

**IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT**

No. 377 WDA 2026

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

Appellant

v.

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

Appellees.

**BRIEF OF AMICI CURIAE PENNSYLVANIA VETERINARY
MEDICAL ASSOCIATION AND AMERICAN VETERINARY
MEDICAL ASSOCIATION IN SUPPORT OF APPELLEES**

*On Appeal from the Order Entered on February 12, 2026 by the
Court of Common Pleas of Allegheny County, Pennsylvania, No. GD-25-010963*

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STATEMENT OF INTEREST OF AMICI CURIAE¹

Amici curiae are the Pennsylvania Veterinary Medical Association (PVMA) and American Veterinary Medical Association (AVMA). These organizations have a substantial interest in ensuring that Pennsylvania laws promote sound animal welfare policies through clearly defined rights and responsibilities governing the ownership of animals. Providing animals with personhood status recognized in humans, including for purposes of a writ of habeas corpus, is contrary to this goal and has been denied in cases like this one for that reason. Courts have found that changing the legal status of animals may advance some private animal rights groups' agendas, but not animal welfare. *Amici* urge the Court to join with these courts, affirm the legal status of animals as cherished and protected interests of their owners—which makes them very different from inanimate “things”—and maintain the legal structure that has long been effective in advancing the welfare of animals.

Established in 1883, PVMA is the statewide professional membership association dedicated exclusively to the profession of veterinary medicine and the interests of the veterinary team. It has grown from its original 22 founding members to more than 3,800 licensed veterinarians, certified technicians, assistants, practice managers, students and other members of the veterinary team across the

¹ Pursuant to Pa. R.A.P. 531(b), *amici curiae* state that no person or entity other than the *amici*, their members, or counsel made a monetary contribution to the preparation or submission of this brief or authored any part of this brief.

Commonwealth of Pennsylvania. It supports and represents those members through a range of programs, including advocating to the state government and providing continuing education. PVMA members are actively involved in making sure the profession develops the best professional guidelines and laws, and are up-to-date with new developments. It also advocates for responsible ownership of animals, including livestock, pets, and animals in zoos and other facilities.

Established in 1863, the AVMA is the national voice for the veterinary profession. The AVMA has more than 111,000 members, representing about 75% of U.S. veterinarians. The AVMA is committed to advancing the science and practice of veterinary medicine, including its relationship to public health, biomedical science, the environment, and agriculture. It also advocates for improving food safety and security, advancing veterinary medical education, enhancing animal and human health and welfare, strengthening biomedical research, and fostering a healthy environment. It achieves these goals through research, education, collaboration, policy and professional guidance, accreditation, advocacy, development of legislation and regulations, and the filing of amicus curiae briefs.

ARGUMENT

This case has enormous magnitude. Granting any private organization the right to file a writ of habeas corpus on behalf of an animal would completely redefine the human-animal legal relationship, not just with respect to the elephants Angeline,

Savanna, Tasha, Victoria and Zuri and the Pittsburgh Zoo, but for all animals in the Commonwealth. As a multitude of courts from around the country have stated in dismissing similar petitions for writs of habeas corpus from the Nonhuman Rights Project (NRP), changing the legal categorization of animals to “persons,” including for these purposes, would “upend the state’s legal system.” *Nonhuman Rights Project, Inc. v. R.W. Commerford & Sons, Inc.*, 216 A.3d 839, 844 (Conn. Ct. App. 2019). In Pennsylvania and all other states, the legal systems governing animals have always been based on ownership, which does not demean animals. On the contrary, this system respects and protects animals—in zoos, homes, research facilities, and farms—through well-defined rights and responsibilities that have developed over the years to advance animal welfare. It should be maintained and strengthened, as all states including Pennsylvania have consistently done, not discarded.

In denying NRP’s petitions for writs of habeas corpus, courts around the country have also explained that these petitions fundamentally “misunderstand[] the interest habeas vindicates.” *Nonhuman Rights Project, Inc. v. DeYoung Family Zoo, LLC*, -- N.W.3d --, 2025 WL 2957821, at *10 (Mich. Ct. App. Oct. 17, 2025). The sole purpose of a writ of habeas corpus is to free a person from false imprisonment, slavery, or some other unlawful restraint on their liberty or constitutional rights. *See, e.g., Commonwealth ex rel. Bryant v. Hendrick*, 444 Pa. 83 (1971). It is based on the cognizable interest in personal liberty inherent to each person in a body politic and

the right of the person to be freed. As courts have stated, nonhuman animals are not part of the body politic and do not have these rights. *See DeYoung Family Zoo*, 2025 WL 2957821, at *11.

