

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

NONHUMAN RIGHTS PROJECT, INC., on
behalf of Angeline, Savanna, Tasha, Victoria, and
Zuri,

Petitioner,

v.

ZOOLOGICAL SOCIETY OF PITTSBURGH and
DR. JEREMY GOODMAN, CEO and President of
the Pittsburgh Zoo,

Respondents.

CIVIL DIVISION

Case No. GD-25-010963

**BRIEF IN SUPPORT OF
MOTION TO DISMISS
PETITION FOR WRIT OF
HABEAS CORPUS**

Filed on Behalf of Respondents

Counsel of Record for Respondents:

DUANE MORRIS LLP

Daniel B. McLane (Pa. I.D. 77019)
Zachary L. Gross (Pa. I.D. 320467)
625 Liberty Avenue, Suite 1000
Pittsburgh, PA 15222
(412) 497-1000
dbmclane@duanemorris.com
zlgross@duanemorris.com

Michelle C. Pardo (*Pro Hac Vice*)
901 New York Avenue, N.W.,
Suite 700 East
Washington, D.C. 20001
(202) 776-7844
mcpardo@duanemorris.com

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

NONHUMAN RIGHTS PROJECT, INC., on)	
behalf of Angeline, Savanna, Tasha, Victoria and)	CIVIL DIVISION
Zuri,)	
)	CASE NO. GD-25-010963
<i>Petitioner,</i>)	
)	
v.)	
)	
ZOOLOGICAL SOCIETY OF PITTSBURGH and)	
DR. JEREMY GOODMAN, CEO and President of)	
the Pittsburgh Zoo,)	
)	
<i>Respondents.</i>)	
)	

**BRIEF IN SUPPORT OF
MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS**

Respondents, the Zoological Society of Pittsburgh (d/b/a Pittsburgh Zoo & Aquarium) and Dr. Jeremy Goodman, respectfully submit this Brief in Support of Motion to Dismiss Petition for Writ of Habeas Corpus.

I. INTRODUCTION

Under Pennsylvania law, an elephant is simply not a “person” entitled to invoke Pennsylvania’s habeas corpus statute. 42 Pa. C.S. § 6501, *et seq.* Yet, Petitioner Nonhuman Rights Project, Inc. (“NHRP”) makes the novel demand that the Court first disregard Pennsylvania statutory law in order to rewrite the common law to recognize elephants as “persons” and then issue a writ of habeas corpus to release them from “confinement” and “rewild” them or relocate those elephants from the Pittsburgh Zoo & Aquarium to a wildlife sanctuary. For more than a decade, NHRP has repeatedly but unsuccessfully sought to convince multiple courts across the country that animals are the legal equivalent of a human being, thereby empowering those animals to petition for their relocation to wildlife sanctuaries via a writ of habeas corpus which has always

existed throughout history for purposes of human confinement. Each of the courts in which NHRP has previously demanded such relief has denied those attempts. The Petition is the latest lengthy advocacy piece to argue for new jurisprudence as to how the United States should address the rights of nonhuman animals under the law. But this desire, no matter how ardently held, does not warrant a departure from the law absent action by the Pennsylvania legislature to redefine the definition of “person.” While NHRP is certainly entitled to advocate its position regarding animals living in human care, its philosophy on habeas corpus has no basis in existing law nor can it serve as the predicate to have this Court rewrite the law. As more fully set forth below, because the Court lacks subject matter jurisdiction over elephants and NHRP cannot seek such relief in its own right, NHRP cannot make out a *prima facie* showing of entitlement to habeas relief in Pennsylvania. Accordingly, Respondents respectfully request the Court to dismiss the Petition for Writ of Habeas Corpus.

II. PROCEDURAL HISTORY

NHRP, purportedly on behalf of five elephants residing at the Pittsburgh Zoo & Aquarium, commenced this matter by filing its Petition for Writ of Habeas Corpus on October 21, 2025.¹ That same day, NHRP also filed a Petition for Special and Preliminary Injunctive Relief seeking to enjoin the transfer of two elephants from the Pittsburgh Zoo & Aquarium to the Zoo’s International Conservation Center. After conducting a hearing on November 10, 2025, Judge Hertzberg issued an Order that same day denying NHRP’s Petition for Special and Preliminary Injunctive Relief. On November 12, 2025, this matter was assigned to the Honorable Mary C. McGinley for all future proceedings.

