safety. The court simply has not been presented with the question of whether the exception extends to the protection of animals, and its description of the doctrine cannot fairly be said to have rejected that contention.

Id. at 646–47. Rather than treat prior “persons” language as a categorical bar, the court asked whether a legally protected interest existed. Looking to Oregon’s anticruelty statutes, the court found they “reflect a legislative concern that animals be protected from unnecessary pain, trauma, and suffering.” *Id.* at 648. That

legislative determination was sufficient to extend the emergency aid doctrine to animals. *Id.* at 649.

166. Although it did not confront the semantic issue, the Wisconsin Court of Appeals reached the same result in *State v. Bauer* when it found that the doctrine of emergency, in the context of search and seizure, applied to animals. 127 Wis. 2d at 409. The *Bauer* court explained that the focus was on the need to assist a victim: “The element of reasonableness [under the doctrine of emergency] is supplied by the compelling need to assist the victim or apprehend those responsible, not the need to secure evidence.” *Id.* (citation omitted). Finding that a compelling need existed in that case, the *Bauer* court went on to recognize that it is this state’s policy to render aid for relatively vulnerable animals facing cruelty:

The exigent standard test applies to situations involving mistreatment of animals. Cruelty to animals is a statutory offense. It is therefore state policy to render aid to relatively vulnerable and helpless animals when faced with people willing or even anxious to mistreat them.

Id. Thus, although the emergency doctrine had only been applied to humans before *Bauer*, the Court of Appeals recognized that the same interest that justified emergency intervention for humans also applied to animals. That the doctrine had only been applied to humans before this was not a bar to its extension to animals when the principles underlying the doctrine supported such extension. This Court should take the same approach here in determining the applicability of the habeas procedure to the beagles in this case.

167. Moreover, this is an action in common law and therefore not subject to the statutory personhood standard or definition. In *State ex rel. Richards v. Leik*, a

prison inmate brought a habeas petition challenging his incarceration in maximum security and seeking a transfer to a medium security facility. 175 Wis. 2d at 499. After first holding that the petitioner was not entitled to *statutory* habeas corpus, the court in *Leik* turned its analysis to “common law habeas corpus,” finding that “cases abound that habeas corpus is an equitable doctrine and allows a court to tailor a remedy applicable to the particular facts.” *Id.* at 452.

B. In the context of this case, the word “person” is best construed as including dogs for the limited purpose of protecting them from cruelty.

168. Although the Court does not need to find that the beagles are “persons” to provide equitable relief from cruelty in this case, the best construction of the habeas corpus statute is that beagles do qualify as persons who can petition for relief.

169. The habeas corpus statute does not define “person.” Wis. Stat. § 782.01(1). Its definition section notably does not exclude nonhuman animals and flexibly allows for consideration of context: “In this chapter, *unless the context requires otherwise* . . . prisoner includes every person restrained of personal liberty.” Wis. Stat. § 782.01(3) (emphasis added). While it is true that the Wisconsin legislature did not explicitly include animals when it drafted this provision, it also did not affirmatively exclude them. There is a difference between legislative silence and legislative prohibition. The statutory language—“unless the context requires otherwise”—indicates adaptability rather than rigid categorical exclusion.

170. Wisconsin’s general statutory construction law confirms this flexible understanding. It does not limit “person” to humans. Wis. Stat. § 990.01. In fact, the

only entities it lists are nonhuman: “Person’ includes all partnerships, associations and bodies politic or corporate.” Wis. Stat. § 990.01(26). Wisconsin courts have stressed that “include” is “ordinarily a word of enlargement and not of limitation.” *Milwaukee Gas Light Co. v. Wisconsin Dep’t of Tax’n*, 23 Wis. 2d 195, 203 n.2, 127 N.W.2d 64, 68 n.2 (1964). Thus, legislature’s own definition of “person” demonstrates that the term is a functional legal category, not a biological one.

