



P.O. Box 96041
Washington, DC 20077

T 707.795.2533
F 707.795.7280

info@aldf.org
aldf.org

October 20, 2026

Bernadette Juarez, Esq.
Deputy Administrator
USDA/APHIS/Animal Care

Jim Stinebaugh
Assistant Special Agent in Charge
U.S. Fish & Wildlife Service

Kamela Caschette, Esq.
Trial Attorney, Environment and Natural Resources Division
U.S. Department of Justice

Re: Chronic unlicensed exhibition of an endangered chimpanzee under conditions that violate the Animal Welfare Act and Endangered Species Act

VIA Email: [REDACTED]; [REDACTED]; [REDACTED]

Dear Deputy Administrator Juarez, Assistant Special Agent in Charge Stinebaugh, and Ms. Caschette:

I am writing on behalf of the Animal Legal Defense Fund (ALDF) to alert you to an individual who has knowingly engaged in unlicensed exhibition of an endangered chimpanzee in violation of the Animal Welfare Act (AWA) for nearly three years under conditions that appear to violate both the AWA and Endangered Species Act (ESA).

Aya Katz (USDA Customer # 6016941) hosts a YouTube channel featuring Bow, a 24-year-old male chimpanzee, who is the last “pet” chimpanzee living in a private home in the U.S. Bow is held in solitary confinement in Katz’s home, despite scientific consensus that denying chimpanzees the opportunity to socialize with others of their kind constitutes psychological trauma. Following a complaint from People for the Ethical Treatment of Animals (PETA), the USDA cited Katz in 2023 for engaging in regulated activity without a license.¹ Prior to the citation, Katz evaded the USDA inspector. Since the citation, Katz has continued to regularly exhibit Bow on YouTube including posting a new video of Bow as recently as yesterday. In addition to the ad-supported videos Katz posts on her main YouTube feed, she also hosts a membership that entitles viewers to exclusive content, including content featuring Bow, for monthly prices ranging from \$1.99 to \$49.99.

Disturbingly, most of Katz’s videos feature her engaging in dangerous direct contact with Bow. As you know, keeping chimpanzees in private homes does not end well. Adult chimpanzees are incredibly

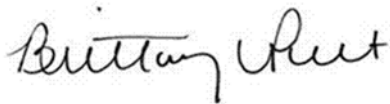
¹ Ex. 1, USDA Inspection Report, Aya Katz, INS-0000885550 (Sept. 29, 2023).

strong, can be unpredictable, and even normal chimpanzee play can seriously injure a human. As numerous previous incidents, including Travis in Connecticut in 2009 and Buck in Oregon in 2021, have shown, these situations are ticking time bombs.² It is not a matter of if tragedy will strike, but when. And chimpanzee pet owners are typically blind to this inevitability.

The USDA, the U.S. Fish & Wildlife Service (USFWS), and the U.S. Department of Justice (DOJ) have a unique opportunity to collaborate to save the last chimpanzee kept as a pet in a private home in the U.S. If given the opportunity, Bow could be transferred to a Global Federation of Animal Sanctuaries-accredited sanctuary where he would finally experience all he has been denied for so long, most importantly, the chance to interact with other chimpanzees.

Katz has knowingly and openly violated the AWA for years, all while causing serious psychological injury to a highly intelligent endangered animal. You can make history by acting on behalf of the last solitary pet chimpanzee in the U.S., protecting his life, Katz's, and the safety of her community at the same time.

Very truly yours,



Brittany Peet, Esq. | Transparency and Regulatory Affairs Program Director
Animal Legal Defense Fund

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Exhibits

² Dan P. Lee, *Travis the Menace*, NEW YORK MAGAZINE (Jan. 21, 2011), <https://nymag.com/news/features/70830/>; David K. Li & Kurt Chirbas, *Oregon Deputy Fatally Shoots Chimpanzee after It Bites Owner's Daughter*, NBC NEWS (June 23, 2021), <https://www.nbcnews.com/news/animal-news/oregon-deputy-fatally-shoots-chimpanzee-after-it-bites-owner-s-n1272105>.

APPENDIX

I. Legal Background

a. Animal Welfare Act

Congress established the AWA, in part, “to insure that animals intended for use for exhibition purposes or for use as pets are provided humane care and treatment.”³ To that end, Congress delegated authority to the USDA to regulate, in pertinent part, the housing, care, handling, and treatment of animals used for activities such as exhibition to the public.⁴

An exhibitor is, as relevant to the instant matter, any person “exhibiting any animals, ... to the public for compensation.”⁵ To legally exhibit a chimpanzee to the public, an exhibitor must apply for and be granted an AWA license from the USDA, which requires compliance with minimum requirements for housing, veterinary care, environmental enrichment, feeding, watering, sanitation, and recordkeeping, among other requirements.

The AWA grants the USDA authority to investigate whether exhibitors are violating the AWA and to enforce the AWA and its regulations against persons who violate them, including the assessment of civil penalties and the confiscation of any animal who is “suffering as a result of the failure” of an exhibitor to comply with the AWA.⁶ Furthermore, if the USDA believes an exhibitor “is placing the health of any animal in serious danger” in violation of the AWA, it **shall** notify the DOJ, which may seek a temporary restraining order (TRO) or injunction to prevent continued violation.⁷

Congress requires the USDA to “consult and cooperate” with other Federal departments and agencies “concerned with the welfare of animals used for ... exhibition” such as the USFWS in carrying out its purpose to ensure the humane care and treatment of regulated animals.⁸

b. Endangered Species Act

The ESA prohibits the harassment and wounding of listed species, including chimpanzees, absent a permit from USFWS.⁹ “Harassment” is defined by regulation as “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to

³ 7 U.S.C. § 2131.

⁴ 7 U.S.C. § 2131, 2133.

⁵ 7 U.S.C. § 2132; 9 C.F.R. § 1.1.

⁶ In the event the USDA is unable to locate or notify such an exhibitor, they “**shall** contact a local police or other law officer to accompany him to the premises and shall provide for adequate care when necessary to alleviate the animal's suffering.” 9 C.F.R. § 2.129 (emphasis added); 7 U.S.C. §§ 2146, 2149.

⁷ 7 U.S.C. § 2159.

⁸ 7 U.S.C.A. § 2145.

