No. 26AP466

In the Wisconsin Court of Appeals

DISTRICT IV

APPROXIMATELY 2,000 BEAGLE DOGS AND PUPPIES,
10489 W. Blue Mounds Road,
Blue Mounds, WI 53517,

PETITIONER-APPELLANTS,

v.

RIDGLAN FARMS, INC.
10489 W. Blue Mounds Road,
Blue Mounds, WI 53517,

RESPONDENT.

On Appeal from Final Order of the Circuit Court
for Dane County, Case No. 26cv347,
Honorable Stephen E. Ehlke, Presiding

PETITIONER-APPELLANTS' OPENING BRIEF

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STATEMENT OF THE ISSUE

Whether dogs subjected to illegal and systemic cruelty are categorically barred from obtaining judicial relief from their unlawful confinement through the common law writ of habeas corpus when there is no adequate alternative remedy?

The circuit court answered: yes.

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

Petitioners request oral argument. This case presents a question of first impression about whether courts are categorically unable to exercise common law equitable authority to protect animals from unlawful cruelty when no other remedy is available. While habeas corpus petitions have been filed on behalf of animals in other states, this is the first such case in the nation predicated on violations of a legislatively created animal cruelty standard.

This case warrants publication. No appellate court in Wisconsin or anywhere else has ever addressed whether equitable relief is available under the common law to protect animals from unlawful cruelty when no other remedy exists. This absence of precedent influenced the proceedings below with the circuit court noting that it did not see a role for a trial court to intervene. *See* App. 13:14–14:2.[1] A published decision would provide guidance for any future cases involving time-sensitive animal cruelty claims.

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[1] "App." refers to the appendix and is used along with or instead of the circuit court record citation ("R.") according to the anticipated convenience of this Court.

INTRODUCTION

This case is about the ability of courts to apply common law principles to protect dogs from cruelty. Petitioners do not ask this Court to find that dogs are persons or to create a new legal standard to protect animals. Rather, this Court is asked to recognize the judiciary's basic common law authority to equitably bridge a gap between the beagles' legally protected interest to be free from cruelty and the reality that, absent judicial intervention, there will be no remedy for illegal cruelty suffered by the beagles kept at Ridglan Farms.

The argument reduces to the following syllogism:

- Wisconsin's anti-cruelty law creates a legally protected interest for animals to be free from cruel treatment, reflecting a fundamental shift in the status of animals from mere property to beings capable of suffering a legal injury; and

- Common law habeas corpus protects from illegal confinement where no adequate alternative remedy exists.

- Therefore, common law habeas corpus should be available to protect animals suffering from illegal animal cruelty caused by their custodian.

This would not be the first time courts have exercised common law responsibility to extend habeas corpus beyond the usual case of an imprisoned adult. English chancery courts made this move centuries ago recognizing that equity empowered a court to transfer custody of a dependent child subjected to cruelty, ill treatment, or abandonment by their guardian or parent. *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). Wisconsin adopted that principle as part of its common law habeas corpus jurisprudence. *See, e.g.*, *In re Goodenough*, 19 Wis. 274, 274 (1865).

The circuit court dismissed the petition at issue in this case on the ground that habeas corpus is categorically unavailable to animals. In reaching this conclusion, it did not account for the beagles' considerable legal interest to be protected from cruelty. Nor did it account for constitutional principles entrusting courts with development of the common law and of habeas corpus to adapt to changing conditions.

Here, the changed condition is the development in the legal status of dogs from mere property to beings with a legally protected interest to be free from cruelty. The beagles' interest in being protected from cruelty justifies the novel application of habeas corpus sought in this case where the beagles are subjected to cruelty and they have no adequate alternative remedy available to be protected from that cruelty. The circuit court's dismissal of the beagles' habeas petition on the basis that common law extension of equitable relief is categorically unavailable to cruelly mistreated animals should be reversed.

STATEMENT OF THE CASE

A. Nature of the Claim and Parties

This appeal stems from dismissal of a Verified Petition for Writ of Habeas Corpus seeking equitable relief on behalf of the beagles held at

Ridglan Farms to protect them from systemic violations of this state's anti-cruelty statute. *See* R.2; Wis. Stat. §§ 951.02, 951.14.

Ridglan Farms is a beagle breeding and research facility located in Dane County, Wisconsin. It warehouses hundreds of beagles[2] under conditions that fail to meet their psychological, physiological, and legal needs. R.2 ¶¶ 9–110.

B. The Petition's Allegations and Evidence of Cruelty

The Petition alleges that Ridglan systemically violates Wisconsin's anti-cruelty law through ongoing, structural, and willful conduct that causes severe suffering and death to the beagles in its custody. *See* R.2 (App.17–81).