171. A flexible and potentially inclusive definition of person aligns with authoritative understandings of the concept of legal personhood. As Judge Salmond explained in his treatise: “[A] person is any being whom the law regards as capable of rights or duties . . . whether a human being or not.” *Person*, Black’s Law Dictionary (12th ed. 2024) (quoting John Salmond, *Jurisprudence* 318 (Glanville L. Williams ed., 10th ed. 1947)).

172. Thus, the law already recognizes nonhumans as persons. Corporations may sue and be sued. Ships may be named defendants in admiralty. See *Santa Clara Cnty. v. S. Pac. R.R. Co.*, 118 U.S. 394, 6 S. Ct. 1132 (1886); *Canadian Aviator v. United States*, 324 U.S. 215, 224, 65 S. Ct. 639, 644 (1945). These entities possess legal personality not because of what they are, but because the law has determined they should bear rights or duties for particular purposes.

173. There is no threshold quantum of rights required to qualify as a person. An entity qualifies even if it possesses only a single legal right or duty: “[W]here there is a legal right or duty recognised by criminal law, so there is a legal person, though if the rights are few, the person is a weak one.” Ngaire Naffine,

Legal Persons as Abstractions: The Extrapolation of Persons from the Male Case, in *Legal Personhood: Animals, Artificial Intelligence and the Unborn* 15, 17 (Visa A.J. Kurki & Tomasz Pietrzykowski eds., 2017); *see also* Matthew Liebman, *Animal Plaintiffs*, 108 Minn. L. Rev. 1707, 1755–56 (2024) (“[A] legal person is a nonbiological concept that can refer to any entity to whom the law confers rights or from whom the law demands obligations. This explains the legal personhood of nonhuman entities like corporations, partnerships, and municipalities, which, though nonhuman, nevertheless have legal rights (such as a corporation’s right to own property).”).

174. Nor does property status preclude personhood. The legal personhood of corporations demonstrates that the supposed binary between “persons” and “property” is false. An entity can be a legal person for some purposes and property for others—corporations are both persons with some rights and property that can be bought and sold. *See* Visa A.J. Kurki, *Introduction*, in *A Theory of Legal Personhood* 12 (Oxford University Press, Oxford Legal Philosophy, online edn, 19 Sept. 2019).

175. Furthermore, the Wisconsin Supreme Court has recognized the special status of dogs as more than mere property, explaining:

[W]e are uncomfortable with the law’s cold characterization of a dog . . . as mere “property.” Labeling a dog “property” fails to describe the value human beings place upon the companionship that they enjoy with a dog. A companion dog is not a fungible item, equivalent to other items of personal property. A companion dog is not a living room sofa or dining room furniture. This term inadequately and inaccurately describes the relationship between a human and a dog.

Rabideau, 243 Wis. 2d 486, ¶ 3. Although *Rabideau* ultimately ruled against the human plaintiff's negligent infliction of emotional distress claim, the court's acknowledgment that dogs transcend the property category surely extends at least to a legally protected interest—freedom from cruelty—recognized by the legislature.

176. “Person” is thus best understood as any entity who is the subject of any legal rights or duties, even if the entity is nonhuman and qualifies as property in some respects.

177. In this case, the beagles have a legally protected interest to be free from cruelty under Wisconsin's animal cruelty law. Wis. Stat. Ch. 951. That the beagles are nonhuman and may qualify as property in some respects does not automatically render them unsuitable to a petition for habeas corpus to be free from cruel custody.

178. If this Court declines to issue the writ, it should not be for lack of jurisdiction or inability to treat the beagles as persons. Jurisdiction should be withheld only if the Court concludes that the beagles' interest in being free from cruelty is not sufficiently weighty to justify this extension of the common law to protect that legal interest. That is a jurisprudential question about the strength of the interest, not the category of the petitioner. The interests of dogs and puppies to be free from cruelty unquestionably suffices.