⁹ 16 U.S.C. §§ 1538, 1532; 50 C.F.R. §§ 17.21-22, 17.11.

significantly disrupt normal behavioral patterns," excluding only *generally accepted* husbandry practices that meet or exceed AWA minimum standards.¹⁰

Federal courts have repeatedly held that solitary confinement of highly social species, including chimpanzees, constitutes actionable harassment under the ESA. In *Missouri Primate Foundation, et al. v. PETA et al.*, the U.S. District Court for the Eastern District of Missouri, Eastern Division, granted summary judgment in favor of counterclaim plaintiff, PETA, finding that counterclaim defendant, Andrew Sawyer, violated the ESA by housing a male chimpanzee named Joey in isolation, and denying him adequate environmental enrichment, sufficient space, and appropriate veterinary care.¹¹

In *Kuehl v. Sellner*, the Eighth Circuit affirmed the district court's holding that isolating highly social lemurs significantly disrupted their normal behavior patterns and therefore constituted harassment, alongside related findings that failure to maintain an adequate program of environmental enhancement and failure to provide timely veterinary care independently violated the ESA.¹² Similarly, the Fourth Circuit affirmed the district court's holding that social isolation of lions and lemurs constituted harassment in violation of the ESA in *PETA v. Tri-State Zoological Park*.¹³ That case additionally held that inadequate diagnosis and treatment of a lion's gait abnormality, failure to provide adequate veterinary care, including preventative care, and denial of enriching, complex environments enabling species-typical behavior such as foraging and exploring, constituted harassment.¹⁴

In *PETA v. Lowe*, a federal district court extended this framework further, holding that failure to follow industry guidance concerning personal protective equipment, while such guidance was implemented at reputable facilities during the COVID-19 pandemic, constituted a take under the ESA.¹⁵ The court also held that "generally accepted husbandry practices include the provision of sufficient shelter and enrichment that allows, encourages, and promotes species-appropriate behaviors" within the meaning of the ESA; failing to provide appropriate veterinary care, including vaccinations for likely fatal illnesses, and care from a veterinarian with training and experience in the species violates the ESA; failing to provide adequate enclosures and enrichment, including appropriate rotation of enrichment items to provide novelty, violates the ESA, and that physical injury resulting from inadequate enclosures constitutes a "wound" under the ESA.¹⁶

¹⁰ 50 C.F.R. § 17.3 (emphasis added).

¹¹ *Missouri Primate Foundation et al. v. People for the Ethical Treatment of Animals, Inc., et al.*, No. 4:16-CV-02163, slip op. at 1-2 (E.D. Mo. Nov. 20, 2019), ECF No. 203. *People for the Ethical Treatment of Animals, Inc.'s Mem. Supp. Mot. Summ. J.* at 5-12, *Mo. Primate Found. v. People for the Ethical Treatment of Animals, Inc.*, No. 4:16-CV-02163 (E.D. Mo. Mar. 18, 2019).

¹² *Kuehl v. Sellner*, 161 F. Supp. 3d 678, 710-11 (N.D. Iowa 2016), aff'd, 887 F.3d 845 (8th Cir. 2018).

¹³ *People for Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 424 F. Supp. 3d 404, 430 (D. Md. 2019), aff'd, 843 F. App'x 493 (4th Cir. 2021).

¹⁴ *Id.*

¹⁵ *People for Ethical Treatment of Animals, Inc. v. Lowe*, No. CIV-21-0671-F, 2022 WL 576560, at *7 (W.D. Okla. Feb. 25, 2022).

¹⁶ *People for the Ethical Treatment of Animals, Inc. v. Lowe* at *4, *7.

ESA violations are punishable by civil and criminal penalties, including forfeiture of the animals at issue.¹⁷

II. Bow's History and the History of Chimpanzees as Pets in the United States

Bow is a 24-year-old male chimpanzee who Aya Katz acquired as an infant and raised in her home. Upon information and belief, Bow has not seen another chimpanzee since he was taken from his mother at one month-old.

Chimpanzees have been bred and sold as “pets” in the United States since at least the early 1900s. Thanks to the late primatologist Dr. Jane Goodall and animal advocacy organizations including ALDF, the captive chimpanzee ‘split-listing’ under the ESA ended in 2015, extending permit requirements for commercial activity and prohibitions on ESA “takes” that had previously been denied to chimpanzees living in the United States.¹⁸ That change effectively prohibited the interstate sale of chimpanzees as “pets” in this country. Organizations such as ALDF and PETA as well as advocates in the accredited sanctuary and zoo communities have since then worked to rescue the remaining chimpanzee pets.

Many of these former pets, such as Lisa Marie and Tonka, whose story was featured in the HBO docuseries, *Chimp Crazy*, have been rescued and are thriving in sanctuaries today.¹⁹ Others, like Travis, Buck, Buddy, and Ollie died tragically and predictably after attacking humans and were killed for behaving like chimpanzees in a human society in which they never chose to be.²⁰

Today, Bow is the last solitary pet chimpanzee in the U.S. whose fate is, to date, unsealed. If he continues to live in Katz's home, it is not a matter of if, but when he too will attack, inflict untold injuries or death to humans, and pay with his life. This must not be the outcome.

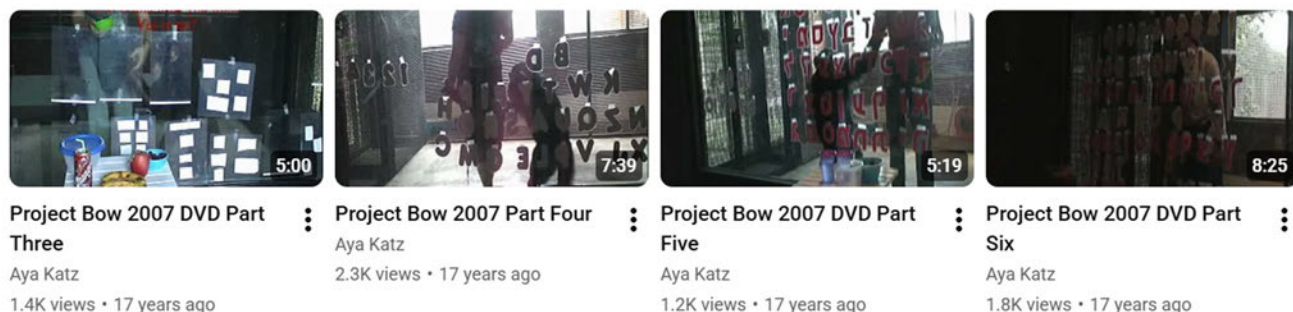
Katz holds Bow in solitary confinement in her home, despite scientific consensus that denying chimpanzees the opportunity to socialize with others of their kind constitutes extreme psychological trauma. Katz has exhibited Bow on YouTube without an AWA license for at least 17 years.

¹⁷ 16 U.S.C. § 1540.

¹⁸ Endangered and Threatened Wildlife and Plants; Listing All Chimpanzees as Endangered Species, 80 Fed. Reg. 34500 (June 16, 2015).

¹⁹ Nicholas Vincent, “From a Basement Cage to a Lush Sanctuary 10 Years Later Lisa Marie the Chimpanzee Thrives,” One Green Planet, (Sept. 3, 2025), <https://www.onegreenplanet.org/news/from-a-basement-cage-to-a-lush-sanctuary-10-years-later-lisa-marie-the-chimpanzee-thrives/>; Jordan Hoffman, “The Strange Story of Tonka, the Undead Hollywood Chimpanzee,” VANITY FAIR (June 5, 2022), <https://www.vanityfair.com/hollywood/2022/06/the-strange-story-of-tonka-the-undead-hollywood-chimpanzee>.

²⁰ See *infra* Section V.



Videos listed under “Project Bow DVDs” on Aya Katz’s YouTube channel.

Following a complaint from PETA, the USDA cited Katz in 2023 for engaging in regulated activity without a license.²¹ Since the citation, Katz has continued to regularly exhibit Bow on YouTube and other social media platforms, including as recently as yesterday. In addition to the ad-supported videos Katz posts on her main YouTube feed, she also offers a membership that entitles viewers to exclusive content, including content featuring Bow, for monthly prices ranging from 1.99 to 49.99. Katz’s channel has 95,600 subscribers and she has published 3,500 videos as of September 2026.