The Petition specifically alleges and includes evidence that Ridglan has violated and continues to violate Wis. Stat. § 951.02[3] by:

- Subjecting beagles to medically unnecessary euthanasia for commercial purpose R.2 ¶¶ 51–55; R.3:423 (App. 120) (acknowledgement by Ridglan that "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"); R.3:365 (App. 112) (acknowledgment by

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[2] According to news reports, Ridglan reached an agreement to sell approximately 1,500 beagles to nonparty animal welfare organizations. It is counsel's understanding that hundreds of dogs remain unaccounted for under this arrangement. Counsel has attempted to learn the number and status of the remaining dogs but have not heard from Ridglan.

[3] Wis. Stat. § 951.02 provides that "[n]o person may treat any animal, whether belonging to the person or another, in a cruel manner."

special prosecutor that euthanasia "for economic reasons" is "a reality" of business models like Ridglan's).

- 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 (R.2 ¶¶ 38–48, 101); and
- Failing to provide adequate veterinary care by failing to conduct routine health checks (R.2 ¶¶ 49–50), failing to properly treat injuries (R.2 ¶¶ 43–49), performing unnecessary devocalization surgeries and "cherry-eye" surgeries where a beagle's eye gland is cut off (R.2 ¶¶ 17–23).

R.2 ¶¶ 12–55, 185–193.

The Petition additionally alleges and includes evidence that Ridglan has subjected, and continues to subject, the beagles to mistreatment and cruelty in violation of Wis. Stat. § 951.14[4] by:

- Failing to provide adequate space (R.2 ¶¶ 68–80), enrichment (R.2 ¶¶ 79–80, 94, 99, 104, 109–10), and socialization (R.2 ¶¶ 10, 13, 15, 73–74, 79) resulting in chronic psychological distress and exhibition of stress-induced stereotypic behaviors including spinning, pacing, and wall bouncing (R.2 ¶¶ 68–80);

[4] Wis. Stat. § 951.14(1)–(4) requires "adequate ventilat[ion]", adequate space (inadequate space may be evidenced by "debility, stress or abnormal behavior patterns"), and the removal of "excreta and other waste materials."

- Failing to provide adequate ventilation (R.2 ¶¶ 58–60, 83, 94, 96, 105–10), resulting in ammonia levels so severe that government inspectors experienced nausea, throat irritation, and nasal irritation for hours after leaving the facility (R.2 ¶¶ 59, 62, 105);
- Failing to maintain proper sanitation, with stagnant puddles of excreta (R.2 ¶¶ 82–83, 86–87, 105, 189), accumulation of feces in cages (R.2 ¶¶ 40-41, 84–85, 88), and a film of organic waste material present throughout the facility (R.2 ¶¶ 87, 189); and
- Failing to maintain structurally sound enclosures, with enclosures exhibiting rust or worn coating that causes injuries (R.2 ¶¶ 13, 40, 45–56, 188–89).

R.2 ¶¶ 12–37, 56–92, 185–93.

The evidence supporting these allegations is substantial and includes video (R.3:218), witness testimony of former employees and an undercover investigator about unnecessary surgical mutilations and the poor condition the beagles are kept in (R.3:1–210, 3:471–80), expert testimony about the physical and psychological harm the beagles experience (R.3:271–79, 3:326–34, 3:431–52), government records detailing legal non-compliances from 2016 to the present (R.3:219–36, 3:280–325, 3:392–405, 3:410–21, 3:425–30, 3:453–70).

The evidence is so substantial that a circuit court previously found probable cause that animal cruelty was occurring at Ridglan and appointed a special prosecutor. *See infra* at Statement of Facts I.C.1.

Without equitable intervention on behalf of the beagles themselves, these problems will persist for any dogs at Ridglan. The conditions at Ridglan are symptomatic of systemic and structural issues which Ridglan has demonstrated it is unable and unwilling to rectify its violations of the law. *See* R.2 ¶¶ 93–110. Many of the problems are structural and would require complete renovation of the facility. R.2 ¶¶ 9, 55, 65, 81, 92, 93–99.

Even if the structural problems could be resolved, Ridglan has repeatedly exhibited an unwillingness to do so. R.2 ¶¶ 100–109. For years, Ridglan has been put on notice of its legal violations, by state and federal inspectors, and has been unable to adequately change its operations. R.2 ¶¶ 46–50, 59–63, 72-3, 79, 83–87, 90, 93–110.

C. Special Prosecutor Appointment, Investigation, Report, and Agreement

1. Probable Cause Finding of Animal Cruelty by Ridglan and Appointment of Special Prosecutor

In 2024, an unrelated action was filed seeking appointment of a special prosecutor to commence prosecution of Ridglan.

On October 23, 2024, an evidentiary hearing was held on that by Dane County Circuit Court Judge Rhonda Lanford. R.3:1–210. Following that hearing, the court concluded that probable cause existed that Ridglan had intentionally and/or negligently committed both misdemeanor and felony animal cruelty. *See* R.3:344–58 (App. 91–105). In tandem with that finding, the court in that action appointed a special prosecutor to investigate Ridglan for these crimes. R.3:357–58 (App. 104–105).

