

**FILED
02-05-2026
CIRCUIT COURT
DANE COUNTY, WI
2026CV000347**

**STATE OF WISCONSIN
DANE COUNTY**

CIRCUIT COURT

For Official Use:

APPROXIMATELY 2,000 BEAGLE DOGS AND PUPPIES,

Petitioners,

v.

RIDGLAN FARMS, INC.

Respondent.

Case No. 26CV347

**RESPONDENT’S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO WIS. STAT. § 802.06(2)(a)6.**

Ridglan Farms, Inc. (“Ridglan Farms” or “Respondent”), by its attorneys Husch Blackwell LLP, respectfully moves this Court for an order dismissing the above referenced Petition for Writ of Habeas Corpus (the “Petition”) on grounds that the Petition is legally without merit and, thus, fails to state a claim upon which relief may be granted as a matter of law.

INTRODUCTION

It is well established that the relief available by writ of habeas corpus applies only to people. It does not apply to animals. In this case, Petitioners seek a writ of habeas corpus with respect to dogs owned by the Respondent. The law does not support Petitioners’ claims. Indeed, the law stands squarely against those claims. For several years the Nonhuman Rights Project has attempted to establish habeas corpus rights for animals in a number of prior actions in a number of different states. As discussed below, the court in each such case rejected the effort to apply habeas corpus rights to animals as a matter of law.

The Petition here is deficient for multiple reasons.¹ However, this Motion focuses on the threshold legal issue at the heart of this case: the extraordinary remedy of habeas corpus applies only to people. Under Wisconsin law, dogs are not people; they are personal property. Accordingly, the Petition for Writ of Habeas Corpus must be dismissed.

BACKGROUND

Ridgland Farms was established in 1966 as a biomedical research facility committed to supporting the advancement of science through the humane use of animals in lawful scientific research studies. To that end, Ridgland Farms has for sixty years bred and raised beagles that are used in research trials it conducts on behalf of clients, or that are sold to customers, including major research universities and other institutions, for the same purpose. As a biomedical research facility, Ridgland Farms is subject to extensive federal and state regulations that govern all aspects of its operations, including animal care, housing and research.

Specifically, Ridgland Farms is regulated and licensed by the United States Department of Agriculture (“USDA”). It maintains a USDA Class A license and operates as a USDA Class R-licensed research facility. As a USDA-licensed facility, Ridgland Farms is regulated under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., and required to comply with numerous protocols and procedures administered under that law in caring for its animals. Ridgland Farms is also regulated and licensed by the Wisconsin Department of Agriculture, Trade & Consumer Protection (“DATCP”) pursuant to Wis. Admin. Code Ch. 16. Ridgland Farms is subject to regular, unannounced inspections by USDA and DATCP and has operated lawfully under these various federal and state regulations without incident for many years.

¹ To be clear, the Petition is replete with factual allegations that are plainly, and likely knowingly, false. For purposes of this Motion brought pursuant to Wis. Stat. § 802.06(2)(a)(6), we do not address those factual allegations here.

This Petition is only the latest in a near decade-long targeting of Ridglan Farms by various activist groups seeking to end the lawful use of animals for scientific research purposes. In 2017, activists unlawfully entered Ridglan Farms' facility. They stole three dogs and documented their unlawful break-in, boasting online that these actions constituted "open rescue." In 2021, an activist organization publicly encouraged individuals to apply and work for Ridglan Farms under false pretenses, in order to provide it with an "inside perspective." The allegations of one such individual who worked at Ridglan Farms for approximately one month in early 2022, Scott Gilbertson, are featured prominently in this Petition. *See, e.g.*, Pet. ¶¶ 10, 13, 16-17, 20-21, 45, 71, 88.

In 2024, Ridglan Farms' opponents urged the Dane County District Attorney to bring criminal charges against Ridglan Farms for alleged animal cruelty. When the DA declined, they brought a petition under Wis. Stat. § 968.03(3) asking the circuit court to authorize the filing of a criminal complaint against Ridglan Farms. Following an *ex parte* hearing in which Ridglan Farms was not allowed to participate, the court granted the petition and referred the matter to the La Crosse County District Attorney as a Special Prosecutor. In October 2025, after months of reviewing the matter, the Special Prosecutor and Ridglan Farms entered into a plea agreement to resolve the allegations arising out of the Wis. Stat. § 968.03(3) petition. Thus, no charges were brought against Ridglan Farms.

Also in 2024 and 2025, Ridglan Farms' opponents made complaints with DATCP and with the Wisconsin Veterinary Examining Board ("VEB"). Both DATCP and VEB conducted investigations and took actions those agencies deemed appropriate to address alleged violations of applicable regulations. Similarly, in 2025, a complaint was submitted to the USDA, and that agency also conducted an investigation and found no violations of applicable federal regulations.