Since the USDA’s 2023 citation against her, Katz has flouted the law and continues to exhibit Bow for compensation in violation of AWA. ESA rulings discussed above make clear that the solitary confinement of social species violates federal law.²² The AWA also requires attention to the social needs of primates.²³ The inadequate conditions of confinement in which Bow is held, the lack of environmental enrichment provided to him, his apparent veterinary issues (described in detail below), and the risks posed by Katz’s repeated direct contact with him also appear to violate both the AWA and the ESA, subjecting Katz to civil and criminal liability and the confiscation or forfeiture of Bow. As described below, ALDF consulted with nine top chimpanzee welfare and veterinary experts in drafting this complaint. They agree that Katz’s confinement of Bow in conditions that violate the AWA place his health in serious danger, triggering the USDA’s obligation to alert the DOJ, which has authority to pursue a TRO or injunction against Katz.

In addition to illegally exhibiting Bow on YouTube and other social media platforms, Katz purports to use Bow for linguistic research despite failing to possess an AWA registration allowing her to do so legally. According to Dr. Andrew Halloran, who has worked with captive chimpanzees for nearly thirty years, published on chimpanzee welfare in peer-reviewed literature, taught the subject at the university

²¹ Ex. 1, USDA Inspection Report, Aya Katz, INS-0000885550 (Sept. 29, 2023).

²² Review of the Federal Register makes clear that Katz does not possess a permit from USFWS allowing her to engage in takes of chimpanzees.

²³ “The environment enhancement plan must include specific provisions to address the social needs of nonhuman primates of species known to exist in social groups in nature. Such specific provisions must be in accordance with currently accepted professional standards, as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian.” 9 C.F.R. § 3.81.

level, and recently published a textbook on animal care and welfare with Cambridge University Press (Halloran, 2025), Katz's claims regarding her research:

[B]elong to a research tradition that did not survive scrutiny (or the 20th century). Terrace, Petitto, Sanders and Bever (1979) showed that Nim Chimpsky's "sentences" were prompted imitations, not generated syntax. Seidenberg and Petitto (1979) and Ristau and Robbins (1982) reached the same conclusion across the signing projects. The studies did not produce apes fluent in human language. Rather they produced celebrity apes and famous researchers. In short, they exploited their ape subjects (Halloran, 2012). The welfare cost of those projects is documented. Infants were taken from mothers, housed with people, and later discarded when they became dangerous or uninteresting.²⁴

Dr. Jake Funkhouser, Director of the Lester E. Fisher Center for the Study and Conservation of Apes at Lincoln Park Zoo, who has more than a decade of experience studying chimpanzee behavior across zoo, sanctuary, and wild settings, concluded:

Based upon my review of the available footage and my expertise in chimpanzee behavior, it is impossible for Bow to be provided with humane care and treatment if he is left in Ms. Katz's custody. The risk of harm to himself and nearby humans is considerable, and his care appears in these videos to be entirely inadequate.²⁵

Dr. Katherine A. Cronin, an animal welfare scientist with more than 20 years of experience conducting primate research in laboratories, zoos, and sanctuaries in North America, Europe, and Africa who has published more than sixty articles and book chapters about animal behavior and animal welfare, states that:

I oversee the ChimpCARE Project, which tracks the location and living environments of chimpanzees throughout the United States. As of April 8, 2026, the ChimpCARE database includes 1,142 chimpanzees residing in the country. Based on my familiarity with the conditions under which these chimpanzees are maintained, Bow is the individual for whom I have the greatest concern nationally.²⁶

III. Bow is Held in Solitary Confinement in Apparent Violation of the AWA and ESA

The AWA requires that exhibitors' environmental enhancement plans include provisions to "address the social needs of nonhuman primates of species known to exist in social groups in nature. Such specific provisions must be in accordance with currently accepted professional standards, as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian."²⁷ As discussed *supra* in Section I.b., federal courts have held that keeping social species in solitary confinement violates

²⁴ Ex. 2, Expert Report of Dr. Andrew Halloran at 7 (Sept. 17, 2026).

²⁵ Ex. 3, Expert Report of Dr. Funkhouser at 2 (Aug. 31, 2026).

²⁶ Ex. 4, Expert Report of Dr. Katherine A. Cronin at 4 (May 1, 2026).

²⁷ 9 C.F.R. § 3.81.

the ESA.²⁸ Despite these requirements, Bow has been held in isolation for more than two decades.

Every expert ALDF consulted regarding Bow's condition identified his social isolation as an urgent, unresolved welfare deficit, one that human companionship, however extensive, cannot remedy. As Christian Deane, a Zoological Manager at Oakland Zoo and a zoological professional with approximately 20 years of experience in animal care, welfare, behavioral management, and husbandry, including extensive experience with chimpanzees explains, chimpanzees' welfare depends on participation in "dynamic social relationships that facilitate learning, communication, coalition formation, reconciliation, grooming, social play, dominance negotiation, parenting behaviors, reproductive behaviors, and numerous other interactions essential to normal chimpanzee development."²⁹

Katz's videos show that Bow's primary, and likely only, social contact is grooming Katz herself, a behavior chimpanzees are highly motivated to perform, but one that in a natural setting occurs within a much larger network of chimpanzee social relationships, according to Anne Sofie Meilvang, MS³⁰, a biologist with a Master's degree in International Animal Welfare, Ethics and Law, who has worked with chimpanzees in Africa as Programme Manager at Tacugama Chimpanzee Sanctuary and as Assistant Manager at Limbe Wildlife Rescue Centre. Grooming is not simply a behavioral means to an end. It plays a vital role in defining, maintaining, and repairing relationships among chimpanzees.³¹ Critically, this arrangement affords Bow no agency. Katz alone determines when she enters his enclosure, when she leaves, and whether he has any companionship at all, a lack of control no chimpanzee living among conspecifics would experience.³²

Current scientific literature demonstrates that solitary confinement of chimpanzees causes severe psychological harms. Dr. Stacy Lopresti-Goodman, a psychologist whose research and scholarship has focused on primate psychology, highlights that "[a] substantial body of research demonstrates that early maternal separation and prolonged isolation can result in long-term psychological trauma in chimpanzees, particularly in confinement. Such individuals may exhibit symptoms analogous to trauma-related disorders in humans, including Post Traumatic Stress Disorder (PTSD) and Complex PTSD (Bradshaw et al., 2008; Ferdowsian et al., 2011; Lopresti-Goodman et al., 2013; Lopresti-Goodman et

²⁸ "[L]emurs have a very high level of cognitive ability, they can express and display emotions, and keeping them in a small cage without the opportunity to socialize with other lemurs causes them to suffer. Because living in relative isolation disrupts the lemurs' normal behavioral patterns, I believe the housing arrangement at Cricket Hollow constitutes "harassment" and, therefore, a "taking" within the meaning of the Endangered Species Act." *Kuehl v. Sellner*, 161 F. Supp. 3d 678, 711 (N.D. Iowa 2016), *aff'd*, 887 F.3d 845 (8th Cir. 2018). "Forcing a lemur to live a solitary existence, as was done to Bandit, visits permanent psychological and physical injury on a species born to engage in constant interaction with his kind," "Peka, as a female lion, is particularly social.... PETA's experts agree that Peka's solitary confinement produces a constant source of stress and negatively impacts her physical and psychological health." *People for Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 424 F. Supp. 3d 404, 414, 426 (D. Md. 2019), *aff'd*, 843 F. App'x 493 (4th Cir. 2021). *See Mo. Primate Found.*, No. 4:16-CV-02163, slip op. at 1-2; *PETA's Mem. Supp. Mot. Summ. J.* at 5-7, *Mo. Primate Found.*, No. 4:16-CV-02163.