During the pendency of the special prosecutor's investigation, where Ridglan knew it was under increased scrutiny, it continued to fail to provide lawful care. DATCP found repeated violations during multiple 2024 investigations outlined above. R.3:288–99, 308–25. In October 2025, DATCP recommended prosecution for 488 counts of violations related to improper surgeries, three counts of violations for failure to perform checks on each beagle, and three counts of violations for failing to have a licensed veterinarian examine each beagle as often as necessary to ensure adequate healthcare. R.3:220–36.

Similarly, the Wisconsin Veterinary Examining Board (VEB) investigated Ridglan's veterinarian, Richard Van Domelen, throughout 2025. R.3:369–78. 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." R.3:373.

As a result of this investigation, at the March 11, 2025, VEB meeting, the VEB laid out very clear guidance of what was expected of the facility in a stipulated agreement. R.3:388–90.

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. R.3:402–05. Despite this, Ridglan has stated Mr. Van Domelen will remain as facility manager. R.2 ¶ 30 (*citing* Lindsay Pfeiffer, *Lead veterinarian's license suspended at local dog breeder after reports of animal cruelty*, Daily Cardinal (Oct. 23, 2025, at 02:00 CT), https://perma.cc/B7N2-WGYK.

2. The Special Prosecutor's Report

In October 2025, the special prosecutor finished his investigation and issued a report. R.3:360–67 (App. 106–14). In the report, the special prosecutor determined that he believed animal cruelty had occurred at Ridglan but balanced that determination with practical considerations such as likelihood of success with a jury and available remedies. R.3:364–67. In response to requests by dog advocates to remove the dogs or cancel Ridglan's license, he determined that these suggested remedies "were simply not available." R.3:365 (App. 112). Rather, "[t]he most [he] could do was charge a crime." *Id.* Thus, the special prosecutor decided not to file charges. R.3:367.

3. Stipulation and Agreement Between Ridglan and the Special Prosecutor

Instead of filing charges, the special prosecutor instead entered into a stipulation with Ridglan to avoid criminal liability. *See* R.3:407–09 (App. 115-18). Under the agreement, Ridglan must cease operating as a licensed dog breeder by July 1, 2026. R.3:407–08. Prior to that

date, dogs in Ridglan's possession must be sold or used consistently with Ridglan's USDA and DATCP licenses. *Id.* This agreement fails to remediate the ongoing harm to the beagles and, notably, disposition by euthanasia is not specifically prohibited.

Even after the agreement with the special prosecutor, hundreds of beagles continue to suffer under cruel conditions at Ridglan and will continue to suffer for as long as any dogs remain.

D. Procedural History of This Action

On January 30, 2026, the Verified Petition for Writ of Habeas Corpus equitable relief was filed in the Circuit Court of Dane County on behalf of the beagles kept at Ridglan. R.2 (App. 17–81). The Petition sought equitable relief from systemic violations of the animal cruelty law based on application of common law principles. R.2:63–64 (App. 63–64).

Also on January 30, 2026, a motion for temporary injunctive relief was requested to prevent medically unnecessary euthanasia of dogs and appoint a guardian ad litem/referee to assess the current condition of the dogs for the Court and recommend further action. R.4, R.5.

On February 5, 2026, Ridglan filed a motion to dismiss for failure to state a claim on behalf of the beagles. R.22.

E. Disposition in the Circuit Court

On February 6, 2026, the circuit court held a telephone status conference regarding the Petition and Ridglan's Motion to Dismiss.

At that hearing, the circuit court granted the motion to dismiss, finding “there’s not a legal basis to pursue a habeas corpus petition on the ground that it doesn’t extend to animals” and “denying the request for [temporary] injunctive relief” as well. App. 14:13–24. The circuit court acknowledged that there was no direct precedent in Wisconsin but viewed its power as a trial court as “limited” and declined to exercise common law power. App. 13:14–14:2.

Following the telephonic conference, the circuit court entered its Order Granting Motion to Dismiss Petition on February 6, 2026 (R.27 (App. 1)), declined the proposed writ of habeas corpus (R.40 (App. 2)) and entered Notice of Entry of Judgment on February 10, 2026 (R.30 (App. 122–123)). That dismissal was timely appealed on February 20, 2026. R.32.

F. Concurrent Motion for Temporary Injunction on Appeal

A motion for temporary injunctive relief has been filed concurrently with submission of this brief. That motion requests that Ridglan must refrain from medically unnecessary euthanasia during the pendency of this appeal.

STANDARD OF REVIEW

An appellate court reviews de novo a circuit court’s decision granting a party’s motion to dismiss for failure to state a claim. *Kohlbeck v. Reliance Const.* Co., 2002 WI App 142, ¶ 9, 256 Wis. 2d 235, 243, 647 N.W.2d 277, 280. When a case is dismissed for failure to state a claim, allegations in the pleadings are accepted as true. *Kaloti*

Enters v. Kellogg Sales Co., 2005 WI 111, 283 Wis. 2d 555, 699 N.W.2d 205. Whether a writ of habeas corpus is available to the party seeking relief is a question of law that the appellate court reviews de novo. *State v. Pozo*, 2002 WI App 279, ¶ 6, 258 Wis. 2d 796, 801, 654 N.W.2d 12, 15.