None of these referenced matters is directly relevant to the threshold legal question presented in this case: whether habeas corpus applies to animals. However, this background is

provided in order to demonstrate that both federal and state law are designed to ensure that animals in general, as well as those used for biomedical research in particular, are treated humanely. Those laws have been repeatedly invoked but the Petitioners here are dissatisfied with the outcome. Even if the extraordinary remedy of habeas corpus applied to animals—which it clearly does not—the Petitioners improperly seek a writ from this Court despite the fact that other legal remedies exist. Those legal remedies have been invoked but they failed to result in the relief advocated by Petitioners—namely the removal of the dogs.

LEGAL STANDARDS

“A motion to dismiss for failure to state a claim tests the legal sufficiency of the complaint.” *Data Key Partners v. Permira Advisers LLC*, 2014 WI 86, ¶ 19, 356 Wis. 2d 665, 849 N.W.2d 693 (citing *John Doe I v. Archdiocese of Milwaukee*, 2007 WI 95, ¶ 12, 303 Wis. 2d 34, 734 N.W.2d 827). “[T]he sufficiency of a complaint depends on substantive law that underlies the claim made because it is the substantive law that drives what facts must be pled.” *Cattau v. Nat’l Ins. Servs. of Wisconsin, Inc.*, 2019 WI 46, ¶ 6, 386 Wis. 2d 515, 926 N.W.2d 756 (quoting *Data Key Partners*, 356 Wis. 2d 665, ¶ 31). A complaint should be dismissed as legally insufficient if it appears to a certainty that no relief can be granted under any set of facts that the plaintiff can prove. *Strid v. Converse*, 111 Wis. 2d 418, 422, 331 N.W.2d 350 (1983) (citing *La Fleur v. Mosher*, 109 Wis. 2d 112, 113, 121, 325 N.W.2d 314 (1982)); *see also DeBruin v. St. Patrick Congregation*, 2012 WI 94, ¶ 11, 343 Wis. 2d 83, 816 N.W.2d 878 (holding that a court must “dismiss a complaint if it states no legal claim upon which relief can be granted”).

Habeas corpus relief is rooted in English common law and is guaranteed by both the federal and Wisconsin constitutions, as well as by Wisconsin statute. *See State ex rel. Fuentes v. Wis. Court of Appeals, District IV*, 225 Wis. 2d 446, 593 N.W.2d 48 (citing Wis. Const. Art. I, § 8, cl. 4; U.S. Const. Art. I, § 9, cl. 2; Wis. Stat. § 782.03). While typically arising in the context of

criminal proceedings, a habeas corpus petition is a separate civil action founded upon equitable principles. “Habeas corpus provides extraordinary relief and is available only where specific factual circumstances are present.” *Id.* at 451. These circumstances are: (1) “the party seeking habeas corpus relief must be restrained of his or her liberty”; (2) “the person’s restraint must have been imposed by a tribunal without jurisdictional power over the person or subject matter, or the restraint must have occurred contrary to constitutional protections”; and (3) “the person improperly restrained must have no other adequate remedy available in the law.” *See id.*

Importantly, a writ of habeas corpus only applies to people. It does not apply to animals and this Court should squarely reject the Petitioners’ attempt to invoke that remedy here.

ARGUMENT

I. Courts Throughout the United States Have Repeatedly and Uniformly Rejected the Use of Habeas Corpus for Animals and Have Dismissed Similar Petitions Brought by the Nonhuman Rights Project.

There is no dispute that the writ of habeas corpus extends back centuries to the Magna Carta’s guarantee that “[n]o free man” should be “imprisoned . . . except by the lawful judgment of his peers and by the law of the land.” Pet. ¶ 119. There is no dispute that both the federal and Wisconsin constitutions permit habeas corpus relief for wrongfully imprisoned persons. *See id.* ¶¶ 123, 139-140. There is no dispute that the Wisconsin habeas corpus statute provides that a “person restrained of personal liberty may prosecute a writ of habeas corpus.” *Id.* ¶ 162 (quoting Wis. Stat. § 782.01(1) (emphasis added)). Nevertheless, Petitioners urge this Court to ignore each one of these undisputed legal principles and rule for the first time in the history of Anglo-American jurisprudence that dogs are properly the subject of habeas corpus relief.