²⁹ Ex. 5, Expert Report of Christian Deane, M.S. at 2 (Sept. 10, 2026).

³⁰ Ex. 6, Expert Report of Anne Sofie Meilvang, M.S. at 1 (Aug. 8, 2026).

³¹ Deane Expert Rep. at 5.

³² Cronin Expert Rep. at 7.

al., 2015; van Leeuwen et al., 2022).”³³ Dr. Lopresti-Goodman also points out that Katz’s posting of affiliative behaviors, particularly grooming, online is not evidence of well-being, instead “[t]hese dynamics have been compared to trauma-bonding phenomena observed in humans subjected to prolonged captivity and control, including *Species Identity Disorder* and *Stockholm Syndrome* (Bradshaw et al., 2009; Lopresti-Goodman et al., 2013; Cantor & Price, 2007).”³⁴

Dr. Erin Zamzow, a veterinarian with over a decade of veterinary experience working with chimpanzees in a sanctuary setting, points out that the welfare consequences of isolation can result in “severe psychological distress including depression, anxiety and, eventually, aggression when housed alone without others of their own species, deprived of the conspecific relationships, enrichment and freedom of choice required to maintain their mental and physical health.”³⁵ Dr. Cronin noted these consequences as well and added that “[s]ocial isolation has also been associated with compromised immune function and elevated physiological markers of stress...” and Dr. Funkhouser stressed that “[c]himpanzees who are singly housed develop significant impairments to their cognition and psychological wellbeing.”³⁶

Without the ability to engage in rich social relationships with others of his own kind, Bow is denied the humane care and treatment required by the AWA and is likely held in violation of the ESA.

IV. Bow’s Conditions of Confinement Appear to Cause Him Physical and Psychological Distress in Apparent Violation of the AWA and ESA

a. Bow appears to be denied adequate veterinary care in violation of the AWA and ESA

The AWA requires that all exhibitors have an attending veterinarian “under formal arrangements” to provide adequate veterinary care to animals, including establishing a detailed program of veterinary care.³⁷

Though experts have identified that Bow appears to be experiencing or is at risk of multiple veterinary concerns, as an unlicensed exhibitor, Katz is not subject to USDA scrutiny concerning the regulatory mandate to provide Bow with appropriate veterinary care. In addition, and as discussed in section I.b. *supra*, multiple federal courts have held that failure to provide appropriate veterinary care to endangered animals constitutes a take under the ESA.³⁸

³³ Ex. 7, Expert Report of Dr. Stacy Lopresti-Goodman at 4 (Sept. 22, 2026).

³⁴ Lopresti-Goodman Expert Rep. at 4-5.

³⁵ Ex. 8, Expert Report of Dr. Erin Zamzow at 1 (Aug. 19, 2026).

³⁶ Cronin Expert Rep. at 6; Funkhouser Expert Rep. at 1.

³⁷ 9 C.F.R. § 2.40.

³⁸ Holding that denying adequate veterinary care, including veterinary care, to federally protected lemur and big cats at issue constituted harassment under the ESA. *People for Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 424 F. Supp. 3d 404, 433 (D. Md. 2019), aff’d, 843 F. App’x 493 (4th Cir. 2021). Denying appropriate veterinary care, including preventative care, to federally protected lions constituted a take under the ESA. *People for Ethical Treatment of Animals, Inc. v. Lowe*, No. CIV-21-0671-F, 2022 WL 576560, at *7 (W.D. Okla. Feb. 25, 2022). *See Mo. Primate Found.*, No. 4:16-CV-02163, slip op. at 1-2; *PETA’s Mem. Supp. Mot. Summ. J.* at 10-11, *Mo. Primate Found.*, No. 4:16-CV-02163.

b. Abnormal foot posture

Dr. Kathryn Gamble, an actively practicing veterinarian specializing in zoo medicine with 34 years of professional experience, all of which has included work in zoos housing chimpanzees, has observed that Bow's feet present abnormally for a chimpanzee, and describes that:

Bow's pedes (feet) in 2026 present an abnormal posture for this species. The pedes are partially supinated (or curving towards a cupping posture) and the pedal digits are flexed (gnarled or curled inward). Neither the pedes nor the pedal digits appear to move from their fixed positions during ambulation, weight-bearing, activity, or at rest.³⁹

When Dr. Gamble reviewed historical videos to examine the progression of this issue, she found that in a 2007 documentary, Bow's feet appeared as expected for a chimpanzee, but as early as 2013, changes were noticeable in Bow's foot posture both during rest and activity, and as of 2021, the feet appeared fixed in the abnormal posture in which they appear now.⁴⁰ Since the posture was not apparent when Bow was a juvenile, it is unlikely the condition is congenital. Instead, Dr. Gamble opines that the progression observed in the videos suggests that the condition occurred as a result of or is exacerbated by Bow's inadequate conditions, including the unforgiving substrate on which he is confined.⁴¹

While it is unknown whether Katz provides Bow with *any* level of veterinary care, Dr. Gamble's observations suggest that if Bow is receiving care, it is inadequate. As discussed above, failure to appropriately diagnose and treat a foot/gait abnormality in an endangered lion has been found to violate the ESA, and the provision of adequate veterinary care by an attending veterinarian with training and experience with the species is required by the AWA.⁴²

c. Risk of zoonotic disease transmission

Katz's incessant unprotected contact with Bow presents a dangerous risk of zoonotic disease transmission. Engaging in close contact with chimpanzees without the strict use of personal protective equipment (PPE), including masks, gloves, and dedicated clothing carries considerable risk.⁴³ Dr. Cronin states that, "[d]ue to the close phylogenetic relationship between humans and chimpanzees, pathogens easily pass between species, with documented zoonoses including bacterial, viral, and other infectious agents that can be asymptomatic in one host yet severe in the other."⁴⁴

Instead of protecting Bow from this risk, videos from Katz's YouTube channel show her sitting in Bow's enclosure and engaging in close physical contact. She allows Bow's fingers inside of her nose, eyes, ears,

³⁹ Ex. 9, Expert Report of Dr. Kathryn Gamble at 1-2 (Sept. 21, 2026).

⁴⁰ Gamble Expert Rep. at 2.

⁴¹ *Id.*

⁴² *People for Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 424 F. Supp. 3d 404, 430 (D. Md. 2019), aff'd, 843 F. App'x 493 (4th Cir. 2021); 9 C.F.R. §§ 1.1, 2.40.

⁴³ Cronin, Expert Rep. at 8.