ARGUMENT

Courts should not categorically bar equitable relief via common law habeas corpus to protect dogs from unlawful cruelty because (1) Wisconsin's anti-cruelty law creates a legally protected interest for animals (Wis. Stat. §§ 951.02, 951.14), and (2) the common law writ of habeas corpus exists to provide relief from illegal confinement when no adequate alternative remedy is available—analogously including the protection of dependent children from cruel custodians *J.V. by Levine v. Barron*, 112 Wis. 2d 256, 260, 332 N.W.2d 796, 799 (1983).

I. Wisconsin's anti-cruelty statute provides the beagles with a legally protected interest.

The beagles' legally protected interest under the anti-cruelty statute serves two functions in this case. It supplies the standard for determining whether the beagles' confinement is unlawful: confinement that violates Wis. Stat. §§ 951.02 and 951.14 is illegal confinement. It also establishes that the beagles are capable of suffering a cognizable legal injury that the legal system has already determined warrants consideration and protection. Because habeas corpus provides relief from illegal confinement where no adequate alternative remedy exists,

a threshold question is whether the beagles possess a legally protected interest that can be violated. As set forth below, they do.

Wisconsin's animal cruelty law, "Crimes Against Animals" (Chapter 951), plainly creates a duty owed to animals by instructing that "[n]o person may treat any animal, whether belonging to the person or another, in a cruel manner." Wis. Stat. § 951.02. The statute in turn defines "cruel" as "causing unnecessary and excessive pain or suffering or unjustifiable injury or death." Wis. Stat. ¶ 951.01(2). The statute further imposes a duty to provide proper care to animals by stating that "[n]o 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.

This legally protected interest has the structural characteristics of a legal right. 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, *Some Fundamental Legal Conceptions as Applied in Judicial Reasoning*, 23 Yale L.J. 16, 32 (1913). *See also* Visa A.J. Kurki, *Rights, Harming and Wronging: A Restatement of the Interest Theory* 38 Oxford J. Legal Stud. 430, 435 (2018) (explaining that under an interest theory of rights "Mary holds a right towards John if John has a duty towards Mary").

By imposing a duty on human beings to refrain from treating animals cruelly, Wisconsin's anti-cruelty statute creates a correlative legal right held by animals to be free from such cruelty. Wis. Stat. §§ 951.02, 951.14 (2023–24). That the beagles hold a legally protected interest in being free from cruelty—one that qualifies as a legal *right* to be free from cruelty—provides a foundation for the equitable relief sought in this case.

The trial court erroneously failed to engage with this threshold existence of a legally protected interest to be protected from cruelty. It follows that equitable relief should be available when this interest is violated with no adequate alternative remedy. Because this case deals with cruel and illegal confinement, such equitable relief is obtained through common law habeas corpus.

II. The circuit court erred in holding that common law habeas corpus is categorically unavailable to protect dogs from systemic illegal cruelty.

Equitable relief, whether habeas or otherwise, is available to animals suffering an ongoing injury to their legally protected interests under the state anti-cruelty law in a situation where there is no other adequate remedy at law available.

A. The common law writ of habeas corpus is the appropriate mechanism to obtain equitable relief from illegal confinement when no adequate alternative remedy exists.

There is no right without a remedy. As William Blackstone explained: "It is . . . settled and invariable . . . that every right when with-held must have a remedy, and every injury its proper redress."

William Blackstone, *Commentaries on the Laws of England: A Facsimile of the First Edition of 1765--1769* Volume 4, Article 3, Section 2, Clause 1, Document 3, Section IV (1979) (available at https://perma.cc/QX3B-DQ8L). Consequently, recognition of an animal's legally protected interest to be free from cruelty necessitates recognition of available equitable relief when an animal has suffered an injury to such interest and no other remedy is available. In the present case, hundreds of beagles are currently suffering in cruel conditions, in violation of their right to be free from cruelty under Wisconsin's laws, and no adequate alternative remedy exists to redress the injuries these dogs are suffering.

The writ of habeas corpus "can be traced deep into English common law and 'indisputably holds an honored position in our jurisprudence.'" *J.V.*, 112 Wis. 2d at 260 (quoting *Engle v. Isaac*, 456 U.S. 107, 126, 102 S.Ct. 1558, 1571 (1982)). Over the centuries, habeas corpus has developed as the mechanism by which those held in custody could compel their custodian to justify the detention before a court.