STATEMENT OF THE CLAIM AND CAUSE FOR RELIEF

179. A petition for writ of habeas corpus shall be granted upon Petitioners' showing of cause. *See* Wis. Stat. § 782.06. Once issued, the respondent must demonstrate cause that the custody is lawful. *See* Wis. Stat. § 782.07.

180. Habeas corpus provides relief from unlawful detention when there is no adequate remedy at law.

181. This is a case of private custody where the question is not whether a court validly ordered their confinement but whether the custodian's own conduct renders continued custody unlawful. The beagles have not been "committed or detained by virtue of the final judgment or order of any competent tribunal of civil or criminal jurisdiction" nor "by virtue of any execution issued upon such order or judgment." Wis. Stat. § 782.02 (2023-24).

182. Habeas corpus lies where the custodian subjects a child to "gross ill treatment, cruelty, or abandonment" and change in custody is "essential to their safety or their welfare." *Markwell*, 69 N.W. at 799–801.

183. Extending the same principle here, Petitioners state a prima facie case for relief because: (1) the beagles are in Ridglan's custody; (2) Ridglan's custody is rendered unlawful through acts of cruelty that violate Wisconsin's anticruelty statutes; and (3) no adequate alternative remedy exists.

A. The beagles are in Ridglan's custody.

184. Ridglan holds the approximately 2,000 beagles at its facility in Dane County. The beagles are confined in metal cages stacked in warehouses and never taken for walks or brought outside.

B. Ridglan subjects the beagles to gross mistreatment and cruelty in violation of their legal protection under Wisconsin’s anticruelty statutes.

185. Wis. Stat. § 951.02 provides: “No person may treat any animal, whether belonging to the person or another, in a cruel manner.” “Cruel” means “causing unnecessary and excessive pain or suffering or unjustifiable injury or death.” Wis. Stat. § 951.01(2).

186. Wis. Stat. § 951.14 creates an ongoing duty to provide proper shelter, including: (a) adequate ventilation “to provide for the health of the animals at all times”; (b) structurally sound housing “maintained in good repair to protect the animals from injury”; (c) sufficient space to allow “adequate freedom of movement,” with “[i]nadequate space... indicated by evidence of debility, stress or abnormal behavior patterns”; and (d) sanitation sufficient “to minimize health hazards.”

187. Ridglan violates these statutes through ongoing, structural, and willful conduct that causes unnecessary and excessive pain and suffering to the beagles in its custody.

188. Specifically, Ridglan has violated and continues to violate Wis. Stat. § 951.02 by:

- Confining dogs in wire cages where the plastic coating has worn away, exposing rusted and sharp metal that routinely causes foot injuries, including ulcers and ruptured interdigital cysts.
- Failing to provide adequate veterinary care by failing to conduct routine health checks and failing to properly treat injuries.
- Subjecting beagles to unjustified euthanasia in violation of veterinary standards.

189. Ridglan has subjected, and continues to subject, the beagles to mistreatment and cruelty in violation of Wis. Stat. § 951.14 by:

- Failing to provide adequate space and enrichment, resulting in chronic psychological distress and exhibition of stress-induced stereotypic behaviors including spinning, pacing, and wall bouncing.
- Failing to provide adequate ventilation, resulting in ammonia levels so severe that government inspectors experienced nausea, throat irritation, and nasal irritation for hours after leaving the facility.
- Failing to maintain proper sanitation, with stagnant puddles of excreta, accumulation of feces in cages, and a film of organic waste material present throughout the facility.
- Failing to maintain structurally sound enclosures, with enclosures exhibiting rust or worn coating that causes injuries.

190. These violations are supported by credible and substantial evidence.

See supra, Statement of Facts.

191. On January 9, 2025, this Court found probable cause that Ridglan committed both felony and misdemeanor animal cruelty through these acts.