Further, the treatment standards for Angeline, Savanna, Tasha, Victoria and Zuri, as well as the many other animals at zoos and other establishments around the country, are governed by federal law—particularly the Animal Welfare Act, 7 U.S.C. §§ 2131 *et seq.*—state laws and regulations, and industry accreditation standards, all of which are routinely updated. If NRP believes these standards are insufficient based, among other things, on the characteristics of certain types of animals, its recourse is to pursue changes to this regulatory regime. And, if NRP believes certain animals should no longer be owned at all, it should seek that change through Congress and the Pennsylvania General Assembly, which can weigh NRP’s organizational interests at issue here against the many other stakeholders and interests, including the societal value many people place on zoos and other venues that provide opportunities to meet and learn about elephants and other animals. The writ of habeas corpus is not the appropriate vehicle for making these legal changes.

The veterinary community files this brief because it is deeply concerned about the adverse animal welfare impact of redefining the human-animal legal system through this writ. History has shown that animal ownership is not just permissive, it is protective. Congress and state legislatures have enacted regulatory safeguards that

promote responsible animal ownership, deter abuse, and advance animal care. Owners should be held to these standards. Allowing private organizations and individuals to take away another's ownership interests in an animal based on their subjective beliefs as to how those animals should be treated would adversely impact animal welfare by undermining owners' ability to make the proper care decisions for their animals. In the short term, there would be enormous and pervasive confusion over who has the authority to make care decisions. And, in the long term, the ability of owners to care for their animals would be severely limited or eliminated. There would undoubtedly be lengthy and expensive legal battles over the fate of animals—regardless of whether owned by zoos, farmers, research facilities, or families and what care the owners believe is best for them and their animals. Meanwhile, the animals would be deprived of timely care and would suffer accordingly. Put simply, granting this writ is not the pro-animal welfare position.

For these reasons, *amici* respectfully request that the Court affirm the trial court's denial of NRP's petition for writ of habeas corpus. Animal owners, including the Pittsburgh Zoo, should remain solely responsible and accountable for properly caring for and treating their animals.

I. PENNSYLVANIA AND ALL OTHER STATES ADHERE TO OWNERSHIP AS THE LEGAL STRUCTURE FOR GOVERNING THE HUMAN-ANIMAL RELATIONSHIP

This case goes to the heart of the distinctions between animal rights and animal welfare that have split the animal-loving community for decades. To many people outside the animal community, these concepts are often conflated, but they rest on fundamentally different premises. Animal welfare focuses on animal well-being, whereas animal rights rejects the use and ownership of animals as morally illegitimate, regardless of the impact on animal welfare. Joyce Tischler, the founder of the Animal Legal Defense Fund (ALDF), has explained that “[n]ot every animal lawyer has greeted [the animal rights approach] with enthusiasm.” Joyce Tischler, *A Brief History of Animal Law, Part II*, 5 Stan. J. of Animal L. & Pol. 27, 52 (2012). As she wrote, the “work for progressive welfare reforms . . . has gained a good deal of traction,” *id.*, whereas the pure animal rights reforms have often not succeeded because they could lead to less humane conditions for many animals.

Over the past two decades, the NRP has been filing writs of habeas corpus for various animals to advance its animal rights agenda. It has explained that its goal is to use these writs to reclassify animals as legal persons. *See DeYoung Family Zoo*, 2025 WL 2957821, at *1 (noting NRP “is a nonprofit advocacy organization that describes itself as ‘dedicated solely to securing legal rights for nonhuman animals’”). This effort is not limited to elephants in zoos, but all animals, including “gorillas,

orangutans, bonobos, Atlantic bottlenose dolphins, African gray parrots, African elephants, dogs and honeybees.” *Beastly Behavior?*, The Wash. Post, June 5, 2002, at C1 (quoting NRP founder Steven Wise). NRP plans “to file as many suits as we have the funds to be able to pursue.” Michael Mountain, *Lawsuit Filed Today on Behalf of Chimpanzees Seeking Legal Personhood*, Nonhuman Rights Project (Dec. 2, 2013). As part of this campaign, animal rights groups have filed writs of habeas corpus for elephants, chimpanzees and most recently dogs, sought to apply the Thirteenth Amendment against slavery to orcas, and filed suit for the world’s whale, porpoise, and dolphin populations against the U.S. Navy. *See, e.g.*, *Petition for Writ of Habeas Corpus, Approximately 2,000 Beagle Dogs & Puppies v. Ridgman Farms, Inc.*, No. 2026CV000347 (Wis. Cir. Ct. Dane Cnty. filed Jan. 30, 2026); *Tilikum v. SeaWorld Parks & Entm’t, Inc.*, 842 F. Supp. 2d 1259 (S.D. Cal. 2012); *Cetacean Community v. Bush*, 386 F.3d 1169 (9th Cir. 2004). They have been looking for a court to legally equate animals with people in any context, regardless of the markers of intelligence and autonomy they say are the rationales for granting the writ here.