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. 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). Its reach extended well beyond state imprisonment so that "a wife, a child, a relation, or a domestic, confined for insanity or other prudential reasons" could petition for the writ. *Id.* Though those classes had few rights at the time, habeas corpus was available as a mechanism to challenge the legality of confinement in accord with the limited legal status of such classes. *See id.*

Wisconsin courts have repeatedly recognized the continued vitality of common law habeas corpus. *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.").

Because habeas corpus is equitable in nature, it is available only where no adequate alternative remedy exists. *Pozo*, 258 Wis. 2d 796, ¶ 8. This limitation flows from equity's core function: to act where the law provides no relief. In cases where no adequate alternative remedy exists, habeas corpus "is a separate civil action that is founded on principles of equity." *State ex rel. L'Minggio v. Gamble*, 2003 WI 82, ¶ 17, 263 Wis. 2d 55, 66, 667 N.W.2d 1, 6. 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).

B. Wisconsin courts have used common law habeas corpus to transfer custody of children subject to cruelty by unfit custodians.

The appropriate standard in the present case is drawn from these common law cases regarding custody of children.[5] In such cases, habeas corpus is available as an equitable vehicle to remove a dependent child subjected to "cruelty" or "gross ill treatment" by a custodian. *See, e.g.*, *Markwell v. Pereles,* 95 Wis. 406, 406, 69 N.W. 798, 799 (1897). The writ is not used to free the child from custody altogether but to reassign custody to protect their best interests and welfare. *Id.* This common law doctrine even allows transfer of a child from a custodian who otherwise has lawful custody of that child, such as a natural parent. *See, e.g.*, *In re Goodenough*, 19 Wis. at 274 (noting that a court may withhold custody from parent if there "is something in his situation or conduct rendering him unfit for the trust").

The purpose of habeas corpus in these 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

[5] Wisconsin courts have recognized that child custody habeas proceeds under a different standard than the usual cases involving adult prisoners: "When [habeas corpus relief] is used in custody matters . . . 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*,* 189 Wis. 431, 431, 207 N.W. 699, 699 (1926). The reason for this distinction is that children, like the beagles here, will necessarily be in someone's custody. *Id.* at 699 ("[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.")

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.

C. The change in animals' legal status in the modern era provides the foundation to extend the child-custody habeas principle to animals subjected to unlawful cruelty.

This case presents a question of first impression whether habeas corpus's protection from illegal confinement extends to cruel confinement of animals in violation of the anti-cruelty statute. While such application is admittedly novel, such an extension neatly follows from the principles of habeas corpus and principles of common law development.

Wisconsin courts possess both the authority and the responsibility to develop the common law. The Wisconsin Constitution preserves the English common law as it existed in 1776, with the understanding that it continues to develop through judicial decisions. Wis. Const. Art. XIV, § 13; *State v. Esser*, 16 Wis.2d 567, 572–73, 115 N.W.2d 505, 508 (1962). "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." *State v. Picotte*, 2003 WI 42, ¶ 19, 261 Wis. 2d 249, 262, 661 N.W.2d 381, 387.

"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 at ¶ 19 (alteration in original) (quoting *Bielski v. Schulze*, 16 Wis. 2d 1, 11, 114 N.W.2d 105, 110 n.35 (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)).

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.*

Such extraordinary nature is precisely the case here. Absent extension of the habeas corpus law, or some other equitable relief, hundreds of beagle dogs and puppies will suffer, and die, in cruel

conditions and in violation of their legal interest to be free from such cruelty.

1. Modern anti-cruelty laws represent a fundamental shift from protecting ownership and public interests to protecting animals themselves.

The first known animal cruelty statute to protect animals themselves, regardless of owner or public interest, was enacted by the Puritans of the Massachusetts Bay Colony in 1641. Body of Liberties of the Massachusetts Colony (1641), digital copy available online at http://archives.lib.state.ma.us/handle/2452/430907. The widespread enactment of anti-cruelty laws protecting animals in their own right took off two centuries later. New York enacted a modern animal cruelty statute in 1828, and eventually every other state passed some form of animal cruelty law. *See* Claire Priest, *Enforcing Sympathy: Animal Cruelty Doctrine After the Civil War*, 44 L. & Soc. Inquiry 136, 143–45 (2019).

Wisconsin's animal cruelty law tracks this evolution from protecting ownership and public interests to protecting animals themselves. In 1838, the then-territory of Wisconsin prohibited abuse or injury to a stray animal that may have been owned by another. An Act Relating to Strays, No. 79 § 18, 1838 Wis. Terr. Laws 442, 445-46, available at https://perma.cc/R86H-6MF8. But by 1849, a year after Wisconsin achieved statehood, the Legislature enacted a law expanding 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. . . .” Revised Statutes of the State of Wisconsin, Ch. 139 Offences Against Chastity, Morality and Decency § 20 (passed Jan. 10, 1849) (emphasis added).

