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Protection for  
Puppy Mill Pups  
in PA Restored



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Victory  
for Kansas  
Coyotes



THE ANIMALS'

VOLUME 35 | ISSUE 4 | WINTER 2016

# ADVOCATE



BEFORE

AFTER



Bear, the wolf



## Before & After

Come face to face with our clients  
to understand the impact of our work

BY ELIZABETH PUTSCHE | EDITOR

A lot of the Animal Legal Defense Fund's work produces sweeping, large-scale changes — like protecting animals on a state level through positive legislation. And we know these types of actions protect countless animals, but we

rarely meet directly with the animals who will benefit most from our efforts.

That is what makes releasing animals from exploitive captivity into sanctuaries so rewarding. Seeing animals, like Bear, Shawn, Sandy, Jonwah and Njjarra go from the most deplorable conditions imaginable to lush and expansive spaces — where they will receive the best that veterinary medicine has to offer — can make even the most hardened animal advocate tear up a little.

To see the gratitude in their eyes, and the extra spring in their step, reminds us of all the other animals we don't get to see face to face, but we know we are

[READ MORE PAGE 4](#) ►

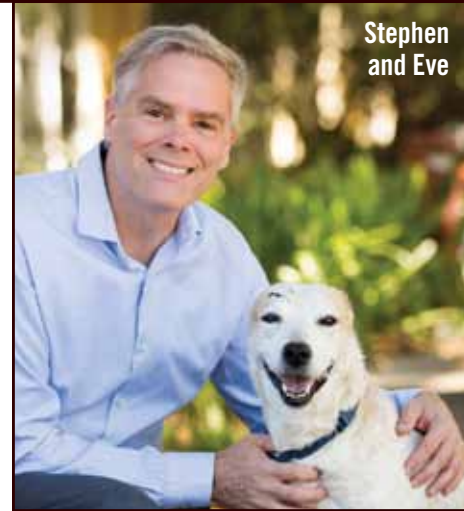
*“Keeping exotic animals in captivity, transporting them around the country, and requiring them to perform tricks night after night for human amusement, in my view, is inherently inhumane.”*

— Corey Johnson, Chair of the New York City Council Health Committee, District 3 Councilmember, Democrat

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## LETTER FROM THE EXECUTIVE DIRECTOR

# The Framework Behind The Briefs



Stephen  
and Eve

To be able to watch an animal — held for decades in cramped, dirty, concrete and chain link fenced cages — take their first step of freedom onto grass and earth is a feeling that can't fully be explained. Thanks to your generous support, we have numerous such victories to share with you in this issue of the *Animals' Advocate*.

With the rescue of Bear, Shawn, Sandy, Jonwah and Njjarra, the immediate victory of their newfound freedom at sanctuaries can sometimes — understandably — overshadow the lasting effect of the legal victories behind their release. And though their rescue from deplorable conditions would be reason enough to bring suit, to ensure that they will spend the rest of their lives free from concrete floors and, in many cases, excruciating isolation, there is a larger strategic framework to these rescue cases.

All the lawsuits filed to release the animals featured in our cover story were based on the Endangered Species Act (ESA). The Animal Legal Defense Fund's groundbreaking victory in February 2016, successfully arguing the legal protections afforded four tigers and three lemurs under the ESA — who were held at Cricket Hollow Animal Park, a roadside zoo in Manchester, Iowa — was only the first of many legal victories to come.

We are using that landmark case to argue the rescue to sanctuary for animals kept in cruelly inadequate confinement across the country — thereby enforcing the protections of endangered species who are held in captivity. We have additional cases pending on behalf of Lolita the orca, Lucky the elephant and Candy the chimpanzee — and we will continue to identify and take action for animals who need our help.

Thank you for your continued support — we would not be able to help these and all animals without your generosity.

For the animals,

A handwritten signature in black ink that reads "Stephen Wells".

Stephen Wells, Executive Director



**Animal Legal  
Defense Fund**

**Stephen Wells**  
*Executive Director*

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# VICTORIES FOR PUPS

Animal Legal Defense Fund wins more protection for puppy mill pups

BY LAURA RAMOS | COMMUNICATIONS WRITER

Thanks to you, our ongoing campaign to end the cruelty of puppy mills recently took two steps forward.