¹ To date, NHRP has not effectuated service on either Respondent.

III. ARGUMENT

A. AN ELEPHANT DOES NOT HAVE STATUTORY STANDING UNDER PENNSYLVANIA LAW TO PETITION FOR A WRIT OF HABEAS CORPUS

As an important threshold matter, NHRP's Petition should be dismissed for lack of subject matter jurisdiction, because elephants do not have standing to seek habeas relief under Pennsylvania law. Yet, NHRP urges the Court to disregard existing statutory law to rewrite the common law in order to create such "standing." *See, e.g.* Pet. ¶¶ 5-7. However, in Pennsylvania, the availability of habeas corpus is prescribed and limited by statute. *Commonwealth ex rel. Fortune v. Dragovich*, 792 A.2d 1257, 1259 (Pa. Super. 2002); *see* 42 Pa. C.S. § 6501, *et seq.* The applicable statute unequivocally authorizes a "**person**," not an animal, to file an application for habeas corpus. *See* 42 Pa. C.S. § 6503 ("[A]n application for habeas corpus to inquire into the cause of detention may be brought by or on behalf of any **person** restrained of his liberty within this Commonwealth under any pretense whatsoever.") (emphasis added). Evidently recognizing this statutory barrier to establishing standing for elephants, NHRP advocates for a change in how a "person" is defined by the courts.

While Pennsylvania's habeas corpus statute does not define the term "person," it is nonetheless subject to, and defined by, Pennsylvania's Statutory Construction Act, 1 Pa. C.S. § 1501, *et seq.* Under 1 Pa. C.S. § 1991, the term "person" "[i]ncludes a corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or **natural person**." (emphasis added). The text clearly omits animals. Indeed, the term "person" is clearly understood to be defined as an individual human being. *See* BLACK'S LAW DICTIONARY (12th ed. 2024) (defining a "person" as "[a] human being" or "natural person"); MERRIAM-WEBSTER DICTIONARY (defining a "person" as "human,

individual”); *see also* MERRIAM-WEBSTER DICTIONARY (defining “natural person” as “a human being as distinguished from a person (as a corporation) created by operation of law”).²

Pennsylvania’s statutory definition of the term “person” and the plain and ordinary meaning of the term is clear and unambiguous.³ Whether an elephant may have complex cognitive capabilities or not, that scientific debate does not allow a court to disregard or rewrite Pennsylvania law. An elephant is simply not a “person” for purposes of habeas corpus, and no court to date in the United States has accepted NHRP’s invitation to expand the definition of “person” to grant elephants the same legal rights as humans.⁴

² *See* 1 Pa. C.S. § 1903(a) (“[w]ords . . . shall be construed according to rules of grammar and according to their common and approved usage[.]”).

³ *See* 1 Pa. C.S. § 1921(b) (“When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.”); *see also* *Crown Castle NG East LLC v. Pa. PUC*, 234 A.3d 665, 674 (Pa. 2020) (“When statutory language is clear and unambiguous, courts must give effect to the words of the statute[.]”).