The legislature made this evolution in the legal status of animals even clearer in 1987 when it organized the anti-cruelty law into its own chapter entitled "Crimes Against Animals" (Chapter 951). This understanding of the anti-cruelty law evolution as a fundamental shift that protects animals for their own sake tracks with case law in other states recognizing animals as the victims of cruelty. *See, e.g.*, *People v. Harris*, 2016 COA 159 ¶¶ 52–53, 405 P.3d 361, 372 (Colo. App. 2016); *State v. Nix*, 355 Or. 777, 779, 334 P.3d 437 (Or. 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. Ct. App. 2015) (adopting the holding and reasoning in *Nix*).

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

Extension of common law habeas protecting children to animals is supported by the parallel development of other legal schemes protecting children and animals 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. R.2 ¶ 153 (Wisconsin Humane Society, *History*, available at https://perma.cc/WZE8-ZHWB; Erica

Janik, *Wisconsin Humane Society Founded as Protector of Animals, Children*, Wisconsin Public Radio (Dec. 10, 2017), https://perma.cc/TZW4-5BT9).

Child and animal anti-cruelty 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 anti-cruelty 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.

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.

Child and animal anti-cruelty 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.

3. The habeas corpus standard used in child custody cases applies with similar force to dogs subjected to continuing and serious cruelty by their custodian.

The gap between the habeas corpus framework protecting children and the request for relief in this case is not so large. Both children and dogs are legally protected from cruelty. Both cases seek a habeas writ to transfer custody from harmful conditions to better ones. Both children and dogs lack capacity to petition for relief without a representative. And in both kinds of proceedings, the issue involves private custody where no court order exists to test for constitutional or jurisdictional defect. These parallels are not superficial; they reflect a common legal structure.

The extension of habeas corpus to child custody was itself a judicial innovation—one that required courts to look beyond the writ's traditional use as a remedy for unlawful imprisonment and apply it in a wholly new context. *See* Abramowicz, *English Child Custody Law.* For most of its history, habeas corpus served a single, narrow function: to free an individual from physical confinement. Its use to evaluate the *quality* of custody for vulnerable individuals—to ask whether the conditions of their holding were lawful and humane—was a

development forged by courts exercising their common law authority in response to a gap in the law's protective reach. *See id.* at 1358–60, 1386-89 (tracing how English Court of Cancery developed supervisory authority over child custody by treating guardianship like a trust that protects children from cruelty and ill treatment). Children, like animals today, had legal protections against cruelty; what they lacked was any mechanism to enforce those protections when the custodian charged with their care became the source of harm. Courts filled that gap through their equitable authority.

The doctrinal significance of that expansion should not be understated. It was, at the moment it first occurred, unprecedented: a court using habeas corpus not to release a vulnerable individual from confinement altogether, but to transfer custody from a harmful arrangement to a protective one to vindicate that individual's interest in being free from cruelty. The relief sought here is no more novel—and, if anything is more modest because it has been done before in the child welfare context. Courts have already answered the harder question: that habeas corpus can reach dependent individuals who cannot advocate for themselves, who are protected from cruelty but lack an obvious remedy, and whose only path to relief runs through the court's equitable power. To apply that same logic to the beagles is not to break new ground, but to follow a trail that courts have already blazed.

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 existing legal principles to a different

situation based on the same fundamental premise that animates child custody habeas: that the writ may reach a dependent individual kept in cruel, unlawful conditions where such individual cannot otherwise obtain protection of their interests through other legal processes.

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

This case represents the first instance of an equitable claim for relief on behalf of animals suffering due to a violation of a statutory standard.[6] The statutory nature of the right in question—the beagles' right to be free from cruelty—reflects the fact that the beagles' claim for relief merely requires the court to recognize, and enforce, an animal welfare law that has already been codified. The legislature, and by

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[6] *Cf.* People *ex rel.* Nonhuman Rts. Project, Inc. v. Lavery, 124 A.D.3d 148, 149, 998 N.Y.S.2d 248, 249 (N.Y. App. Div. 2014) ("[P]etitioner's counsel stated at oral argument that it does not allege that respondents are in violation of any state or federal statutes"); Nonhuman Rts. Project, Inc. v. Breheny, 38 N.Y.3d 555, 567, 197 N.E.3d 921, 924 (2022) ("In seeking habeas relief, petitioner did not dispute that [Happy the elephant's] residence at the Zoo—which is accredited by the Association of Zoos and Aquariums and regulated by the federal Animal Welfare Act (*see generally* 7 USC § 2131)—complies with all applicable federal and state statutes and regulations governing elephant care."); Nonhuman Rts. Project, Inc. v. Cheyenne Mountain Zoological Soc'y, 2025 CO 3, ¶ 10, 562 P.3d 63, 66 (Colo. 2025), reh'g denied ("NRP did not, the court noted, assert that the Zoo was violating [welfare] laws or standards."). These previous attempts to obtain habeas relief for animals are thus distinguishable from this matter, which sounds in an entirely different branch of habeas.

extension the residents of Wisconsin, have already recognized that these beagles have a right to freedom from cruelty. The beagles' petition for relief simply asks the court to recognize that the state's anti-cruelty law is more than societal aspirations; it creates, instead, an enforceable legal interest.