All courts have uniformly rejected these efforts, refusing to redesignate animals as legal “persons” for writs of habeas corpus or in any of these other cases. *See, e.g.*, *Nonhuman Rights Project, Inc. v. Cheyenne Mountain Zoological Society*, 562 P.3d 63 (Colo. 2025) [hereinafter “*Cheyenne Mountain Zoo*”]; *Nonhuman Rights Project, Inc. v. Breheny*, 197 N.E.3d 921, 924 (N.Y. 2022) (“[W]hile no one

disputes that elephants are intelligent beings deserving of proper care and compassion, the courts below properly granted the motion to dismiss the petition for a writ of habeas corpus.”); *People ex rel. Nonhuman Rights Project, Inc. v. Lavery*, 124 A.D. 3d 148, 152 (N.Y. Sup. Ct. App. Div. 2014) (“[It is] inappropriate to confer upon chimpanzees the legal rights—such as the fundamental right to liberty protected by the writ of habeas corpus—that have been afforded to human beings.”); *Commerford*, 216 A.3d at 846 (finding no rationale for extending common law “with respect to disturbing who can seek habeas corpus relief”); and *Rowley v. City of New Bedford*, 159 N.E.3d 1085 (Mass. Ct. App. 2020) (unpublished) (habeas corpus laws “unambiguously refer solely to ‘person,’” which is “synonymous” with humans).

In the case seeking to apply the Thirteenth Amendment to orcas, People for the Ethical Treatment of Animals (PETA) sued SeaWorld seeking injunctive relief that the aquarium’s holding of orca whales violated slavery and involuntary servitude. *See Tilikum*, 842 F. Supp. 2d at 1260 (alleging the whales were “held captive”). As here, PETA alleged orcas “engage in many complex social, communicative, and cognitive behaviors” and cannot “make conscious choices” for their mental and physical well-being in an aquarium. The court rejected the claim, concluding “the Thirteenth Amendment only applies to ‘humans.’” *Id.* at 1262. In doing so, the court made clear that animals have legal protections—“there are many state and federal statutes affording redress to Plaintiffs, including, in some instances,

criminal statutes that punish those who violate statutory duties that protect animals”—but the orcas remain SeaWorld’s property. *Id.* at 1264.

Indeed, in all states, including Pennsylvania, animals are considered the “property” interests of their owners, and any animal not individually owned is owned by the Commonwealth. See 34 Pa.C.S. § 2161(a) (“The proprietary ownership, jurisdiction and control of game or wildlife living free in nature is vested in the Commonwealth.”). This “property” designation has served as a rallying cry for animal rights groups, who argue animals should not be treated as ashtrays or tables. Of course, the law does not treat animals as inanimate objects, nor should it.

Courts have broadly understood this point, which can be seen in their response to the longstanding effort to introduce loss of companionship-type damages for pets, which typically are available only for immediate family members. See Phil Goldberg, *Courts and Legislatures Have Kept the Proper Leash on Pet Injury Lawsuits: Why Rejecting Emotion-Based Damages Promotes the Rule of Law, Modern Value, and Animal Welfare*, 6 Stan. J. of Animal L. & Pol’y 30 (2013). While they have appreciated the reaction to the “property” label, they have not changed the legal designation of animals or used this label to create uncertain liability law. See, e.g., *Kondaurov v. Kerdasha*, 629 S.E.2d 181, 186-87 (Va. 2006) (noting in every state the law “regards animals, however beloved, as property”); *Goodby v. Vetpharm*, 974 A.2d 1269 (Vt. 2009) (affirming animals are personal

property but distinguishing them from animate objects).² Pennsylvania has followed this national jurisprudence. *See, e.g., Daughen v. Fox*, 372 Pa. Super. 405, 419 (1988) (affirming dogs are personal property and holding that Pennsylvania law does not allow recovery for loss of companionship due to the death of an animal).

Many courts across the nation have taken pains to explain that the “property” label does not undermine the value society places on animals or the many statutory and common law protections for animals. Nor should it be the basis for changing legal rights, particularly under the common law. In a case that made national headlines, the Texas Supreme Court explained “[t]he term ‘property’ is not a pejorative but a legal descriptor, and its use should not be misconstrued as discounting the emotional attachment that pet owners undeniably feel.” *Strickland v. Medlen*, 397 S.W.3d 184, 186 (Tex. 2013). The Wisconsin Supreme Court also stated it was “uncomfortable with the law’s cold characterization of a dog . . . as mere ‘property,’” and “[t]o the extent this opinion uses the term ‘property’ in describing how humans value the dog they live with, it is done only as a means of applying established legal doctrine to the facts of this case.” *Rabideau v. City of*

² *See also Hey v. Moran*, No. 2002-569 (PC 01-3682) (R.I. 2003) (“under Rhode Island law, a dog is classified as property”); *Strawser v. Wright*, 610 N.E.2d 610, 612 (Ohio Ct. App. 1992) (while the court “sympathize[d] with one who must endure the sense of loss which may accompany the death of a pet,” it “cannot ignore the law”); *Ammon v. Welty*, 113 S.W.3d 185, 187 (Ky. Ct. App. 2002) (“The affection an owner has for, and received from, a beloved dog is undeniable. It remains, however, that a dog is property, not a family member.”).

