

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

NONHUMAN RIGHTS PROJECT, INC, on
behalf of Angeline, Savana, 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

**MEMORANDUM OF LAW
IN OPPOSITION TO PETITION
FOR SPECIAL AND
PRELIMINARY INJUNCTIVE
RELIEF**

Filed on Behalf of Respondents

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	)	
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_____	)	

**MEMORANDUM OF LAW IN OPPOSITION TO
PETITION FOR SPECIAL AND PRELIMINARY INJUNCTIVE RELIEF**

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.* Petitioner concedes this and therefore is demanding that this Court rewrite Pennsylvania law in the context of a motion for preliminary injunction. For more than a decade, Petitioner has unsuccessfully demanded that multiple courts across the country rewrite the law to define certain animals as “persons,” thereby empowering those animals to petition for relocation to wildlife sanctuaries via a writ of habeas corpus. All of the courts in the other states where Petitioner has demanded such relief have denied those attempts. Petitioner now seeks to do the same in Pennsylvania.

Petitioner demands that the Court first rewrite Pennsylvania law to recognize elephants as “persons” in order to then demand a writ of habeas corpus to relocate those elephants from the Pittsburgh Zoo & Aquarium to a wildlife sanctuary. In pursuit of its underlying Petition, Petitioner filed a Petition for Special and Preliminary Injunctive Relief to enjoin the transfer of two elephants, Victoria and Zuri, from the Pittsburgh Zoo & Aquarium to the Zoo’s International Conservation Center, also located in Pennsylvania.

Petitioner's request for a preliminary injunction, and its underlying Petition, fail for several reasons. For purposes of this hearing, two of those reasons are worth additional emphasis. First, Petitioner cannot, as a matter of Pennsylvania law, prevail on its underling Petition because an elephant does not have standing as a "person" to petition for a writ of habeas corpus. Second, Victoria and Zuri are no longer located at the Pittsburgh Zoo & Aquarium. Victoria and Zuri were transferred to the International Conservation Center prior to Petitioner serving its Petition for Special and Preliminary Injunctive Relief. Therefore, the relief that Petitioner demands is no longer available and the matter is moot.

Pennsylvania law requires that a party satisfy six essential prerequisites for a trial court to enter a preliminary injunction. *See Summit Town Centre, Inc. v. Show Shoe of Rocky Mountain, Inc.*, 828 A.2d 995, 1001 (Pa. 2003).

First, a party seeking a preliminary injunction must show that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages. Second, the party must show that greater injury would result from refusing an injunction than from granting it, and, concomitantly, that issuance of an injunction will not substantially harm other interested parties in the proceedings. Third, the party must show that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct. Fourth, the party seeking an injunction must show that the activity it seeks to restrain is actionable, that its right to relief is clear, and that the wrong is manifest, or, in other words, must show that it is likely to prevail on the merits. Fifth, the party must show that the injunction it seeks is reasonably suited to abate the offending activity. Sixth and finally, the party seeking an injunction must show that a preliminary injunction will not adversely affect the public interest.

Id. The burden with respect to each of these six prerequisites falls squarely on the party seeking the injunctive relief. *Warehime v. Warehime*, 860 A.2d 41, 47 (Pa. 2004); *Summit Town Centre*, 828 A.2d at 1001; *see also Cnty. of Allegheny v. Commonwealth*, 544 A.2d 1305, 1307 (Pa. 1988) ("For a preliminary injunction to issue, every one of these prerequisites must be established; if the petitioner fails to establish any one of them, there is no need to address the others.").

A. Petitioner Does Not Have a Likelihood of Prevailing Because an Elephant Does Not Have Standing Under Pennsylvania Law to Petition for a Writ of Habeas Corpus.

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). While Pennsylvania’s habeas corpus statute does not define the term “person,” it is defined under 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**.” Furthermore, according to the dictionary, the term “person” is 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”).¹

The statutory definition of the term “person” and the plain and ordinary meaning of the term is clear and unambiguous.² An elephant simply is not a “person” for purposes of habeas

¹ *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[.]”).

² *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.”).

corpus under Pennsylvania law.³ Therefore, Petitioner cannot succeed on the merits of its underlying Petition.

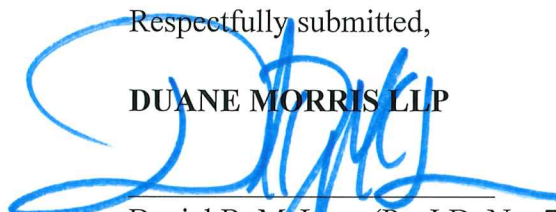
B. The Petition is Moot because the Relief Sought is No Longer Available.

Petitioner's demand for an injunction seeks to enjoin the transfer of two elephants, Victoria and Zuri, from the Pittsburgh Zoo & Aquarium to the International Conservation Center. Victoria and Zuri however were transferred to the International Conservation Center before Petitioner served its Petition for Special and Preliminary Injunctive Relief. Victoria and Zuri are no longer located at the Pittsburgh Zoo & Aquarium and have been located at the International Conservation Center. Accordingly, the relief that Petitioner demands is not available and the matter is moot. *See, e.g. Russ v. Herman Living, LLC*, No. 47 EDA 2024, 2024 Pa. Super. Unpub. LEXIS 3221 (Pa. Super. Dec. 20, 2024) (dismissing appeal of preliminary injunction as moot where the action sought to be prevented had already occurred). Accordingly, Respondents respectfully request this Court to deny the Petition for Special and Preliminary Injunctive Relief.

³ This is the same conclusion reached by other courts that have addressed Petitioner'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*, 231 A.3d 1171 (Ct. 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 (Ct. 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 is intended to protect human beings and it has no applicability to elephants, which are not "persons").

November 10, 2025

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on November 10, 2025, a true and correct copy of the foregoing Memorandum of Law in Opposition to Petition for Special and Preliminary Injunctive Relief was served via hand delivery and/or e-mail on the following:

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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 require filing confidential information and documents differently than non-confidential information and documents.

November 10, 2025

Respectfully submitted,



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