⁴ As NHRP readily admits, *see* Pet. ¶ 95, this is the same conclusion reached by other courts that have addressed NHRP’s identical demands. *See, e.g., Nonhuman Rights Project, Inc. v. Cheyenne Mt. Zoological Soc’y*, 562 P.3d 63 (Col. 2025) (holding that Colorado’s habeas corpus statute applies only to “persons” and does not extend to nonhuman animals, such as an elephant); *Matter of Nonhuman Rights Project, Inc. v. Breheny*, 197 N.E. 3d 921 (N.Y. 2022) (affirming denial of writ of habeas corpus because the writ was intended to protect human beings and has no applicability to an elephant housed at the city zoo); *Nonhuman Rights Project, Inc. v. R.W. Commerford & Sons, Inc.*, 231 A.3d 1171 (Conn. App. 2020) (affirming dismissal of the petition for a writ of habeas corpus made on behalf of an elephant because an elephant, not being a “person,” lacked standing); *Nonhuman Rights Project, Inc. v. R.W. Commerford & Sons, Inc.*, 216 A.3d 839 (Conn. App. 2019) (affirming trial court’s denial of a writ on behalf of three elephants housed in a zoo because the elephants, not being “persons,” lacked standing); *Nonhuman Rights Project, Inc. v. Deyoung Fam. Zoo, LLC*, No. 369247, 2025 Mich. App. LEXIS 8469 (Mich. App. Oct. 17, 2025) (affirming trial court’s denial of petition for writ of habeas corpus because a chimpanzee is not a “person” eligible for habeas relief); *In re: Nonhuman Rights Project, Inc.*, No. 25CJHC00060-01 (Cal. Super. June 12, 2025) (denying petition for writ of habeas corpus because the writ was intended to protect human beings and it has no applicability to elephants, which are not “persons”); *Nonhuman Rights Project, Inc. v. City and County of Honolulu, et al.*, No. 1CCV-23-0001418 (Haw. 1st Cir. Jan. 16, 2024) (granting motion to dismiss petition for writ of habeas corpus because elephants are not persons).

NHRP acknowledges that, under Pennsylvania law, only a human being may petition for a writ of habeas corpus. *See* Pet. ¶ 101, n.119. To avoid the obvious outcome of having the law applied as it was actually written, NHRP urges the Court to disregard Pennsylvania’s statutory law and then rewrite more than five hundred years of common law predicated on a plea to recognize an elephant as the legal equivalent of a human being, thereby permitting an advocacy group to subsequently petition for a writ of habeas corpus purportedly “on behalf” of an elephant.

Even if the Court were to disregard Pennsylvania’s established statutory law, Respondents are not aware of any common law that supports NHRP’s legal theories.⁵ Notably, the Michigan Court of Appeals recently authored an opinion affirming a trial court’s summary denial without a hearing of another one of NHRP’s similar petitions for writ of habeas corpus. *See Nonhuman Rights Project, Inc. v. Deyoung Family Zoo, LLC*, No. 36247, 2025 Mich. App. LEXIS 8469 (Mich. App. Oct. 17, 2025). The court wrote a thorough analysis on habeas relief under English common law and concluded that the common law simply **does not** support NHRP’s claim. *See id.* at *21-

⁵ This is the same conclusion reached by other courts that have addressed NHRP’s identical demands. *See, e.g., Cheyenne Mt. Zoological Soc’y*, 562 P.3d at 69 (“nothing in the common law supports [NHRP’s] position”); *Breheny*, 197 N.E.3d at 927 (“[N]o court of this state — or any other — has ever held the writ applicable to a nonhuman animal. Nothing in our precedent or, in fact, that of any other state or federal court, provides support for the notion that the writ of habeas corpus is or should be applicable to nonhuman animals.”); *R.W. Commerford & Sons, Inc.*, 216 A.3d at 844 (“Our examination of habeas corpus jurisprudence, which is in accord with the federal habeas statutes and English common law reveals no indication that habeas corpus relief was ever intended to apply to a nonhuman animal[.]” (internal citation omitted); *Matter of Nonhuman Rights Project, Inc. v. Lavery*, 152 A.D.3d 73, 77-78 N.Y. App. Div. 2017) (“No precedent exists, under New York law, or English common law, for a finding that a chimpanzee could be considered a ‘person’ and entitled to habeas relief. In fact, habeas relief has **never** been found applicable to any animal.”) (emphasis added); *In re: Nonhuman Rights Project, Inc.*, No. 25CJHC00060-01 (Cal. Super. June 12, 2025) (“The court is unaware . . . of any time in history when a court appeared inclined to extend habeas corpus to nonhuman beings.”). In light of this overwhelming and consistent rejection of NHRP’s theories, NHRP’s reliance on the dissenting New York Justices does little to advance its argument.