⁴⁴ *Id.*

and mouth exposing both Bow and Katz, but notably Bow, as Dr. Cronin points out, “given his limited opportunities to contract illnesses from others,” to a serious risk of disease transmission.⁴⁵ Bow is also at increased risk because even common human respiratory and gastrointestinal infections can be life-threatening to chimpanzees.”⁴⁶

Alarming, Dr. Funkhouser observed that some videos show Bow grooming or manipulating Katz's skin to the point that it bleeds and he subsequently engages directly with her blood.⁴⁷ Dr. Halloran observed similar conduct, observing videos in which Katz blows repeatedly into Bows face, repeatedly coughs on Bow at close range, and directs Bow to peel dead human skin. According to Dr. Halloran, “[a]ll of this is unprotected mucosal contact and presents a significant risk to Bow’s health.”⁴⁸

In addition to AWA requirements requiring adequate preventive care for regulated animals, in *People for the Ethical Treatment of Animals v. Lowe*, the U.S. District for the Western District of Oklahoma held that “failing to follow industry guidance regarding personal protective equipment for members of the public and staff” while such guidance was being implemented at reputable zoos and sanctuaries across the country during the COVID-19 pandemic constituted a take under the ESA.⁴⁹ The use of PPE in close contact between humans and chimpanzees to prevent zoonotic disease transmission, including the transmission of COVID-19, similarly constitutes a generally accepted husbandry practice, according to experts.⁵⁰

d. Preventative care and nutrition

Dr. Gamble’s opinion highlights the key role veterinary medicine plays in modern captive chimpanzee care and notes that the development of his abnormal foot and toe postures raises questions concerning “what engagement a veterinarian has had in Bow’s life.”⁵¹ Under the AWA, attending veterinarians are tasked with developing detailed programs of veterinary care and environmental enhancement, including regularly scheduled visits to an exhibitor’s facility.⁵² Critically, attending veterinarians must have “appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.”⁵³ AWA licensees are required to maintain records of programs of veterinary care and environmental enrichment and to make such records available for examination and to make facilities and animals available for inspection by USDA officials.⁵⁴ So long as Katz remains unlicensed, Bow is deprived of the oversight designed to ensure he is receiving the care required by federal law.

⁴⁵ *Id.*

⁴⁶ Zamzow Expert Rep. at 1.

⁴⁷ Funkhouser Expert Rep. at 1.

⁴⁸ Halloran Expert Rep. at 9.

⁴⁹ *People for the Ethical Treatment of Animals, Inc. v. Lowe* at *4, *7.

⁵⁰ Cronin Expert Rep. at 8; Gamble Expert Rep. at 2-3.

⁵¹ Gamble Expert Rep. at 3.

⁵² 9 C.F.R. § 2.40

⁵³ *Id.*

⁵⁴ 9 C.F.R. § 2.126

Crucial aspects of programs of veterinary care for chimpanzees include the need for cardiac examinations,⁵⁵ vaccinations and tuberculosis tests, and guidance concerning nutrition.⁵⁶

The AWA requires that:

The diet for nonhuman primates must be appropriate for the species, size, age, and condition of the animal, and for the conditions in which the nonhuman primate is maintained, according to generally accepted professional and husbandry practices and nutritional standards. The food must be clean, wholesome, and palatable to the animals. It must be of sufficient quantity and have sufficient nutritive value to maintain a healthful condition and weight range of the animal and to meet its normal daily nutritional requirements.⁵⁷

In contrast, Dr. Gamble observed that “[t]he videos showing repeated offering of baked goods and other processed human foods and very limited documentation of any other diet items on which to assess the quality of Bow’s food intake. This individual has a spare body condition for a mature adult male chimpanzee.”⁵⁸

Taken together, these findings support the conclusion, echoed by the experts ALDF consulted, that Katz’s noncompliance with the AWA is not merely a paperwork violation, but is obscuring and likely enabling ongoing, unaddressed harm to Bow’s physical health, in violation of both the AWA and the ESA. Katz’s failure to comply with federal law, including the AWA, places his health in serious danger, which triggers the USDA’s mandate to alert the DOJ for potential injunctive relief.⁵⁹

e. Bow’s physical environment denies him the ability to engage in chimpanzee behaviors essential to his physical and psychological well-being

The AWA requires that primary enclosures be constructed and maintained so they, in pertinent part, “[h]ave floors that are constructed in a manner that protects the nonhuman primates from injuring themselves; and [p]rovide sufficient space for the nonhuman primates to make normal postural adjustments with freedom of movement.”⁶⁰ As discussed *supra* in section I.b., federal courts have held that failing to provide endangered animals species-appropriate enclosures violates the ESA.⁶¹

⁵⁵ Dr. Gamble highlights the importance of cardiac examinations for male chimpanzees, who have substantial risk for heart disease. See Gamble Expert Rep. at 3. Under modern standards of care, “cardiac examinations would have been performed as a juvenile and sub-adult as baselines and maintained for Bow’s well-being as a mature adult.” *Id.*

⁵⁶ *Id.*

⁵⁷ 9 C.F.R. § 3.82.

⁵⁸ Gamble Expert Rep. at 3.

⁵⁹ 7 U.S.C. § 2159.

⁶⁰ 9 C.F.R. § 3.80.

⁶¹ Confining endangered lemurs in an enclosure that denied them “almost of all their natural behaviors, creating a high likelihood of both psychological and physical injury” violated the ESA. *People for Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 424 F. Supp. 3d 404, 433 (D. Md. 2019), *aff’d*, 843 F. App’x 493 (4th Cir. 2021). Defendant “harassed all four lions within the meaning of the ESA and its implementing regulations, and wounded, harmed, and harassed Nala and Amelia within the meaning of the ESA and its implementing regulations by

Despite these requirements, Bow's physical environment is inappropriate, barren, and is likely causing him physical injury.

Bow's environment, as depicted on Katz's YouTube channel, consists of a small indoor enclosure with concrete flooring and a smaller outdoor space with dirt substrate — an environment with no meaningful opportunity for climbing, swinging, foraging, nesting, or retreat from view, all of which are considered essential to chimpanzee psychological and physical health.⁶² Videos posted over the course of thirteen years demonstrate that Bow's living conditions have gone essentially unchanged over that period.⁶³

Opportunities to climb, critical for both psychological and physical health for chimpanzees, are noticeably absent in Bow's physical environment. In appropriately designed captive chimpanzee environments, enclosure mesh often provides opportunities for chimpanzees to climb and utilize vertical space.⁶⁴ Dr. Cronin points out that in Bow's enclosure, however, "[t]he mesh walls and the ceiling were not climbable, with openings too small for Bow to put a finger or hand through, essentially limiting his ability to climb or swing in the same way that solid walls would."⁶⁵

The hard flooring and lack of substrates and nesting material may have contributed to Bow's gait abnormality. Captive chimpanzees are often provided substrates such as "mulch, wood chips, or deep litter bedding," according to Dr. Cronin, who emphasizes that "[f]or captive chimpanzees, soft, manipulable substrates are known to encourage species-typical behaviors and reduce the occurrence of abnormal behaviors. Such substrates also provide cushioning that can prevent joint stress and other musculoskeletal issues."⁶⁶

failing to provide adequate enclosures or enrichment." *People for Ethical Treatment of Animals, Inc. v. Lowe*, No. CIV-21-0671-F, 2022 WL 576560, at *7 (W.D. Okla. Feb. 25, 2022). See *Mo. Primate Found.*, No. 4:16-CV-02163, slip op. at 1-2; *PETA's Mem. Supp. Mot. Summ. J.* at 11-12, *Mo. Primate Found.*, No. 4:16-CV-02163.