D. The Petition states a cognizable claim for habeas relief because it alleges violations of the anti-cruelty law and there is no adequate alternative remedy at law.

A petition for writ of habeas corpus shall be granted upon petitioners' showing of cause. *See* Wis. Stat. § 782.06 (2023–24). Once issued, the respondent must demonstrate cause that the custody is lawful. *See* Wis. Stat. § 782.14 (2023–24).

The Verified Petition states a 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 anti-cruelty statute; and (3) no adequate alternative remedy exists.

Ridglan holds hundreds of 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. Ridglan subjects the beagles to gross mistreatment and cruelty in violation of their legal protection under Wisconsin's anti-cruelty statute. Wis. Stat. §§ 951.02, 951.14. Ridglan violates these laws through ongoing, structural, and willful conduct that causes unnecessary and excessive pain and suffering to the beagles in its custody. *See supra*, Statement of Facts. These violations are supported by credible and substantial evidence. *Id.*

No adequate alternative remedy exists to stop the unlawful cruelty at Ridglan. 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. The special prosecutor's report confirms the existence of this gap: in response to requests by dog advocates to remove the dogs or cancel Ridglan's license, the special prosecutor determined that these suggested remedies "were simply not available." R.3:365 (App. 112). Rather, "[t]he most [he] could do was charge a crime." *Id.* 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.

The equitable relief sought in this case is both feasible and available. Three rescue organizations—Kindness Ranch, Best Friends Animal Society, and One Tail at a Time—have already pledged their resources to the custodial transfer of the dogs out of Ridglan and to facilities that can provide care and, eventually, place the beagles in loving homes. *See* R.3:473, 479–480, 476–477.

The circuit court's dismissal rested on the mistaken premise that because habeas corpus has never been applied to animals, it cannot be applied here. But the absence of precedent is not a principle of law—it is the absence of one. The common law has never treated "it has not been done before" as a sufficient reason to refuse to act; if it had, the writ would never have been extended to children, to persons held in private custody, or to any of the other contexts that now seem entirely

unremarkable. What the common law requires is a reasoned and principled explanation for why the existing framework either does or does not reach the situation presented. The relevant inquiry is not whether any prior court has issued a writ on behalf of a dog, but whether the logic that animates habeas corpus—relief for a vulnerable individual kept in unlawful, cruel conditions with no other recourse—applies to the facts alleged here.

By dismissing this case on the grounds that habeas corpus relief is simply unavailable to dogs, the circuit court failed to engage with: the adaptability of the common law, the judiciary's duty to prevent the commission of injustice, and the stark facts that dismissal potentially dooms hundreds of beagle dogs and puppies to a reality defined by daily cruelty and suffering. The circuit court acknowledged the tension: "[M]aybe 50 or 100 years from now courts will look back or society will look back on us and say what the heck were they doing." App. 5:18–21.

The time for justice is now. This Court should reverse.

III. No countervailing concern justifies a categorical bar prohibiting courts from ever exercising common law authority to provide equitable relief to protect an animal from cruelty.

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.

The beagles' claim does not require this Court to determine that dogs are persons under the habeas statute because the claim is rooted in common law habeas corpus which has a broader reach than the statutory writ. And even if this Court reaches the statutory question,

the term “person” is best understood as a functional term referring to any entity with rights or duties whether human or not.

1. Courts have recognized that anti-cruelty laws confer legal status on animals sufficient to justify extension of emergency aid doctrine to animals without describing them as persons.

The Wisconsin Constitution plainly entrusts the judicial branch with stewardship of the common law, including development of habeas corpus. *See* Art. XIV, § 13 (common law preservation); Wis. Const. Art. I, § 8 (suspension clause). Wisconsin courts have turned to common law habeas corpus even after finding that a petitioner was not entitled to relief under the habeas statute. *State ex rel. Richards v. Leik*, 175 Wis. 2d 446, 454, 499 N.W.2d 276, 279 (Ct. App. 1993) (recognizing that “cases abound that habeas corpus is an equitable doctrine and allows a court to tailor a remedy applicable to the particular facts”).

This Court can therefore recognize the beagles as having protected interests under the anti-cruelty law for the purpose of their Petition without having to determine that they qualify as persons.

The Wisconsin Court of Appeals treated animals like persons without calling them such in *State v. Bauer*, 127 Wis. 2d 401, 379 N.W.2d 895 (Wis. Ct. App. 1985). In that case, the court recognized the existence of a statutory legal interest conferred upon animals which justified emergency intervention in the search and seizure context even though the doctrine had previously only been applied to humans. 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.* at 409 (internal 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, the legislative anti-cruelty protection created a foundation to extend the emergency aid doctrine to protecting animals without the need for additional legislative action or constitutional amendment.