29. The court explained that, at common law, the category of “persons” was limited to human beings and the law separately considered animals as property. *See id.* at *21-27. Pennsylvania law has consistently also considered animals as property.⁶

NHRP has sought to advance similar legal proceedings in multiple jurisdictions across the country, and each of its petitions for writ of habeas corpus has been denied. Implicit in NHRP’s latest attempt in Pennsylvania is the suggestion that “the time has come” to change how Pennsylvania statutorily defines a “person.” Such a monumental endeavor, however, should be pursued with the Legislature and not via litigation. *See, e.g. Cheyenne Mt. Zoological Soc’y*, 562 P.3d at 69 (“including nonhuman animals in the definition of the term ‘person’ is the type of monumental change in the law that one would reasonably expect the General Assembly to make explicit”). Accordingly, Respondents respectfully request the Court to reject NHRP’s arguments and dismiss its Petition for Writ of Habeas Corpus.

B. NHRP DOES NOT HAVE NEXT FRIEND STANDING TO PETITION FOR A WRIT OF HABEAS CORPUS ON BEHALF OF AN ELEPHANT

Standing is a justiciability concern, implicating a court’s ability to adjudicate a matter. *See Firearm Owners Against Crime v. Papenfuse*, 261 A.3d 467, 481 (Pa. 2021). Therefore, as a threshold matter, a party must demonstrate that it has standing to bring the action. *See Pittsburgh Palisades Park, LLC v. Commonwealth*, 888 A.2d 655, 659 (Pa. 2005). The touchstone of standing is protecting against improper plaintiffs. *Papenfuse*, 261 A.3d at 481. Accordingly, courts require a plaintiff to demonstrate that it has been “aggrieved” by the conduct it challenges. *Id.* To

⁶ *See, e.g.*, 3 P.S. § 459-601(a) (“All dogs are hereby declared to be personal property[.]”); *Madero v. Luffey*, 439 F. Supp. 3d 493, 504 (W.D. Pa. 2020), *vacated on other grounds, Madero v. Luffey*, No. 22-1705, 2024 U.S. App. LEXIS 15047 (3d Cir. 2024) (“Cats, **like all animals**, are considered chattel under Pennsylvania law.”) (emphasis added); *Snead v. SPCA*, 929 A.2d 1169, 1174 (Pa. Super. 2007) (stating that, under Pennsylvania law, dogs are considered personal property); *Desanctis v. Pritchard*, 803 A.2d 230, 232 (Pa. Super. 2002) (same).

determine whether a plaintiff has been “aggrieved,” Pennsylvania courts traditionally examine whether the plaintiff’s interest in the outcome of the action is substantial, direct, and immediate. *Id.* A plaintiff’s interest is substantial when it surpasses the interest of all citizens in procuring obedience to the law; it is direct when the asserted violation shares a causal connection with the alleged harm; finally, a plaintiff’s interest is immediate when the causal connection with the alleged harm is neither remote nor speculative. *Id.*

In this case, NHRP does not have standing to pursue this action in its own right. Instead, NHRP attempts to convince the Court that it has “next friend” standing to pursue this action on behalf of the elephants simply because the Pennsylvania habeas corpus statute permits one to file a petition on behalf of another *person*. See Pet. ¶¶ 92-97.⁷ The Court should reject this argument and hold that NHRP lacks “next friend” standing to petition for a writ of habeas corpus on behalf of the elephants, which themselves fail to initially qualify as “persons” under the statute.

The United States Supreme Court addressed “next friend” standing at length in *Whitmore v. Arkansas*, 495 U.S. 149 (1990). *Whitmore* involved a putative next friend seeking to intervene and appeal the conviction and sentence of a fellow death row inmate in an Arkansas court. In its analysis, the Court discussed the requirements for “next friend” standing for purposes of the federal habeas corpus statute:

First, a “next friend” must provide an adequate explanation — such as inaccessibility, mental incompetence, or other disability — why the real party in interest cannot appear on his own behalf to prosecute the action. Second, the “next friend” must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate, and it has been further suggested that a “next friend” must have some significant relationship with the real party in interest.

⁷ Notably, NHRP invokes the same Pennsylvania statute that it later asks the Court to disregard. See Pet. ¶ 92 (citing 42 Pa. C.S. § 6503(a)).