⁶²According to Dr. Lopresti-Goodman, chimpanzees require environments "that allow for climbing, swinging, foraging, nesting, and the ability to control exposure to others, including retreating from human view." Lopresti-Goodman Expert Rep. at 5. Dr. Funkhouser notes that "[t]he single hammock that is hung in Bow's cage or the garden bench available to him outside is not enough to provide him with the kind of opportunities to climb that is important for this species." Funkhouser Expert Rep. at 1. Dr. Cronin referred to Bow's housing as "substantially below the minimally accepted professional standards for chimpanzee care" noting that "[t]he concrete flooring, lack of functional height, lack of complexity, near absence of nesting materials, and lack of meaningful enrichment deprive Bow of physical comfort, psychological stimulation, and the ability to express species-typical behavior. These deficiencies result in significant welfare compromise." Cronin Expert Rep. at 4.

⁶³The indoor space visible in "Chimpanzee Grooming on a Cold Day," "Long Continuous Chimpanzee Grooming," and "Chimpanzee Grooms Woman's Face — Short & Sweet" is a room with a shift door. The outdoor space visible in "Bow Displays While There's a Bird in the Pen" and "Bow Displays for the Mowers" is a small attached yard. Neither offers ranging, a choice of companions, or the work a chimpanzee does when a habitat has depth. Unfortunately, Bow's living conditions have remained unchanged throughout the bulk of his life. A video entitled "Dog's Play, Bow Displays," posted thirteen years ago, shows the same basic arrangement. Environmental predictability and the restriction of natural behavior are two critical standing obstacles to thriving (Halloran, 2025). Halloran Expert Rep. at 8.

⁶⁴ Cronin Expert Rep. at 8-9.

⁶⁵ *Id.* at 8.

⁶⁶ *Id.* at 9.

Other than a single blanket or towel, or a sleeping bag at night, Katz’s videos show no evidence that she provides Bow with appropriate nesting materials. As Dr. Cronin points out, “a solitary sleeping bag on a concrete floor does not meet the nesting needs of an adult chimpanzee ... Chimpanzees have an intrinsic motivation to build nests and in captivity will naturally utilize a range of materials—including hay, paper, cotton sheets, and vegetation—to construct them.”⁶⁷

Bow’s inappropriate conditions of confinement present both physical and psychological injury in apparent violation of both the AWA and ESA⁶⁸. Bow’s current enclosures emphasizes, according to Deane, “participation in human domestic life rather than environments designed to facilitate species-appropriate ... behaviors.”⁶⁹ The absence of environmental complexity, according to Dr. Lopresti-Goodman, “undermines psychological well-being” of chimpanzees.⁷⁰

f. Lack of environmental/behavioral enrichment/agency

The AWA requires that exhibitors “develop, document, and follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates. The plan must be in accordance with the currently accepted professional standards as cited in appropriate professional journals or reference guides....”⁷¹ Plans must make provisions for “[t]he physical environment in the primary enclosures [to] be enriched by providing means of expressing non-injurious species-typical activities.”⁷² Individually housed primates who are unable to see or hear primates of their own or a compatible species require “special attention regarding the enhancement of their environment”.⁷³ As discussed *supra* in Section I.b., multiple federal courts have held that failure to provide appropriate environmental enhancement to protected animals violates the ESA.⁷⁴ Despite these requirements, Bow is denied sufficient environmental enhancement.

⁶⁷ *Id.*

⁶⁸ See 9 C.F.R. § 3.80. Failure to provide complex enclosures, and the ability to engage in species-typical behaviors such as foraging and exploring violates the ESA. *People for Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 424 F. Supp. 3d 404, 430 (D. Md. 2019), aff’d, 843 F. App’x 493 (4th Cir. 2021). “Generally accepted husbandry practices include the provision of sufficient shelter and enrichment that allows, encourages, and promotes species-appropriate behaviors” within the meaning of the ESA; failing to provide adequate enclosures violates the ESA, physical injury resulting from inadequate enclosures constitutes a “wound” under the ESA. *People for the Ethical Treatment of Animals, Inc. v. Lowe* at *4, *7. See *Mo. Primate Found.*, No. 4:16-CV-02163, slip op. at 1-2; *PETA’s* Mem. Supp. Mot. Summ. J. at 8-10, *Mo. Primate Found.*, No. 4:16-CV-02163.

⁶⁹ Deane Expert Rep. at 4.

⁷⁰ Lopresti-Goodman Expert Rep. at 5.

⁷¹ 9 C.F.R. § 3.81.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ “[T]he failure to “develop, document, and follow an appropriate plan for environmental enhancement adequate to promote psychological well-being” for the lemurs significantly disrupts their normal behavioral patterns and, therefore, constitutes “harassment” and “taking” within the meaning of the Endangered Species Act.” *Kuehl v. Sellner*, 161 F. Supp. 3d 678, 711–12 (N.D. Iowa 2016), aff’d, 887 F.3d 845 (8th Cir. 2018). Holding that animals who “languished with no enrichment” were subjected to a take under the ESA. *People for Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 424 F. Supp. 3d 404, 430 (D. Md. 2019), aff’d, 843 F. App’x 493 (4th Cir. 2021). Defendant “harassed all four lions within the meaning of the ESA and its implementing regulations by failing to provide

Behavioral enrichment is, in Dr. Cronin's words, a "cornerstone of support for psychological well-being and overall welfare" of chimpanzees, and the ability to exercise agency, choosing when, how, and with whom to interact, is likewise recognized as a critical component of psychological wellbeing for a species as cognitively complex as the chimpanzee."⁷⁵ Bow's environment, as documented in Katz's own videos, provides him with essentially none of this: no varied enrichment, no control over his social contacts, and virtually no opportunities to exercise choice and control over his life in apparent violation of the AWA and ESA.

Denying captive chimpanzees the ability to exercise agency and species-typical behaviors "results in chronic frustration, which can result in human-directed aggression, or the performance of stress-related abnormal behaviors" according to Dr. Lopresti-Goodman. She cautions that the absence of visible stress behaviors on Katz's curated channel should not be mistaken for their absence in fact, noting that "Katz controls what is publicly displayed, and the available footage is not a reliable representation of Bow's full behavioral repertoire or psychological state."⁷⁶

V. Holding Chimpanzees in Private Homes is Inherently Dangerous

Every expert ALDF consulted independently and without prompting raised urgent concerns that Bow will seriously injure or kill Katz or others, and will himself be killed as a result, an outcome that has recurred with striking regularity among chimpanzees raised in human homes. This outcome is all but certain if the federal government does not enforce the law and intervene on Bow's behalf. Previous incidents, not including many in which humans were seriously wounded but the chimpanzee was not killed, include:

- On June 20, 2021, an approximately 17-year-old male chimpanzee named Buck who lived in a private home in Oregon attacked his owner's daughter, causing injury to her torso, arms, and legs. Police shot and killed Buck.⁷⁷
- On July 12, 2012, two chimpanzees escaped from their owner's home in Las Vegas, NV. Following a two-hour chase, police shot and killed Buddy, the male chimpanzee.⁷⁸
- On March 30, 2009, a chimpanzee named Timmy escaped from a cage in a private home in Missouri and ran onto a highway. After Sheriff's deputies arrived on the scene, Timmy opened a deputy's patrol car and grabbed a deputy's leg. The deputy shot and killed Timmy.⁷⁹

the four lions adequate enrichment items or an adequate rotation of enrichment items...." *People for Ethical Treatment of Animals, Inc. v. Lowe*, No. CIV-21-0671-F, 2022 WL 576560, at *7 (W.D. Okla. Feb. 25, 2022)."