Racine, 627 N.W.2d 795, 798 (Wis. 2001). Thus, this label has not—and should not here—motivate giving animals rights, including those equivalent to that of a person.

Further, unlike with inanimate “things,” the property interest in an animal is not inviolate. A series of cases in Oregon provides a vivid example. In *State v. Fessenden*, neighbors reported to police that defendant’s horse appeared to be starving. 333 P.3d 278, 280 (Or. 2014). An officer trained in animal husbandry and cruelty observed the horse from the neighbor’s property and identified signs of critical illness. *See id.* He reasonably believed if he took the time to obtain a warrant, the horse might suffer a fatal injury. *See id.* He entered defendant’s property, seized the horse, and took it to a veterinarian. *See id.* The Oregon Supreme Court held the warrantless action was justified by the exigent circumstances exception to protect *property*—not emergency aid exception that applies only to persons. *See id.* at 288. It later explained that although state law “prohibits humans from treating animals in ways that humans are free to treat other forms of property,” it “does not place them on par with humans.” *State v. Newcomb*, 375 P.3d 434, 441 (Or. 2015).

In every state, the law sets forth the right to own animals. It also provides which kinds of animals can be owned by whom, as well as guidelines for and limitations on ownership rights. These laws include the right of the Pittsburgh Zoo to own elephants, including Angeline, Savanna, Tasha, Victoria, and Zuri, along

with the other animals in its facilities. There is no legal basis upon which a writ of habeas corpus can be asserted to remove these elephants from the Zoo's ownership.

II. ALL COURTS HAVE REJECTED ESTABLISHING LEGAL PERSONHOOD FOR ANIMALS, INCLUDING THROUGH WRITS OF HABEAS CORPUS

Courts have uniformly rejected attempts, as here, to establish legal rights for animals through writs of habeas corpus. The state high courts in New York and Colorado, along with several courts of appeals, have issued in-depth responses to petitions practically identical to the one here explaining their legal deficiencies.

At the heart of these rulings is the fundamental notion that writs of habeas corpus are available only to persons. *See Breheny*, 197 N.E.3d at 921 (holding NRP could not file a writ to remove an elephant from the Bronx Zoo); *Cheyenne Mountain Zoo*, 562 P.3d at 63 (holding NRP could not transfer five elephants from the Cheyenne Mountain Zoo to a sanctuary). These courts have based their holdings on both statutory and common law habeas corpus doctrines. As the Colorado Supreme Court explained, including nonhuman animals in the writ of habeas corpus statute “is the type of monumental change in the law that one would reasonably expect the General Assembly to make explicit,” and “nothing in the common law supports NRP’s position, which rests primarily on a concurring opinion and two dissenting opinions in its unsuccessful efforts to extend the writ of habeas corpus to nonhuman

animals.” *Id.* at 69.³ As the court explained, “[e]very one of [NRP’s] petitions for writ of habeas corpus has been denied for the same or very similar reasons.” *Id.*

These courts have also identified a multitude of deficiencies with the petitions themselves. The great writ of habeas corpus, as it has been called, was designed to release persons from unlawful or unconstitutional confinement. As a result, “[p]ersons seeking a writ of habeas corpus must establish more than just confinement to justify issuance; they must show that their confinement is illegal.” *Breheny*, 197 N.E.3d at 927. If illegal confinement is proved, the remedy is releasing them from that unlawful confinement. By contrast, zoo ownership of elephants is not illegal. Further, Angeline, Savanna, Tasha, Victoria, and Zuri have no constitutional rights or rights to freedom, which “demonstrates the incompatibility of habeas relief in the nonhuman context.” *Id.* at 928; *Cheyenne Mountain Zoo*, 562 P.3d at 70 (also stating that habeas relief is “not appropriate” for these reasons).

