

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

**MOTION TO DISMISS
PETITION FOR WRIT OF
HABEAS CORPUS**

Filed on Behalf of Respondents

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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 move the Court to dismiss Petitioner Nonhuman Rights Project, Inc.’s (“NHRP”) Petition for Writ of Habeas Corpus.

I. MOTION

A. Introduction.

1. NHRP, purportedly on behalf of five elephants residing at the Pittsburgh Zoo & Aquarium, commenced this matter on October 21, 2025 by filing its Petition for Writ of Habeas Corpus seeking the release or relocation of those elephants.

2. For more than a decade, NHRP has repeatedly, but unsuccessfully, sought the same relief for other animals from multiple courts across the country. Each of the courts in which NHRP has previously demanded such relief has denied those attempts.

3. Respondents respectfully submit that this Court should likewise reject NHRP’s demands and dismiss the Petition.

B. An Elephant Does Not Have Standing Under Pennsylvania Law to Petition for a Writ of Habeas Corpus.

4. Under Pennsylvania law, 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.*

5. Specifically, the statute unequivocally authorizes only a “*person*,” not an animal, to file an application for habeas corpus. *See* 42 Pa. C.S. § 6502 (emphasis added).

6. 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.*

7. 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).

8. Pennsylvania’s statutory definition of the term “person” and the plain and ordinary meaning of the term is clear and unambiguous. An elephant is simply not a “person” entitled to invoke Pennsylvania’s habeas corpus statute.

C. NHRP Does Not Have Next Friend Standing To Petition For a Writ Of Habeas Corpus On Behalf Of The Elephants.

9. Additionally, NHRP does not have standing to pursue this action in its own right. *See Firearm Owners Against Crime v. Papenfuse*, 261 A.3d 467, 481 (Pa. 2021); *Pittsburgh Palisades Park, LLC v. Commonwealth*, 888 A.2d 655, 659 (Pa. 2005).

10. Instead, NHRP attempts to convince the Court that it has “next friend” standing to petition for a writ of habeas corpus on behalf of the elephants.

11. Under Pennsylvania law, when a putative “next friend” seeks to bring a claim 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. 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 Commonwealth v. Haag*, 809 A.2d 271, 280 (Pa. 2002). In this case, NHRP cannot satisfy its burden to establish “next friend” standing.

D. NHRP Fails To State a Claim on Which Relief May Be Granted.

12. 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.

13. Pennsylvania law recognizes that a writ of habeas corpus may be used to extricate a petitioner from unlawful confinement or to secure relief from conditions of confinement that constitute cruel and unusual punishment. *Commonwealth ex rel. v. Bryant v. Hendrick*, 280 A.2d 110, 113 (Pa. 1971); *Fortune*, 792 A.2d at 1259. Neither of these circumstances are satisfied by NHRP in this action.

14. 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. It is also undisputed that the elephants are housed at the Pittsburgh Zoo & Aquarium in accordance with federal, state, and local law.

15. 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).

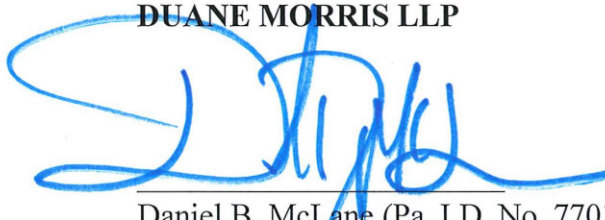
16. In support of this Motion, Respondents incorporate the argument and authorities that are more fully set forth in the Brief In Support of the Motion to Dismiss that has also been filed in this matter.

WHEREFORE, Respondents 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, likely belonging to Daniel B. McLane, is written over the name of the law firm.

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

ORDER

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ORDER

AND NOW, this _____ day of _____, 2026, upon consideration of Respondents' Motion to Dismiss Petition for Writ of Habeas Corpus and any responses thereto, it is hereby ORDERED and DECREED that the Motion is GRANTED. The Petition for Writ of Habeas Corpus in the above-captioned matter is denied and this matter is dismissed with prejudice.

BY THE COURT:

Judge Mary C. McGinley

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 Motion to Dismiss Petition for Writ of Habeas Corpus was served via email on the following:

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