Id. at 163-64. The federal habeas corpus statute is similar to Pennsylvania’s habeas corpus statute in that both permit a third-party to petition on behalf of another person. *Compare* 28 U.S.C. § 2242 *with* 42 Pa. C.S. § 6503. Notwithstanding the statutory language, the United States Supreme Court still requires that a third-party purporting to act on behalf of another demonstrate “next friend” standing before it may petition on behalf of another person. *See Whitmore*, 495 U.S. at 163-64. In other words, the fact that the statute permits an application to be filed on behalf of another person does not absolve the petitioner of its initial obligation to establish standing. This makes sense. Statutory standing and prudential standing are distinct concepts; just because a statute permits a party to commence an action does not mean that the party has prudential standing to commence that action. Moreover, the courts have an obligation to protect against improper petitioners from interfering in another’s legal matter as a putative next friend. *See, e.g., Whitmore*, 495 U.S. at 164 (“These limitations on the ‘next friend’ doctrine are driven by the recognition that ‘it was not intended that the writ of habeas corpus should be availed of, as matter of course, by intruders or uninvited meddlers, styling themselves next friends.’”); Randy Hertz & James S. Liebman, 1 FEDERAL HABEAS CORPUS PRACTICE & PROCEDURE § 8.3[b] (describing “a uniform concern third-party petitioners not be intruders or uninvited meddlers, styling themselves next friends, and particularly that the intervening parties ***not be seeking to use the litigation to advance their own ideological, political, financial, or legal interests***”) (emphasis added); *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018) (finding animal rights organization had no “significant relationship” with a monkey that it sought to enforce entitlement to copyright protections and recognizing that next friends risk making the actual party a “pawn to be manipulated on a chessboard larger than his own case”). Significantly, although Congress has authorized “next friend” status lawsuits on behalf of habeas petitioners . . . there is no such authorization on behalf of animals.” *Id.* at 422;

see Cetacean Cmty. v. Bush, 386 F.3d 1169, 1179 (9th Cir. 2004) (finding if animals are to be afforded rights to sue, the provisions involved therefore should state such rights expressly”).

The Pennsylvania Supreme Court has adopted the *Whitmore* standard when assessing “next friend” standing for claims brought pursuant to the Pennsylvania Post Conviction Relief Act, 42 Pa. C.S. §§ 9541, *et seq.* (“PCRA”). *See Commonwealth v. Haag*, 809 A.2d 271, 278-80 (Pa. 2002). Critically, the PCRA subsumes habeas relief. *See* 42 Pa. C.S. § 9542; *see also* 42 Pa. C.S. § 6503(b). This means that relief traditionally sought pursuant to habeas corpus is now commonly brought under the PCRA. *See Commonwealth v. Peterkin*, 722 A.2d 638, 640 (Pa. 1998); *see also* Donald J. Harris, et al., *Dispatch and Delay: Post Conviction Relief Act Litigation in Non-Capital Cases*, 41 DUQUESNE L. REV. 467, 470 (2003) (“The PCRA has been broadly interpreted as creating a unified statutory framework for reviewing claims that were traditionally cognizable in habeas corpus[.]”). Accordingly, the Pennsylvania Supreme Court has made clear that a third-party petitioner seeking relief on behalf of another under the PCRA, including relief traditionally sought pursuant to habeas corpus, must first establish “next friend” standing.

Furthermore, Pennsylvania courts have historically required a petitioner to establish standing when pursuing habeas relief on behalf of a child in a custody dispute. *See, e.g., Risch v. Risch*, 11 Pa. D & C 4th 30, at *32 (Pa. Comm. Pls. 1989) (“Whether the custody action is started by filing a complaint or a writ of habeas corpus, one must have standing to do so.”); *Commonwealth ex rel. Ebel v. King*, 58 A.2d 484, 486 (Pa. Super. 1948) (affirming trial court’s dismissal of writ of habeas corpus for lack of standing because petitioners “have no more standing to maintain habeas corpus than a casual stranger on the street”). This only makes sense. A third-party without any cognizable parental right to a child does not have interest in, nor should it be permitted to dictate, the outcome of a custody dispute involving that child. So too here, NHRP

has advanced no argument why it, as a purported “next friend,” can supplant the Pittsburgh Zoo & Aquarium which is the lawful, federally licensed owner and exhibitor of its elephants.