Courts have also explained that there is no limiting principle for which animals would be eligible for such habeas relief. NRP has argued that the writ of habeas corpus should be granted for elephants because elephants have certain

³ Appellant repeatedly cites dissents in *Breheny* as authority, suggesting they should have received greater weight. See Pl. Br. at n. 29. These dissents have been called “aspirational flights of fancy”—because they do not create law, they are unrestrained by the practical implications of the rights they would create. Order, *Nonhuman Rights Project, Inc. v. Cheyenne Mountain Zoological Society and Bob Chastain*, No. 2023-CV-301236 (Colo. Dist. Ct., Dec. 3, 2023), at 18.

characteristics, including being “autonomous” beings, and submitted affidavits like the ones here. But habeas protections do not flow “from a being’s ability to pass some type of autonomous capacity test,” but personhood. *Cheyenne Mountain Zoo*, 562 P.3d at 70. “[N]o one disputes that elephants are intelligent beings deserving of proper care and compassion,” but “[t]he selective capacity for autonomy, intelligence, and emotion of a particular nonhuman animal species is not a determinative factor in whether the writ is available as such factors are not what makes a person detained qualified to seek the writ.” *Breheny*, 197 N.E.3d at 927.

These qualities also do not provide courts with bright-line principles for determining which animals would qualify for these new legal rights. In other cases, groups have suggested varying criteria for such legal rights. In *Tilikum*, PETA said orcas should be freed from ownership because orcas demonstrate “mental stress” and “behavioral abnormalities” when living in an aquarium. 824 F. Supp. 2d at 1261. Others have suggested that legal rights should be conveyed to any animal that is considered a “sentient” being. Diane Sullivan & Holly Vietzke, *An Animal Is Not an iPod*, 4 J. Animal L. 41, 43 (2008) (“With a recognition that animals are sentient creatures capable of experiencing great pain should come a realization that animals are not property—not innate objects—and our legal system must recognize this.”). Others have suggested all “vertebrate animals” should be able to enter contracts, file

lawsuits, and engage in other legal actions. David Favre, *Living Property: A New Status for Animals within the Legal System*, 93 Marq. L. Rev. 1021, 1047 (2010).

Without objective principles, courts have expressed concern that there is “no sensible or just stopping point” for these rights. *Rabideau*, 627 N.W.2d at 802. It would be impossible “to cogently identify the class of” animals for legal rights, as arguments could be made for “an enormous array of living creatures.” *Id.*; see also *Pacher v. Invisible Fence of Dayton*, 798 N.E.2d 1121, 1126 (Ohio Ct. App. 2003) (finding “difficulty in defining . . . classes of animals for which” rights should be conveyed). In addition, “[t]here are fears of flooding the courts with spurious and fraudulent claims; problems of proof . . . [and] exposing [a] defendant to an endless number of claims.” *Myers v. City of Hartford*, 853 A.2d 621, 625 (Conn. Ct. App. 2004). As the Texas Supreme Court concluded in the noneconomic damages case, given the “menagerie of animals” that could merit such treatment, any line-drawing would “resemble judicial legislation.” *Strickland*, 397 S.W.3d at 195.

Finally, courts have questioned whether any self-appointed group, which would include NRP here, has standing—on its own or as “next friend”—to file suit for the animals. See *Cheyenne Mountain Zoo*, 562 P.3d at 66 (noting the trial court “determined that [NRP] did not have proper next friend status to bring a habeas petition on elephants’ behalf because it failed to establish that it was in a better position to speak for the elephants than the Zoo,” which has been working with and

caring for the elephants for decades). As a general matter, courts have been highly skeptical of allowing third parties to bring cases on behalf of animals. The Ninth Circuit in *Cetacean* took notice that the plaintiff was a “self-appointed attorney” who formed a group called “The Cetacean Community” for the purpose of filing the lawsuit and purported to represent “all of the world’s whales, porpoises, and dolphins.” 386 F.3d at 1171. Of particular concern is that these groups’ agendas can differ from the interests of those they purport to represent. *See* Terry Carter, *Beast Practices: High-Profile Cases Are Putting Plenty of Bite into the Lively Field of Animal Law*, 93-Nov A.B.A. J. 39, 41 (2007) (quoting a lawyer acknowledging this tension and saying their sole interest is to invoke the animals to “evolve the law”).

This third-party issue came to a head in *Naruto v. Slater*, where the Ninth Circuit found PETA employed Naruto “as an unwitting pawn in its ideological goals.” 888 F.3d 418, 421 n.3 (9th Cir. 2018). PETA filed the action for a monkey named Naruto against a wildlife photographer, claiming the monkey qualified as a person for asserting copyright infringement after the photographer published selfies the monkey took with the photographer’s camera. *See id.* at 420 (finding PETA had no “significant relationship” with the monkey, making it “a pawn to be manipulated on a chessboard larger than his own case”). When it appeared PETA was losing the appeal, PETA sought to settle, dismiss the appeal, and vacate the district court’s order. *See id.* at 421 n.3. The Ninth Circuit noted PETA “abandoned Naruto’s

substantive claims in what appears to be an effort to prevent the publication of a decision adverse to PETA's institutional interests.” *Id.* The court then denied PETA's standing to represent Naruto, stating PETA “fails to meet the ‘significant relationship’ requirement and cannot sue as Naruto's next friend.” *Id.* at 421.