Courts around the country have repeatedly dismissed petitions seeking writs of habeas corpus brought by the Nonhuman Rights Project with respect to animals. In one such case in 2014, a New York state court confirmed that a chimpanzee was not a “person” entitled to the writ of

habeas corpus. *See People ex rel. Nonhuman Rts. Project, Inc. v. Lavery*, 124 App. Div. 3d 148, 150, 998 N.Y.S.2d 248, 250 (2014). There, the court bluntly observed, “[n]ot surprisingly, animals have never been considered persons for the purposes of habeas corpus relief, nor have they been explicitly considered as persons or entities capable of asserting rights for the purpose of state or federal law.” *Id.* at 249–50 (citing *Lewis v. Burger King*, 344 Fed. App’x 470, 472 (10th Cir. 2009), *cert. denied*, 558 U.S. 1125 (2010); *Certacean Community v. Bush*, 386 F.3d 1169, 1178 (9th Cir. 2004); *Tilikum ex rel. People for the Ethical Treatment of Animals, Inc. v. Sea World Parks & Entertainment, Inc.*, 842 F. Supp.2d 1259, 1263 (S.D. Cal. 2012); *Citizens to End Animal Suffering & Exploitation, Inc. v. New England Aquarium*, 836 F. Supp. 45, 49–50 (D. Mass. 1993)). “In fact,” the court continued, “habeas corpus relief has never been provided to any nonhuman entity.” *Id.* at 250 (citing *United States v. Mett*, 65 F.3d 1531, 1534 (9th Cir. 1995), *cert. denied*, 519 U.S. 870 (2006); *Waste Management of Wisconsin, Inc. v. Fokakis*, 614 F.2d 148, 139–40 (7th Cir. 1980), *cert. denied*, 449 U.S. 1060 (1980); *Sisquoc Ranch Co. v. Roth*, 153 F.2d 437, 441 (9th Cir. 1946); *Graham v. State of New York*, 25 App. Div. 2d 693, 693 (1966)).

In another case, in 2022, a New York state court of appeals affirmed the district court’s dismissal of a petition for writ of habeas corpus on behalf of an elephant residing at a zoo. *See Matter of Nonhuman Rights Project, Inc. v. Breheny*, 38 N.Y.3d 555, 197 N.E.3d 921 (2022). In affirming the district court’s dismissal, the court acknowledged that “while no one disputes that elephants are intelligent beings deserving of proper care and compassion,” ultimately “the writ of habeas corpus is intended to protect the liberty right of *human beings* to be free of unlawful confinement.” *See id.* at 565–66 (emphasis in original).

In reaching its decision, the court explained the broader mission of the Nonhuman Rights Project as “seeking to establish that ‘at least some nonhuman animals’ are ‘legal persons’ entitled to fundamental rights.” *Id.* at 566. The court noted that in courts around the country, these efforts

“have been unsuccessful, with no court granting such petitions and most of these courts dismissing the proceedings on the basis that nonhuman animals are not legal ‘persons’ with liberty rights protected by the writ of habeas corpus.” *See id.* (citing *Matter of Nonhuman Rights Project, Inc., v. Lavery*, 152 App. Div. 3d 73, 77, 54 N.Y.S.3d 392 (2017); *Rowley v. City of New Bedford*, 159 N.E.3d 1085 (Mass. App. Ct. 2020); *Nonhuman Rights Project, Inc. v. R.W. Commerford & Sons, Inc.*, 216 A.3d 839, 845–46 (Conn. App. 2019); *Matter of Nonhuman Rights Project, Inc. v. Presti*, 124 App. Div. 3d 1334, 1335, 999 N.Y.S.2d 652 (4th Dept. 2015)); *Matter of Nonhuman Rights Project, Inc. v. Stanley*, 2014 N.Y. Slip Op. 68434[U], 2014 WL 1318081 (2d Dept. 2014)).

As yet another example, just last year, a unanimous Colorado Supreme Court affirmed the dismissal of a writ of habeas corpus on behalf of elderly elephants residing at the Cheyenne Mountain Zoo. *Nonhuman Rights Project, Inc. v. Cheyenne Mountain Zoological Society*, 562 P.3d 63 (Colo. 2025). Finding that “nothing in the common law supports NRP’s position,” the court rejected the “attempt to extend the great writ to nonhuman animals. NRP has commenced similar legal proceedings in many other states on behalf of elephants and chimpanzees living in zoos and other facilities. Every one of its petitions for writ of habeas corpus has been denied for the same or very similar reasons.” *Id.* at 69; *see also Nonhuman Rights Project, Inc. v. City and County of Honolulu*, No. CAAP-24-0000323, 2026 WL 226499, Slip Copy at *1 (Haw. Ct. App. Jan. 28, 2026) (affirming that the statutory and common law writ of habeas corpus is not available to elephants because they are not “persons”); *Nonhuman Rights Project, Inc. v. DeYoung Fam. Zoo, LLC*, No. 369247, 2025 WL 2957821, at *11 (Mich. Ct. App. Oct. 17, 2025) (“We see no reason to question the uniform authority that animals are not persons who are eligible for a writ of habeas corpus.”).