Given the circumstances of this case and the unorthodox — and universally rejected — habeas relief that NHRP seeks, Respondents were not able to find Pennsylvania case law directly on point that addresses a third-party petitioner’s request for purported habeas relief on behalf of an animal when the third-party petitioner has absolutely no cognizable right to, or interest in, the same nonhuman animal. Nevertheless, given that an elephant does not constitute a “person” under Pennsylvania law, NHRP cannot demonstrate “next friend” standing under the foregoing authority to proceed with this matter.

Under Pennsylvania law, when a putative “next friend” seeks to bring a claim under the PCRA on behalf of another, he or she must satisfy two prerequisites. First, the putative “next friend” must provide an adequate explanation, such as lack of access to the courts, mental incapacity, or another disability, as to why the defendant is incompetent to appear on his or her own behalf. *See Haag*, 809 A.2d at 280. Second, the putative “next friend” must establish that he or she has a *significant relationship to*, and is truly dedicated to the best interests of, the real party in interest on whose behalf he or she seeks to litigate. *See id.* The burden is on the putative “next friend” to clearly establish the propriety of his or her status and to justify the jurisdiction of the court. *Whitmore*, 495, U.S. at 164.

In this matter, NHRP has not alleged any facts to show that it has a significant relationship with the elephants that it purports to represent. By contrast, Respondent Zoological Society of Pittsburgh is the lawful owner and caretaker of the elephants. The Pittsburgh Zoo & Aquarium houses the elephants. The Zoo funds, provides, and cares for the elephants. NHRP has absolutely

no cognizable legal right to, nor a cognizable legal interest in, the elephants.⁸ Indeed, it is clear that NHRP's interest in pursuing this action, like its interest in each of the other actions that it has unsuccessfully pursued in numerous states across the country, may be motivated by its own ideological interests.

C. NHRP FAILS TO STATE A CLAIM ON WHICH RELIEF MAY BE GRANTED

Since the elephants are not “persons” and thus do not have standing, the Court need not reach the question of whether the Petition sets forth a *prima facie* case for the release of the elephants from the Zoo. However, even if lack of standing was not fatal to this matter, a petition for a writ of habeas corpus may be denied summarily and without a hearing where it fails to allege facts making out a *prima facie* case for the issuance of a writ, and a petition for a writ of habeas corpus, therefore, is properly dismissed without a hearing where no issue of fact need be resolved and the allegations of the petition are insufficient to warrant the granting of a writ. 18 Standard Pennsylvania Prac. 2d § 98:76. Respondents respectfully assert that such a dismissal is warranted here.

Pennsylvania law recognizes that a writ of habeas corpus may be used to extricate a petitioner, i.e., an actual “person,” from unlawful confinement or to secure relief from conditions of confinement that constitute cruel and unusual punishment. *Commonwealth ex rel. v. Bryant v.*

⁸ Other courts have likewise concluded that NHRP lacked “next friend” standing to petition for a writ of habeas corpus on behalf of elephants because, *inter alia*, NHRP could not establish a significant relationship with those elephants. *See, e.g., Cheyenne Mt. Zoological Soc’y*, 562 P.3d at 66 (noting that the trial court “additionally determined that [NHRP] did not have proper next friend status to bring a habeas petition on the elephants’ behalf **because it failed to establish that it was in a better position to speak for the elephants than the Zoo.**”) (emphases added); *Nonhuman Rights Project, Inc. v. R.W. Commerford & Sons, Inc.*, No. LLICV175009822S, 2017 Conn. Super. LEXIS 5181, at *7-11 (Conn. Super. Dec. 26, 2017), *aff’d* 216 A.3d 839 (Conn. App. 2019) (holding that NHRP lacked next friend standing because it failed to demonstrate any relationship with the elephants).