In a pointed concurrence, Judge Smith cautioned, “[a]nimal-next-friend standing is particularly susceptible to abuse. Allowing next-friend standing on behalf of animals allows lawyers (as in Cetacean) and various interest groups (as here) to bring suit on behalf of those animals or objects *with no means or manner to ensure the animals' interests are truly being expressed or advanced.*” *Id.* at 432. “Such a change would fundamentally alter the litigation landscape. Institutional actors could simply claim some form of relationship to the animal or object to obtain standing and use it to advance their own institutional goals.” *Id.* “Because the ‘real party in interest’ can actually *never credibly articulate its interests or goals*, next-friend standing for animals is left at the mercy of the institutional actor to advance its own interests, which it imputes to the animal or object with *no accountability.*” *Id.*

Here, NRP is such a self-selected group. It has been raising money in connection with this litigation campaign, selling apparel, tote bags and mugs in addition to other fundraising activities. As NRP has stated in its annual report, this fundraising campaign has helped sustain “habeas corpus work seeking liberty for 21

nonhuman animal clients across five states.”⁴ Undoubtedly, if this writ were granted groups would vie to “represent” animals in zoos, aquariums, and other facilities to sustain their organizations. Yet, none them would truly be speaking for the animals.

In short, NRP has no right to remove Angeline, Savanna, Tasha, Victoria, and Zuri from the home they have known for decades, including from their familiar surroundings, routines, caregivers, and veterinarians.

III. GRANTING THIS WRIT WOULD UNDERMINE ANIMAL WELFARE, ALLOWING THIRD PARTIES TO BROADLY INTERVENE WITH OTHERS’ ANIMAL CARE DECISIONS

Courts have also made clear that these cases are not about expressing one’s love of animals or advancing animal welfare. *See Cheyenne Mountain Zoo*, 562 P.3d at 70 (stating that deciding these cases “does not turn on our regard for these majestic animals”). “[T]he relationships between humans and nonhuman animals are varied and complex and, in many contexts, the law clearly imposes a duty on humans to treat nonhuman animals with dignity and respect.” *Breheny*, 197 N.E.3d at 932.

The veterinary community is deeply concerned about this case because changing the ownership structure over animals could have adverse impacts on the ability of owners to treat livestock, companion animals, and animals owned by various types of entities. Indeed, it would allow outside groups to interfere with or possibly legally harass animal owners—from dairy farmers to horse breeders to

⁴ Nonhuman Rights Project, 2025 Annual Report, at <https://nhrparrannualreport.com/>.

Amish communities that use animals for a wide variety of tasks and everyone in between—in their ability to own, direct, and care for their animals. A third party could readily petition a court for custody of any animal if it disapproves of how the owner is lawfully treating or using it, to stop an owner from euthanizing an animal (which is one of the hardest decisions of ownership), or to prohibit spaying or neutering an animal by arguing the animal would be deprived of its reproductive rights—much like NRP’s comments here about “forced breeding” the elephants. NRP Br. at 9. None of these outcomes would seem farfetched anymore.

These concerns are not new. For more than 20 years, animal rights groups have been urging municipalities to change the terminology in their city ordinances from pet “owners” to “guardians.” See *Ownership versus Guardianship*, Am. Veterinary Med. Ass’n (2005).⁵ Some advocates have insisted these guardianship laws would not impose the human ward-guardian legal system onto animals and their owners and are simply meant to convey a greater sense of stewardship. Others, though, have openly acknowledged that guardianship laws would allow them to raise new legal questions if there are conflicting views “as to the best interests of an animal.” Position Statement on Ownership/Guardianship, ASPCA.⁶ As a veteran

⁵ <https://www.avma.org/advocacy/state-local-issues/state-advocacy-issue-ownership>.

⁶ <https://www.asPCA.org/about-us/asPCA-policy-and-position-statements/position-statement-ownershipguardianship>; see also Christopher Green, *The Future of*

legal commentator asked: “Will there come a time when dogs can sue for a new guardian—or to avoid being put to sleep?” Jeffrey Toobin, *Rich Bitch*, The New Yorker, Sept. 29, 2008.⁷ For these reasons, neutral public policy groups have opposed any such changes to animal ownership laws. See Council of State Governments, *Resolution on Animal Guardianship and Liability Legislation* (2004).

Consider an elderly dog that develops a severely arthritic hip. Currently, an owner has several treatment options available, from hip replacement surgery to less invasive, less costly alternatives. Some owners may opt for hip replacement surgery, whereas others may choose another option. If an animal rights group believes hip replacement is in the best interest of the animal, it could force the dog’s owner to accept that option regardless of the dog’s discomfort or the owner’s ability to afford the procedure. Critical questions would also be raised about the legal implications should a veterinarian disagree with an owner’s treatment decision, such as whether to treat a compound fracture or select euthanasia. The veterinarian may have to seek a court’s directive, leaving the animal in pain and with an increased risk of infection while awaiting the decision. Also, certain veterinary records are confidential but may have to be disclosed to anyone who believes an animal should be treated differently.