⁷⁵ Cronin Expert Rep. at 9.

⁷⁶ Lopresti-Goodman Expert Rep. at 5.

⁷⁷ David K. Li & Kurt Chirbas, *Oregon Deputy Fatally Shoots Chimpanzee after It Bites Owner's Daughter*, NBC NEWS (June 23, 2021), <https://www.nbcnews.com/news/animal-news/oregon-deputy-fatally-shoots-chimpanzee-after-it-bites-owner-s-n1272105>.

⁷⁸ Cecilia Vega, *1 Chimp Dead, 1 Tranquilized After Escaping Las Vegas Home*, ABC NEWS (July 12, 2012), <https://abcnews.com/US/chimp-dead-tranquilized-escaping-las-vegas-home/story?id=16768345>.

⁷⁹ Associated Press. *Mo. Deputies Shoot Rampaging Chimp, Then Find Squalid Puppy Mill*, COLUMBIA MISSOURIAN (Apr. 2, 2009), https://www.columbiamissourian.com/news/winston-deputies-shoot-rampaging-chimp-then-find-puppy-mill/article_3afe3652-1345-51bb-adf4-a8dd43660269.html.

- On February 16, 2009, a 14-year-old male chimpanzee named Travis escaped from his home in Stamford, CT, and attacked Charla Nash, a family friend, inflicting traumatic injuries to her face and hands. Nash lost her hands, nose, lips, and eyelids in the attack, as well as suffering injuries to her facial structure and losing her vision. Travis's owner stabbed him numerous times before he opened the door of a police car and was shot multiple times before making his way back into his home and dying.⁸⁰
- On March 3, 2005, four chimpanzees escaped from their cage at a facility in Caliente, CA. The two male chimpanzees attacked a couple visiting their pet chimpanzee at the facility, biting off the woman's thumb, and severely attacking her husband. The chimpanzees bit off his nose, an eye, part of his cheek, lips, most of his fingers, both testicles, and much of the flesh from his buttocks, face, and left foot. The male chimpanzees were shot and killed.⁸¹
- On April 19, 2001, three chimpanzees escaped from Chimparty (later known as Missouri Primate Foundation) in Festus, MO. A neighbor reportedly witnessed one of the chimpanzees, Suzy (Travis's mother) throwing his dog "like a rag doll." He shot and killed her with a shotgun.⁸²
- On June 6, 1996, a 19-year-old male chimpanzee named Barney escaped from his cage at a facility in New York. He grabbed a child's leg, and a worker hit him with a piece of wood. The facility's owner attempted to lure him to his cage with milk and cookies, but Barney bit him on the head and arms. Barney was shot and killed.⁸³

Most, if not all, of these incidents involved chimpanzees who, like Bow, were raised by humans. Dr. Lopresti-Goodman points out that "[m]aternal separation and deprivation cause profound psychological distress in primates (Bradshaw et al., 2009; Chen et al., 2024; Lopresti-Goodman et al., 2013; Reimers et al., 2007; van Leeuwen et al., 2022)" and that "[r]esearch further demonstrates that non-mother-reared chimpanzees who experience increased human exposure, particularly in male chimpanzees, is associated with elevated stress hormones, such as cortisol, and the performance of abnormal, stereotypical behaviors, into adulthood (Jacobson et al., 2016)."⁸⁴

Dr. Cronin notes that "[i]mportantly, individuals who have longstanding and historically positive relationships with chimpanzees are not protected from these outcomes; they are frequently the victims when serious incidents occur."⁸⁵ Dr. Halloran identified high risk behaviors in videos posted to Katz's channel:

⁸⁰ Dan P. Lee, *Travis the Menace*, NEW YORK MAGAZINE (Jan. 21, 2011), <https://nymag.com/news/features/70830/>.

⁸¹ Associated Press, *Chimps Escape, Attack Visitors*, FOX NEWS (Mar. 3, 2005), <https://www.foxnews.com/story/chimps-escape-attack-visitors>.

⁸² Chris Hayes, *From villain to hero: one man's untold 'Chimp Crazy' story*, FOX2NOW (Sep. 16, 2024), <https://fox2now.com/news/fox-files/from-villain-to-hero-one-mans-untold-chimp-crazy-story/>.

⁸³ Beth Whitehouse, *Chimp Breaks Loose In Park, Is Killed*, SEATTLE TIMES (June 6, 1996), <https://archive.seattletimes.com/archive/19960606/2333163/chimp-breaks-loose-in-park-is-killed>.

⁸⁴ Lopresti-Goodman Expert Rep. at 4.

⁸⁵ See Cronin Expert Rep. at 7. *Accord* Funkhouser Expert Rep. at 2, "Even chimpanzees with extensive histories of interaction with familiar humans engage in behavior that presents substantial risks to human safety (e.g., Travis, Buck, and Buddy)"; Meilvang Expert Rep. at 1-2, "Chimpanzees are not domesticated animals, and their physical strength and behavioural capabilities should not be underestimated. An adult chimpanzee is considerably stronger than a human and is capable of causing very serious injury. As chimpanzees mature, their behaviour can also change, particularly in connection with sexual maturity, social status, territorial behaviour and frustration. A chimpanzee that has been very

Despite Katz's claim that Bow is "culturally human," he displays behavior that is typical of an adult male chimpanzee. Like other adult males, Bow displays typical chimpanzee signs of aggression. In **"Bow displays then invites me over,"** he displays, often in the presence of dogs, and then approaches Katz. She treats the approach as an invitation. After aggression, chimpanzees seek reassurance from other chimpanzees, either by reconciling with the opponent or by receiving consolation from a third party (de Waal and van Roosmalen, 1979; Fraser, et al. 2008; Wittig and Boesch, 2003). Approaching a human face after a display is a high-risk moment, and extremely unsafe. Should Katz ever encounter an aggressive moment from Bow during her typical grooming sessions, the injuries would be severe.... Unfortunately, Katz also shows a willingness to put others at risk in these videos. For example, in **"Charla Visits with Bow Outdoors,"** a woman is shown interacting and giving Bow a drink while standing beside a large opening in the enclosure. Should Bow get aggressive (frequent behavior with captive chimpanzees when they are receiving treats such as a drink), he could easily grab this woman and cause severe and life-threatening injuries.⁸⁶

Even in situations in which they are not behaving aggressively, adult chimpanzees have sufficient physical strength to cause severe injury to humans.⁸⁷ Dr. Zamzow advises that Bow's transfer to an appropriate sanctuary or accredited zoo is "the only responsible solution."⁸⁸ She stresses that "Bow and Aya are both in extreme danger; I cannot overstate the urgency and need to remove Bow from this situation immediately."⁸⁹

VI. Bow Must Be Transferred to an Accredited Sanctuary Without Delay

It is not too late for Bow. At a sanctuary accredited by the Global Federation of Animal Sanctuaries, with experienced staff and appropriate facilities, "it is very likely that he could successfully integrate with other chimpanzees and ... experience a meaningful improvement in welfare" according to Dr. Cronin.⁹⁰ Time, though, is of the essence. Just as the clock is ticking on the certainty of a dangerous incident occurring if you do not urgently remove Bow from Katz's home, it is also urgent to transport him to an appropriate facility without further delay. Dr. Cronin stresses that "[t]ime is an important factor: social integrations that occur later in life are associated with more persistent abnormal

closely bonded with a human from infancy does not therefore become safe or predictable in the way a domesticated companion animal might. The close and seemingly affectionate interactions shown in the videos may actually make the situation more difficult to assess. They can create the impression that Bow is essentially a human companion and that the relationship is safe because he appears calm and affectionate. However, normal chimpanzee behaviour can become dangerous very quickly, and familiarity with a particular person does not remove the underlying risks associated with keeping an adult chimpanzee in a private home."