192. On September 30, 2025, the Wisconsin Veterinary Examining Board suspended the license of Ridglan's veterinarian for, among other things: inappropriately delegating surgical procedures to non-veterinarians, gross negligence, and violating Board orders.

193. These violations are systemic and structural in nature. Ridglan has been repeatedly warned of these conditions since at least 2016 and has consistently failed to remediate them. Addressing them would require not only changes in practices and staffing but a complete renovation of the facility. So long as the

beagles remain at Ridglan, they will continue to suffer. *See supra*, Statement of Facts Section II(A).

C. No adequate alternative remedy exists to stop the unlawful cruelty at Ridglan.

194. Animal cruelty no longer requires an injury to a public or ownership interest to be unlawful. Criminal procedure—which exists to vindicate a public interest—has proven inadequate to vindicate the animals’ legal interests in this case. Equity should fill that gap.

195. The criminal process did not and cannot provide relief for the beagles. The criminal process is an action on behalf of the State tailored to governmental considerations of public interest rather than the dogs’ welfare; these considerations include criminal deterrence, resource allocation, and the likelihood of conviction. This is analogous to animal cruelty only being unlawful if it constitutes a public nuisance.

196. The special prosecutor’s report confirms this gap. In response to requests by dog advocates to remove the dogs or cancel Ridglan’s license, he determined that these suggested remedies “simply were not available.” Rather, “[t]he most [he] could do was charge a crime.” Report of Special Prosecutor, Ex. 12 at 6. Such charges would have been tailored to punish Ridglan for past legal violations to promote the government’s interest in law enforcement—they would not be tailored to promote the beagles’ own legal interests in being free from cruelty now and in the future.

197. Habeas corpus protects the party restrained. It asks whether this custody is justified and orders relief—i.e., release or transfer—to protect from present and future harm. No other civil remedy exists.

198. The remedy sought is feasible and available. The number of dogs—approximately 2,000—does not preclude this specific relief. In 2022, nearly 4,000 beagles were rescued from an Envigo breeding facility. Rebekah Riess, *Beagle breeder to pay over \$35 million in fines, the largest ever in Animal Welfare Act case history*, CNN (June 4, 2024), available at <https://www.cnn.com/2024/06/04/us/envigo-beagle-breeder-animal-welfare-case> (last accessed Jan. 27, 2026). Kindness Ranch, one of the rescue organizations offering aid in this case, participated in the removal and placement of these dogs.

Declaration of John Ramer, Exhibit 25, ¶ 8.

RELIEF SOUGHT

1. Based on the above showing of cause, Petitioners respectfully request that this Court issue the writ of habeas corpus pursuant to common law and Wis. Stat. § 782.06, commanding Ridglan to appear and justify its continued custody of the beagles.

2. Upon a determination that Ridglan’s custody is unlawful, Petitioners request that this Court order the beagles released from Ridglan’s custody and transferred to the care of qualified rescue organizations capable of providing appropriate care, rehabilitation, and adoption into suitable homes.

3. Should this Court grant such relief, three rescue organizations have pledged their resources to initiate a coordinated relocation and placement effort of all the beagles at Ridglan. Declaration of Heather Owen, Exhibit 26, ¶ 5; Ramer Decl., Ex. 25, ¶10; Declaration of Elise Traub, Exhibit 27, ¶ 9.

4. Petitioners request such other and further relief as this Court deems just and proper.

Dated: January 30, 2026

s/ Kristin Schrank

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VERIFICATION

I, Kristin M. Schrank, declare as follows:

1. I am an attorney licensed to practice in the State of Wisconsin.
2. I was counsel of record in previous legal proceedings relating to beagles at Ridglan Farms, Inc., and I am familiar with the facts and circumstances pertaining to this petition.
3. I read the Petition and believe it to be true and accurate.

I certify under penalty of perjury under the laws of Wisconsin and of the United States that the foregoing is true and correct.

Executed on: January 30, 2026

s/ Kristin M. Schrank

Kristin M. Schrank