In a landmark victory against puppy mills, a panel of judges found in favor of the Animal Legal Defense Fund in our lawsuit against the Pennsylvania Department of Agriculture for undermining the Pennsylvania Dog Law. This law was meant to stop some of puppy mills' most inhumane practices, like holding mother dogs in cages with wire strand flooring and never letting them out for exercise. The Dog Law is enforced by the Pennsylvania Department of Agriculture, which caved to pressure from puppy millers and issued two broad exemptions to the law, eviscerating the rules on wire strand flooring and access to exercise. The decision in our favor struck down both exemptions and restores vital protections to the mother dogs exploited at puppy mills.

We also sued Chicago pet store chain Furry Babies on behalf of consumers

who had purchased puppies, only to be heartbroken to learn their new family members were sick puppy mill puppies who required extensive veterinary care. Some puppies were so sick they did not survive. We alleged that Furry Babies, like many pet stores, violated consumer protection laws by hiding the fact that their dogs come from puppy mills. Furry Babies settled the suit, and agreed to make critical changes to their policies. Now they must verify the specific source of each puppy and make sure it does not have Animal Welfare Act violations on its last United States Department of Agriculture (USDA) inspection report. Furry Babies will also have to provide the veterinarian's report card and the breeder's last USDA inspection report upon request.

**The decision bans puppy mills' most inhumane practices, like holding mother dogs in cages with wire floors and never letting them out for exercise.**

With your support, we can take on and win more high-impact lawsuits like these to save animals. Learn more at [aldf.org/puppy](http://aldf.org/puppy).



CINDY MEYERS





BEFORE



Sandy

AFTER



PAGE 4



**BEFORE & AFTER | FROM PAGE 1**

changing their world for the better every day.

**BEAR, SHAWN & SANDY**

After receiving the Animal Legal Defense Fund's lawsuit, Wellsboro, Pennsylvania's roadside zoo Animaland Zoological Park simply shut down. The Animal Legal Defense Fund was able to negotiate the placement of Bear, a gray wolf, at the Wolf Sanctuary of

Pennsylvania. A pack animal by nature, Bear went from a small concrete cell of isolation, to an expansive multi-acre enclosure — where he can finally feel the grass beneath his feet and the companionship of other wolves. Sandy and Shawn, two black bears, shared a barren concrete cage for 17 years, but in August they reached their new home at Wildlife Rescue and Rehabilitation outside San Antonio, Texas, where they will have access to vast acreage to explore. A special thanks to Baker Hostetler, for their pro bono assistance on this case.



AFTER

Jonwah



BEFORE





BEFORE



Njjarra

AFTER

After an emergency procedure on Njjarra that was a consequence of her starvation, the veterinary professionals caring for her are confident she will make a full recovery.

she will make a full recovery. Jonwah and Njjarra will join an existing lion pride and live out their days in social groups with access to the quality veterinary care that is so necessary for their health and well-being. A special thanks to Anderson, Wertz & Dake and Katten Muchin Rosenman LLP, for their pro bono assistance on this case.

These are just five of hundreds of thousands of animals the Animal Legal Defense Fund is able to provide the resources to rescue and protect thanks to you, our dedicated supporters and donors. We will continue to fight on behalf of Candy, a chimpanzee held at an amusement park in Louisiana and Lolita, an orca held at the Miami Seaquarium. We won't quit until their "after" pictures are as perfect as the ones above. Learn more at [aldf.org/victories](http://aldf.org/victories).



### JONWAH & NJJARRA

On July 21, 2016 the Animal Legal Defense Fund presented evidence to an Iowa judge that Jonwah and Njjarra, two African lions held at Manchester's Cricket Hollow Animal Park (formerly known as Cricket Hollow Zoo), were in dire need of medical attention. The judge ordered that a qualified veterinarian be permitted to enter the property and inspect the animals, and by August 1, 2016 parties reached a settlement and The Wild Animal Sanctuary took custody of the two lions. After an emergency procedure on Njjarra, removing a bowel obstruction that was a consequence of her starvation and resorting to eating her hay bedding, the veterinary professionals caring for her are confident



JASON PUTSCHE

Create a better *tomorrow* for animals by including the Animal Legal Defense Fund in your will *today*.

For additional information or assistance making a planned gift, please contact Erika at 707-795-2533 x1049 or [estates@aldf.org](mailto:estates@aldf.org).