⁸⁶ Halloran Expert Rep. at 9-10.

⁸⁷ Deane Expert Rep. at 6.

⁸⁸ Zamzow Expert Rep. at 1.

⁸⁹ *Id.*

⁹⁰ Cronin Expert Rep. at 7.

behaviors than those occurring earlier, underscoring the importance of timely planning for social placement (e.g., Chen et al., 2024; Freeman & Ross, 2014).”⁹¹

Accredited sanctuaries have extensive experience providing safe and individually tailored transfer and transport, as well as transition and rehabilitation care to chimpanzees coming out of traumatic solitary confinement and private ownership, including chimpanzees like Bow who have been isolated for decades. According to Dr. Lopresti-Goodman, “[s]uch environments have been shown to promote recovery and re-establishment of social competence (Chen et al., 2024; Bradshaw et al., 2009; Lopresti-Goodman et al., 2015; van Leeuwen et al., 2022).”⁹²

Retirement to an accredited sanctuary will provide Bow with everything that he is denied now: opportunities to form relationships with other chimpanzees; expert veterinary care, including critical monitoring of his cardiac health; agency; a large, species-appropriate environment; and a rich and varied program of environmental enrichment, all care that utilizes protected contact husbandry under conditions that protect the safety of humans and chimpanzees. Andy Gray is Director of the North American Primate Sanctuary Alliance (NAPSA), a coalition of eight primate sanctuaries in the United States and Canada working to advance and support high standards of care for captive nonhuman primates. She notes that Bow’s “history in private ownership should inform how his transition is managed, but it should not preclude him from the opportunity to experience the social relationships and environment that sanctuary can provide.”⁹³

VII. Requested Action

Given the urgency described above, the Animal Legal Defense Fund respectfully requests that the USDA, the USFWS, and the DOJ take the following actions:

a. USDA

- Find that Katz's continued unlicensed exhibition of Bow without interruption since her 2023 citation in conditions that violate the AWA constitute a "failure to comply" with the AWA sufficient to warrant confiscation of Bow pursuant to 7 U.S.C. § 2146 and 9 C.F.R. § 2.129.
- Find that Katz is "placing the health of [Bow] in serious danger" in violation of the AWA, based on the veterinary, environmental, and safety

⁹¹ *Id.*

⁹² Lopresti-Goodman Expert Rep. at 6. *Accord*, Funkhouser Expert Rep. at 1, “In an appropriate chimpanzee sanctuary, Bow could be provided with carefully managed opportunities to develop the social skills and relationships necessary to participate in a chimpanzee social group. Such rehabilitation requires professional expertise, careful planning, and access to compatible chimpanzee social partners.”

⁹³ Ex. 10, Expert Report of Amanda Gray, M.S. for the North American Primate Sanctuary Alliance at 3. “Collectively, NAPSA member sanctuaries provide lifelong care to nearly 800 primates retired from biomedical research, private ownership, entertainment, and other circumstances. All NAPSA members are accredited by the Global Federation of Animal Sanctuaries (GFAS) and licensed and inspected by the U.S. Department of Agriculture or the Canadian equivalent, as applicable. *Id.* at 1.

concerns detailed herein, and notify the DOJ accordingly pursuant to 7 U.S.C. § 2159.

- Refer this matter for appropriate civil penalty assessment under 7 U.S.C. § 2149 in light of Katz's sustained, knowing noncompliance with the AWA's licensing requirement following her 2023 citation.
- Coordinate with the USFWS pursuant to USDA's statutory obligation to "consult and cooperate" under 7 U.S.C. § 2145 and 16 U.S.C. § 1536, given the overlapping welfare and endangered-species concerns raised in this complaint.

b. USFWS

- Immediately open a formal investigation into whether Katz's confinement of Bow constitutes a "take" of an endangered species in violation of 16 U.S.C. § 1538, consistent with the analysis set forth in *Kuehl v. Sellner*, *PETA v. Tri-State Zoological Park*, and *PETA v. Lowe*.
- Coordinate with USDA, as contemplated by 7 U.S.C. § 2145 and 16 U.S.C. § 1536, to ensure that any enforcement action accounts for both agencies' overlapping authority over Bow's welfare and legal status.
- Pursue civil and/or criminal penalties, and forfeiture of Bow pursuant to 16 U.S.C. § 1540.

c. DOJ

- Upon USDA's notification pursuant to 7 U.S.C. § 2159, promptly seek a temporary restraining order or injunction to prevent Katz's continued exhibition of Bow and to protect his health and safety pending further agency action.
- Coordinate with USDA and USFWS to evaluate the appropriateness of criminal referral in light of Katz's sustained and knowing violation of federal law following her 2023 citation.

VIII. Conclusion

Aya Katz has exhibited Bow in violation of the AWA for at least 17 years. She has knowingly violated the AWA for at least three. How Bow's story, and the history of pet chimpanzee ownership in the U.S. ends, is in your hands. If you allow him to remain under Katz's care, the ending will be predictable and violent. If you enforce the law as requested in this complaint, you will open up an entirely new world for Bow: space, enrichment, expert care, safety, and critically, the opportunity to live within a chimpanzee society. As Dr. Halloran points out:

Cross-fostering does not rewrite species membership. It produces an animal that is incompetent in both worlds: not a person, and now lacking the foundational learned behaviors that are critical for chimpanzees.... [Katz's] claim that Bow is culturally a human is used to justify housing him without other chimpanzees. However, in reality, Bow is not just "biologically" a chimpanzee. He is an isolated chimpanzee. He shows all of the

behaviors and mannerisms of a chimpanzee who has been removed from any sort of environment where he can utilize his traits as a chimpanzee. He therefore lives in a state where he can never live life to the fullest as the species he is. Instead he lives a life of abject frustration, boredom, and anxiety.⁹⁴

The facts and expert opinions presented herein and attached hereto as exhibits establish that Bow is a member of a highly social endangered species who is wrongly isolated from conspecifics, is confined under inadequate conditions, exhibits evidence of physical injury likely caused by improper conditions of confinement, is at risk of life-threatening zoonotic disease transmission, is likely denied access to appropriate preventative veterinary care and nutrition, is denied appropriate environmental enrichment, is denied agency, is an inherently dangerous animal in a situation that maximizes rather than minimizes the risk he will seriously injure humans, and is at imminent risk of premature death due to the likelihood he will behave violently. Each of these conditions likely violates the ESA, each of these conditions violates the AWA, and each places Bow's health in serious danger. Bow is the last solitary chimpanzee held as a pet in the United States. Please make history by acting to enforce federal law and protect Bow before it is too late.

⁹⁴ Halloran Expert Rep. at 6. The phenomena Dr. Halloran describes is known as Species Identity Disorder. *See* Lopresti-Goodman Expert Rep. at 5.