Hendrick, 280 A.2d 110, 113 (Pa. 1971); *Fortune*, 792 A.2d at 1259. Neither of those circumstances are remotely applicable here. First, the elephants are not unlawfully confined at the Pittsburgh Zoo & Aquarium, and NHRP has alleged no facts to suggest that the Zoo is not the lawful holder and caretaker of the elephants at issue. It is undisputed that the elephants are housed at the Pittsburgh Zoo & Aquarium in accordance with federal, state, and local law. Indeed, NHRP concedes as much, *see* Pet. ¶ 101, and presents no evidence that animal welfare laws are being violated. Furthermore, to the extent that the elephants are “confined,” any such confinement is certainly not in the same context in which the writ of habeas corpus was intended to apply for humans physically restrained in prisons.

Second, the Eighth Amendment to the United States Constitution does not apply to elephants, and Respondents are not aware of any legal authority that would suggest otherwise. *See, e.g., Tilikum v. Sea World Parks & Entm’t, Inc.*, 842 F. Supp. 2d 1259 (S.D. Cal. 2012) (holding that Thirteenth Amendment to the United States Constitution applies to humans, not animals, and dismissing plaintiffs’ action with prejudice).

Third, NHRP is not actually seeking for the elephants to obtain “liberty” – *i.e.*, freedom from “captivity” or life in human care. Unlike a human, the elephants cannot be turned out into the street to roam free in Pittsburgh and beyond.⁹ Instead, NHRP demands a transfer to a different confinement, separated from their current and familiar surroundings, routines, caregivers, and veterinarians without regard to the effect this will have on the animals. This is yet another reason why habeas relief is inapplicable to an animal and inappropriate here.

⁹ *See Cheyenne Mt. Zoological Soc’y*, 562 P.3d at 70 (recognizing that NHRP conceded that the Cheyenne Mountain elephants could not be released from captivity and turned loose into the community).

In short, NHRP cannot, as a matter of law, petition for a writ of habeas corpus on behalf of animals owned by Respondent Zoological Society of Pittsburgh for relocation to a wildlife sanctuary. Accordingly, the Court should summarily deny the Petition for Writ of Habeas Corpus.

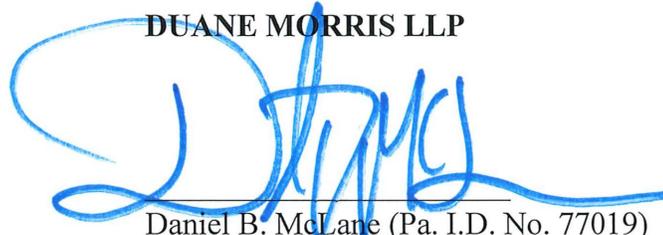
IV. CONCLUSION

Based on the argument and authorities set forth above, Respondents the Zoological Society of Pittsburgh and Dr. Jeremy Goodman respectfully request the Court to dismiss NHRP's Petition for Writ of Habeas Corpus.

December 29, 2025

Respectfully submitted,

DUANE MORRIS LLP

A large, stylized handwritten signature in blue ink, appearing to read 'D. McLane' or similar, is written over the text of the signature block.

Daniel B. McLane (Pa. I.D. No. 77019)
Zachary L. Gross (Pa. I.D. No. 320467)
625 Liberty Avenue, Suite 1000
Pittsburgh, Pennsylvania 15222
Telephone: (412) 497-1000
dbmclane@duanemorris.com
zlgross@duanemorris.com

Michelle C. Pardo (*Pro Hac Vice*)
901 New York Avenue, N.W.,
Suite 700 East
Washington, D.C. 20001
Telephone: (202) 776-7844
mcpardo@duanemorris.com

*Counsel for Respondents Zoological Society
of Pittsburgh and Dr. Jeremy Goodman*

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that requires filing confidential information and documents differently than non-confidential information and documents.

December 29, 2025

Respectfully submitted,



Zachary L. Gross

CERTIFICATE OF SERVICE

I certify that on December 29, 2025, a true and correct copy of the foregoing Brief in Support of Motion to Dismiss Petition for Writ of Habeas Corpus was served via email on the following:

Kenneth Cramer-Cohen
611 Pennsylvania Avenue SE, #345
Washington, DC 20003
(215) 518-8781
ken.cramercohen@gmail.com

Jake Davis
Nonhuman Rights Project, Inc.
611 Pennsylvania Avenue SE #345
Washington, DC 20003
jdavis@nonhumanrights.org



Zachary L. Gross