Animal Legal Defense Fund

# Legal Arguments Get Creative

Innovative strategy to protect animal victims of abuse

BY DAVID ROSENGARD  
CRIMINAL JUSTICE PROGRAM FELLOW

The Animal Legal Defense Fund's work on *Commonwealth v. Kuhns* shows how contraband law can keep seized animals safe from unlawfully cruel owners. This legal strategy is available even when the criminal justice system fails animal victims and they face being returned to their abusers.

The Pennsylvania case involved Luke, a puppy who suffered a shattered shoulder allegedly at his owner's hands. Law enforcement seized Luke and charged his owner with animal cruelty. At trial, however, a key witness's testimony differed from her earlier statements regarding how Luke's injury took place: his owner was acquitted — and demanded Luke's return. The Animal Legal Defense Fund strategized with prosecutor Melissa Kalas in responding.

Our 'derivative contraband' argument — requiring a lower standard of proof (preponderance of evidence) than that of a criminal case (beyond a reasonable doubt) — focused not on how Luke's shoulder became broken, but on what happened next, specifically, on the defendant's failure to get Luke the immediate veterinary care his severe injury required — meaning Luke was neglected. The argument's second stage applied Pennsylvania's contraband law: if the defendant sufficiently involved Luke in an unlawful act, that made Luke derivative contraband — which law enforcement has no obligation to return. In short, the strategy was to argue that a preponderance of the evidence showed (1) the defendant had engaged in unlawful animal neglect; (2) as the subject of that neglect, Luke was



BEFORE



AFTER

Luke

integrally related to that unlawful act; (3) Luke should therefore be declared contraband; and (4) as contraband, the defendant could be ordered to forfeit Luke.

Though the trial court agreed, the defendant appealed. In a brief before the appellate court, the Animal Legal Defense Fund argued that the trial court had properly applied contraband rules, and that so long as the law treats animals as property, it must be willing to award them contraband status when subject to unlawful cruelty. Failing to do so would perversely give the state fewer options on behalf of animals than on behalf of mere unfeeling objects.

The appellate court upheld the trial court's ruling: Luke had been unlawfully neglected, properly designated contraband, and appropriately forfeited.

Luke has since been adopted, and is very happy in his new home! Learn more at [aldf.org/Luke](http://aldf.org/Luke).

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So long as the law treats animals as property, it must be willing to award them contraband status when subject to unlawful cruelty.



# Advancing Animal Law

Sold out! With 300 attendees, the 24th Animal Law Conference was a huge success and a highlight of the year in animal law. Featuring animal law experts from around the globe discussing cutting-edge legal theories, it was a packed weekend, including celebrating the winners of our *pro bono* achievement awards, hearing the latest news on the fight for animal personhood and learning about how demand for plant-based products is shaking up the food system. Members of 35 student chapters attended with the help of travel grants provided by the Animal Legal Defense Fund, and this year, for the first time, we held a panel showcasing the innovative work being done by students to advance animal law. The Animal Law Conference

is co-presented by Animal Legal Defense Fund, the Center for Animal Law Studies at Lewis & Clark Law School, and the Lewis & Clark Student Animal Legal Defense Fund. Learn more at [animallawconference.org](http://animallawconference.org).

A special thank you to our sponsors: Donor Point Marketing, The Moxie Foundation and RKD Alpha Dog, and our in-kind sponsors: Beyond Meat, Happy Cow and Janet Holmes.

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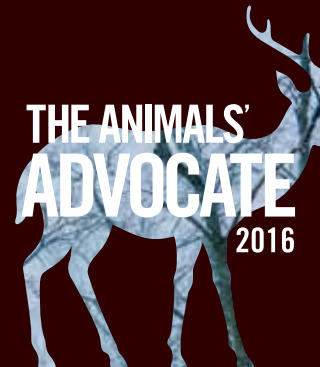


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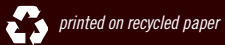
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**KENNETH CANNING**



## Victory for Kansas Coyotes!

Victory for coyotes in Kansas! We sued the organizers of the Smoky Hill Calling Contest, and in settling, they agreed to never host the coyote killing contest again. Learn more at [aldf.org/CoyoteKilling](http://aldf.org/CoyoteKilling)

**THE ANIMALS' ADVOCATE A NEWSLETTER FOR THE SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND**



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Victims of Animal Abuse Gain New Legal Strategies



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Animal Law Conference Builds Momentum