Veterinary Malpractice Liability in the Care of Companion Animals, 10 Animal L. 163, 235 (2004) (“[I]f a legal conflict does arise over an animal’s best interest, who will be the arbiter of any decision?”).

⁷ http://www.newyorker.com/reporting/2008/09/29/080929fa_fact_toobin.

Equally troubling is the impact on the broader community. From a human health perspective, controlling animal disease in the food chain, as well as rabies and other zoonotic disease, are important functions of veterinary services. The government also must control and quarantine dangerous animals and require vaccinations. And, the concept of assistance or working animals, including guide dogs, hearing dogs, and police dogs, may be objectionable to some animal rights groups. Third-party lawsuits could interfere with these important functions. The same is true for biomedical research, which contributes to improving the care of people and animals, and food animal husbandry. Outside groups could also interfere with animal ownership transfers, such as breeder sales, taking over ownership after a parent dies, or the purchasing of livestock. Also, if a pet injures a neighbor's child, the owner's insurance company might deny coverage for the child's treatment because the animal would no longer be defined as property. The list goes on.

Finally, the assertion of a sudden or recent shift in societal values toward animals is a red herring and undermined by the recent and extensive case law discussed above. Humans have long valued animals, and to the extent there has been a shift in attitudes, it is for enhanced animal welfare protections, not legal personhood. Most Americans value animal ownership. According to recent statistics, 58.6 percent of American households owned animals, including 60.6 percent of Pennsylvania households. See U.S. Pet Ownership Statistics, Am.

Veterinary Med. Ass’n.⁸ Americans also widely visit zoos and aquariums. Awarding the legal personhood rights to animals sought here is at odds with these mores.

The ownership structure works and has been developed over decades to advance animal welfare. The blunt tool of a writ of habeas corpus cannot adequately address these core questions related to the rights and responsibilities of animal ownership or the many adverse ramifications of allowing the relief sought here.

IV. LEGISLATURES ARE THE APPROPRIATE BODIES TO DEVELOP AND BALANCE ANIMAL RIGHTS LAWS THAT CAN INTERFERE WITH ANIMAL WELFARE

As the trial court recognized, the multitude of public policy considerations at issue in this case demonstrate that determining the rights and protections afforded to animals is ideally suited for the legislature. Legislatures can balance the interests of the affected stakeholders—from zoos, animal sanctuaries, and other entities that keep animals; to owners of companion animals or animals contributing to the food supply; to veterinarians and other animal care providers; to animal rights groups.⁹

⁸ <https://www.avma.org/resources-tools/reports-statistics/us-pet-ownership-statistics>; see also Edwin Plotts, *Pet Ownership Statistics You Should Know in 2026*, Pawlicy Advisor, <https://www.pawlicy.com/blog/us-pet-ownership-statistics/> (last updated Apr. 13, 2026).

⁹ See, e.g., *Kondaurov*, 629 S.E.2d at 187 (treating a pet as a child for allowing litigation damages “would amount to a sweeping change in the law . . . a subject properly left to legislative consideration”).

The Pennsylvania General Assembly, along with state legislatures around the country, has long exercised this authority to provide greater legal protections for animals as societal values have evolved. These legal reforms have long included enacting animal cruelty statutes as well as laws related to animals' welfare, the environment, and animal conservation. *See, e.g., Thomas G. Kelch, A Short History of (Mostly) Western Animal Law: Part II*, 19 *Animal L.* 347, 347 (2013). Indeed, Pennsylvania has recognized criminal prohibitions against animal cruelty for more than 160 years. *See In re Lockhart's Estate*, 1934 WL 4058, at *4 (O.C. Wash. Cnty. Apr. 9, 1934) (citing statutes adopted in 1860, 1869, and 1903); *see also Commonwealth v. Lewis*, 140 Pa. 261, 21 A. 396 (1891) (discussing 1869 animal cruelty law). The Legislature also established The Society for the Prevention of Cruelty to Animals (PSPCA) in 1868 “to provide effective means for the prevention of cruelty to animals throughout the state,” including by promoting enforcement of animal cruelty laws. *See Snead v. Society for Prevention of Cruelty to Animals of Pennsylvania*, 604 Pa. 166, 171, 985 A.2d 909, 912 (2009).