II. Wisconsin Law is Clear that Animals Are Personal Property, not “Persons,” and Thus Are Not the Proper Subject of Habeas Corpus Relief.

The Wisconsin Supreme Court has made clear—in unanimous agreement with courts throughout the country—that “the law categorizes the dog as personal property.” *Rabideau v. City of Racine*, 2001 WI 57, ¶ 5, 243 Wis. 2d 486, 627 N.W.2d 795; *see id.* ¶ 3 n.2 (citing *Campbell v. Animal Quarantine Station*, 632 P.2d 1066, 1071 n.5 (Haw. 1981) (“The law clearly views a dog as personal property.”); *Thiele v. City & County of Denver*, 312 P.2d 785 (Colo. 1957); *Smith v. Costello*, 290 P.2d 742 (Idaho 1955)).

In *Rabideau*, a case Petitioners cite in an effort to support of their position here, the Wisconsin Supreme Court affirmed the dismissal of claims of intentional and negligent infliction of emotional distress brought by a pet owner who witnessed a police officer shoot and kill her dog. *Id.* ¶ 6–8. There, the court explained that “the law categorizes the dog as personal property despite the long relationship between dogs and humans,” thus preventing the recovery of damages for the asserted claims. *Id.* ¶¶ 5–7. The court was understandably sensitive in acknowledging the emotional attachment humans have to dogs, reasoning that as a matter of linguistics, labeling a dog as “‘property’ fails to describe the value human beings place upon the companionship that they enjoy with a dog.” *Id.* ¶ 3. However, the court was clear that the term “property” nevertheless reflects “established legal doctrine,” that the “law categorizes the dog as personal property,” and affirmed dismissal of the plaintiff’s claim for relief “caused by negligent damage to her property.” *Id.* ¶¶ 3, 5, 7.

Following this clear explanation that dogs constitute property, the court expressed it was “particularly concerned that were such a claim to go forward, the law would proceed upon a course that had no *just* stopping point.” *Id.* ¶ 7. “Humans have an enormous capacity to form bonds with dogs, cats, birds and an infinite number of other beings that are non-human,” explained the court.

See id. “Were we to recognize a claim for damages for the negligent loss of a dog, we can find little basis for rationally distinguishing other categories of animal[s].” *Id.*

Here, too, this Court should not, and has no legal basis to², take the radical step of extending habeas corpus relief to animals, as there would “be no just stopping point.” *See id.* In fact, the danger is even greater here than in *Rabideau*, as granting a writ of habeas corpus would recognize that dogs have constitutional rights and may be considered confined “contrary to constitutional protections.” *See Fuentes*, 225 Wis. 2d at 451. By extending such relief, this Court would not only rule contrary to Wisconsin statute making clear that such relief may only be granted to “persons,” *see* Wis. Stat. § 782.04, but would be advancing a breathtaking premise: that personal property enjoys its own constitutional liberty interests. The Petition clearly must be dismissed on this basis alone.

III. Petitioners’ Additional Attempts to Analogize Animals to Persons Fail as a Matter of Law.

In attempting to downplay the radical and legally unsupportable nature of the relief sought, Petitioners advance a variety of other factual analogies using Wisconsin law, all of which fail by their disregard for the well-settled meaning of legal personhood.

First, Petitioners analogize dogs to human infants, by virtue of both being under the “custody” of an adult. *See* Pet. ¶ 143. To be sure, habeas corpus relief is sometimes used to ensure that custody arrangements adequately protect the “child’s welfare interests” by “treat[ing] the removal of a child from lawful custody as an illegal restraint” subject to the writ. *See id.* ¶ 138

² Respectfully, the circuit court is bound by Wisconsin Supreme Court precedent making clear that animals are property. *See Cook v. Cook*, 208 Wis. 2d 166, 189, 560 N.W. 246 (1997) (“The supreme court is the only state court with the power to overrule, modify or withdraw language from a previous supreme court case.”); *see also State ex rel. Wis. Senate v. Thompson*, 144 Wis. 2d 429, 436, 424 N.W.2d 385 (1988) (“[I]t is this court’s function to develop and clarify the law.”) (citations omitted); *State v. Herrmann*, 2015 WI 84, ¶ 154, 364 Wis. 2d 336, 867 N.W.2d 772 (Ziegler, J., concurring) (“Unlike a circuit court or the court of appeals, the supreme court serves a law development purpose[.]”).