The Oregon Court of Appeals mirrored *Bauer*'s approach in *State v. Fessenden* while addressing the "person" issue head-on. 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 protecting a starving horse. The defendant argued that because Oregon's Supreme Court had previously 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. Rather than treat prior application to human beings as a categorical bar, the court asked whether a legally protected interest existed. Looking to Oregon's anti-cruelty laws, the court found they "reflect a legislative concern that animals be protected from unnecessary pain, trauma, and suffering." *Id.* at 648. In the view of the court, that legislative determination was sufficient to extend the emergency aid doctrine to animals without the need for further legislative action. *Id.* at 649.

This Court should take much the same approach in determining the availability of equitable relief to the beagles in this case. Here, the effect is similar, but the mechanism is more orderly still: a court order issued within a defined procedural framework rather than unilateral seizure by a police officer.

2. 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.

Although a determination of the beagles' status as persons is not required, this Court may find comfort that such status is supported by the flexibility of legal personhood which can be limited to few rights, extend to nonhuman entities, and be blended with property status.

The habeas corpus statute does not define "person." *See* Wis. Stat. § 782.01(1) (2023–24). 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).

Wisconsin's general statutory construction law similarly conveys a flexible understanding of the term person: "'Person' includes all partnerships, associations and bodies politic or corporate." Wis. Stat. § 990.01(26) (2023-24). This definition does not limit "person" to human beings; in fact, the only entities it lists are nonhuman. The definition is also expressly inclusive. Wisconsin courts have stressed that "include" is "ordinarily a word of enlargment [sic] 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, the legislature has defined "person" as a functional legal category and not a biological one.

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)).

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, Ltd. 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.

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).").

Nor does property status preclude legal person status. 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.

A 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 even if the entity is treated as property in other respects.

In this case, the beagles have a legally protected interest to be free from cruelty under Wisconsin's anti-cruelty law. Wis. Stat. §§ 951.02, 951.14. 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 protect them from cruel custody. Consequently, they can be treated as persons for the limited purpose of accessing equitable relief to enforce that right.

If this Court declines to recognize the beagles' ability to petition for their freedom from illegal cruelty, 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 and nature of the interest,

not the category of the petitioner. The interest of the beagles to be free from cruelty unquestionably suffices.

B. The *Rabideau* decision supports and does not foreclose equitable relief for animals subjected to cruelty.

The Wisconsin Supreme Court has characterized dogs as property and declined to extend the tort of negligent infliction of emotional distress to claims arising from harm to a dog. *Rabideau v. City of Racine*, 2001 WI 57, 243 Wis. 2d 486, 627 N.W.2d 795. That opinion supports rather than forecloses the claim for equitable relief.

First, *Rabideau* involved tort claims for monetary damages rather than equitable relief. Chief Justice Abrahamson wrote separately to emphasize precisely this point, noting that the case concerned a pet owner's right to recover in tort and that scholars would not classify it as a case about animal rights. *Id.* at ¶ 49 (Abrahamson, C.J., concurring). The public policy concerns that drove the court's analysis, particularly the risk of fraudulent claims and unfair financial burdens on tortfeasors, are specific to the damages context and have no bearing on a habeas petition seeking protection from cruelty. *See id.* at ¶ 26.

Second, the court's "stopping point" concern in *Rabideau* was rooted in the difficulty of defining the class of companion animals and the class of human companions who could recover emotional distress damages. *Id.* at ¶¶ 7, 30–31. Those classification problems do not arise here because the claim is tethered to violations of a statute that already defines what constitutes cruelty, what activities are exempt, and what animals receive protection. *See* Wis. Stat. §§ 951.01, 951.02, 951.14.

Third, the *Rabideau* court's own language supports the beagles' claim. The court expressly found that the term "property" inadequately and inaccurately describes the relationship between humans and dogs:

> [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.

2001 WI 57, ¶ 3. If the court's discomfort with the property label means anything at all, it should at minimum prevent that label from being used to leave dogs without any recourse when they are subjected to systemic cruelty in violation of laws enacted for their protection.

Even conceding the beagles' general status as property, that does not preclude recognition of legal rights and interests. *See supra* at Argument III.A.2. Ridglan itself is a corporation, making it both the property of its owners and a legal person for purposes of this litigation. If Ridglan's own property status does not bar it from appearing in court to defend its interests, the beagles' property status should not categorically bar them from seeking judicial protection of theirs.

CONCLUSION

The Court should reverse the circuit court's dismissal and remand this case with instructions for the circuit court to evaluate

whether the Petition sufficiently alleges violations of Wisconsin's anti-cruelty law and, upon such a finding, order Ridglan to demonstrate cause that its custody of the beagles is lawful.

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CERTIFICATION

I hereby certify that this brief conforms to the rules contained in s. 809.19 (8) (b), (bm), and (c) for a brief. The brief is written in a proportional serif font (Century) and the length of this brief is 8,996 words.

Signed:

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