The Legislature has continually strengthened these protections, modernizing laws to establish separate offenses for animal neglect, cruelty, and aggravated cruelty that “make penalties harsher on people who harm animals,”¹⁰ codifying

¹⁰ *Commonwealth v. Stefanowicz*, 315 A.3d 162, 169 n.5 (Pa. Super. Ct. 2024) (discussing legislative history of amendments to Pennsylvania's animal cruelty laws in Act 10 of 2017 (H.B. 1238), commonly known as “Libre's Law”).

animal care standards, enhancing penalties for animal fighting and other forms of abuse, and expanding enforcement powers. *See* 18 Pa.C.S. §§ 5531-5561. The Legislature has also enacted a comprehensive framework to protect animals, such as endangered and threatened species, *see* 34 Pa.C.S. §§ 2101 to 2167, and to establish conservation and species-recovery programs, *see* 32 P.S. §§ 5301-5314.

Congress has also acted over the years to protect animals through federal laws, including going back to the “Twenty-Eight Hour Law” of 1873 to alleviate harsh conditions in the transportation of cattle and other farm animals. *See* Geoffrey S. Baker, *Humane Treatment of Farm Animals: Overview and Selected Issues*, No. 95-1175 ENR, Congr. Res. Serv. (1995), at 21. Early in the 20th century, Congress adopted the Lacey Act to combat illegal commercial hunting and preserve wild animals. *See* Robert S. Anderson, *The Lacey Act: America’s Premier Weapon in the Fight Against Unlawful Wildlife Trafficking*, 16 Pub. Land L. Rev. 27, 36-38 (1995). It has since set forth standards for handling livestock, *see* 7 U.S.C. §§ 1901 *et seq.*, and protecting animals through the Endangered Species Act and Preventing Animal Cruelty and Torture Act, among many others. *See* Henry Cohen, *Federal Animal Protection Statutes*, 1 Animal L. 143 (1995).

Of relevance here, Congress enacted the Animal Welfare Act in 1966 to regulate the treatment and care of animals in zoos and other places. *See* 7 U.S.C. §§ 2131 *et seq.* Under this Act, the Secretary of Agriculture promulgates standards

governing “the humane handling, care, [and] treatment . . . of animals by dealers, research facilities and exhibitors,” including zoos. 7 U.S.C. § 2143(a)(1). Zoos must also meet the standards set forth by the Association of Zoos & Aquariums (AZA) to be accredited. *See AZA Standards for Elephant Management & Care* (Revised July 2025).¹¹ These standards are reassessed regularly “to provide the highest quality of health and wellbeing for elephants” and “are written to focus on a results-based assessment” of whether elephants are receiving “optimal care” and “thriving.” *Id.* Some states, such as California, have enacted other restrictions on elephant treatment to curb potentially “abusive behavior towards [an] elephant.” Cal. Penal Code § 596.5. But even there, owning and keeping an elephant in a zoo is not considered “abusive behavior.” *Leider v. Lewis*, 394 P.3d 1055 (Cal. 2017) (denying injunctive relief even when a zoo treats an animal in ways that violate the state’s penal code).

Congress and state legislatures continue to demonstrate their ability to advance animal welfare protections while maintaining the ownership structure. For example, Pennsylvania now permits the creation of trusts for the care of animals, allowing owners to provide for the continued care of their pets after the owner’s death. *See* 20 Pa.C.S. § 7738. Pennsylvania law also establishes humane methods for animal euthanasia. *See* 3 P.S. §§ 328.101 to 328.1102. The Legislature has enacted laws for owning livestock, companion animals, and research animals,

¹¹ https://assets.speakcdn.com/assets/2332/accred_standards.pdf.

among others.¹² Throughout all these reforms, legislatures have never conveyed legal “personhood” rights on animals. In fact, some legislators have withdrawn their bills after learning of the negative impact that expanding animal rights would have when they compete with animal welfare. See Julia C. Martinez, *Pet Bill Killed by House Sponsor; Move Outrages Senate Backer*, Denver Post, Feb. 16, 2003, at B1.

If NRP would like to change the legal system for the treatment of elephants or their ownership by zoos, it should turn to Congress and state legislatures so that all stakeholder interests can be properly considered. Writs of habeas corpus are not the appropriate vehicles for upending the human-animal legal system.

¹² A listing of Pennsylvania laws pertaining to the protection and welfare of animals can be found at <https://www.animallaw.info/statutes/us/pennsylvania>.

CONCLUSION

For these reasons, the Court should uphold the ruling below and deny the writ of habeas corpus sought by NRP in this case.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Brief of *Amici Curiae* complies with the word-count limit set forth in Pa. R.A.P. 531(b)(3) because it contains 6,354 words, excluding the supplementary matter excluded by Pa. R.A.P. 2135(b).

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

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PROOF OF SERVICE

I hereby certify that I am on this 9th day of September, 2026 serving two copies of the foregoing Brief of *Amici Curiae* upon counsel of record by first-class U.S. Mail, postage-prepaid, pursuant to Pa. R.A.P. 121:

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