(citing *J.V. by Levine*, 112 Wis. 2d 256, 260, 332 N.W.2d 796 (1983)). However, children are people. Dogs are not. A child custody matter requiring a writ of habeas corpus is “a claim founded on human nature” itself, where courts consider the age and physical and mental development of a child, see *State ex rel. Hannon v. Eisler*, 270 Wis. 469, 71 N.W.2d 376 (1955), as well as the child’s own desire when he or she has “reached an age of judgment or discretion.” See *Ex parte Bellmore*, 189 Wis. 431, 207 N.W. 699 (1926)). Petitioners cannot escape the fact that dogs are property, regardless of whether both dogs and human infants may be in the legal “custody” of an adult.

Second, Petitioners argue that criminal statutes prohibiting animal cruelty reflect the grant of constitutional rights to animals. See Pet. ¶¶ 185–86 (citing Wis. Stat. §§ 951.02, 951.14). Here, Petitioners appear to base these assertions on the underlying premise that “[d]uties and rights are correlative: where the law imposes a duty on one party it creates a corresponding right in another.” See *id.* ¶ 146.

However, while rights and obligations may correlate in certain contexts when each “party” is a *person*, a law that criminalizes specific acts towards property does not bestow “rights” upon that *property*. As another court explained in affirming the dismissal of a petition for habeas corpus for animals (there, chimpanzees) brought by the Nonhuman Rights Project, “legal personhood has consistently been defined in terms of both rights and duties,” and “[r]eciprocity between rights and responsibilities stems from principles of social contract, which inspired the ideals of freedom and democracy at the core of our system of government.” *Lavery*, 998 N.Y.S.2d at 250. Thus caselaw “has always recognized the correlative rights and duties that attach to legal personhood,” which is why “[a]ssociations of human beings, such as corporations and municipal entities, may be considered legal persons.” See *id.* at 251. “Needless to say, unlike human beings,” animals “cannot bear any legal duties, submit to societal responsibilities or be held legally accountable for their

actions,” and “it is this incapability to bear any legal responsibilities and societal duties that renders it inappropriate to confer upon” animals “the legal rights—such as the fundamental right to liberty protected by the writ of habeas corpus—that have been afforded to human beings.” *See id.* Although it should be self-evident, without the need to cite legal authority, this Court cannot bestow constitutional rights on animals that have no legal duties, societal responsibilities, and cannot otherwise be held legally accountable for their actions.

Third, and finally, to the extent Petitioners cite *State v. Bauer* as justifying an extension of the habeas corpus doctrine, their characterization of that decision is severely misguided. *See* 127 Wis. 2d 401, 379 N.W.2d 895 (Ct. App. 1985). There, the court of appeals affirmed dismissal of the appellant’s argument that a search and seizure of horses violated the appellants’ Fourth Amendment rights. In that case, the appellants had requested law enforcement assistance to remove a dead horse from their driveway. After inspecting the dead horse and determining the primary cause of death to be starvation, other living horses on the property were observed to be “near death” or in “awful” condition. *Id.* at 404. The living horses were then removed from the property and the appellants were charged for violations of three Wisconsin statutes prohibiting animal cruelty. *Id.* at 404–05 (citing Wis. Stat. §§ 948.02, 948.13, 948.14(3)(b)-(4)).

Prior to trial, the appellants moved to suppress evidence relating to the horses, alleging it stemmed from an unreasonable search and seizure in violation of the appellants’ Fourth Amendment rights. *Id.* at 405. In affirming denial of the motion to suppress and ultimate conviction, the Court of Appeals reasoned that appellants had no expectation of privacy triggering a constitutional protection, as they requested assistance in removing the dead horse lying on a shared, common driveway—and the condition of that horse gave rise to the subsequent searches and seizures of the remaining, living animals. The *Bauer* decision did *not*, as Petitioners appear to imply, hold that the horses themselves had constitutional rights under an exigent circumstances

framework. Instead, the court's ruling focused on whether the animals' removal violated the constitutional rights of *persons* later convicted of a crime.

Taken together, each of Petitioners' strained theories to conflate animals with legal personhood fail, as they have no basis in Wisconsin law. The Petition should be dismissed.

CONCLUSION

Petitioners contend that “[s]ummarily 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.” Pet. ¶ 117. Yet, that is precisely what the Court should do here: summarily dismiss this Petition for the plain reason that animals are property and cannot be the subject of a habeas corpus petition.

For the reasons set forth above, the Court should dismiss this Petition for Writ of Habeas Corpus.

Dated this 5th day of February, 2026.

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