

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

NONHUMAN RIGHTS PROJECT, INC., : IN THE SUPERIOR COURT OF
ON BEHALF OF ANGELINE, SAVANNA, : PENNSYLVANIA
TASHA, VICTORIA, AND ZURI :

Appellant :

v. :

ZOOLOGICAL SOCIETY OF :
PITTSBURGH AND DR. JEREMY :
GOODMAN, CEO AND PRESIDENT OF :
THE PITTSBURGH ZOO : No. 377 WDA 2026

Appeal from the Order Entered February 11, 2026
In the Court of Common Pleas of Allegheny County Civil Division at
No(s): GD-25-010963

BEFORE: DUBOW, J., KUNSELMAN, J., and BECK, J.

JUDGMENT ORDER BY KUNSELMAN, J.: **FILED: October 5, 2026**

The Nonhuman Rights Project, Inc. ("the Project") appeals from the order of the trial court granting the Zoological Society of Pittsburgh and Dr. Jerney Goodman's motion to dismiss with prejudice the Project's petition for writ of *habeas corpus*. The Project seeks the writ of *habeas corpus* on behalf of certain chattels that the Zoo owns, namely five elephants.

Chattels have no right to the Great Writ. Therefore, we adopt the legally unimpeachable opinion of the learned Judge Mary McGinley, delivered from the bench of the Court of Common Pleas of Allegheny County, as the decision of this Court. Judge McGinley correctly opined as follows:

Before the Court is respondents' motion to dismiss petition for writ of *habeas corpus*. The Court does not concur that an analysis of personage must be deferred to a merits-based hearing.

At issue is whether *habeas corpus* relief applies to extraordinary nonhumans, elephants, and more specifically several elephants located in Pennsylvania and Somerset counties. This analysis touches on standing, a threshold matter, and on whether a *prima facie* case exists, also a preliminary issue that the Court may decide as a matter of law.

42 Pa.C.S. Section 6501, *et seq.* – that’s 42 Pa.C.S. Section 6501, *et seq.* – is the applicable statute addressing *habeas corpus* relief in Pennsylvania. It expressly states that, “An application for *habeas corpus* to inquire into the cause of detention may be brought by or on behalf of any person, restrained of his liberty, within this Commonwealth under any pretense whatsoever.”

The question that is ripe before this Court is whether the term “person” extends to nonhumans and again, specifically in this case, elephants.

Pennsylvania’s *habeas corpus* statute does not define the term “person”; however, it is subject to Pennsylvania’s Statutory Construction Act, 1 Pa.C.S. Section 1501, *et seq.*, which applies to every statute enacted by the General Assembly after a certain date including the *habeas corpus* statute. The Court concludes that the Act has some application even in this context.

Section 1991 of the Act states that the term “person”, “includes a corporation, partnership, limited liability company, business trust, other association, government entity other than the Commonwealth, estate, trust, foundation, or natural person.”

Natural person is not defined, but the adjective “natural” is used to distinguish a living person from the corporate definition of person in Pennsylvania statutory bodies of authority. Additionally, BLACK’S LAW DICTIONARY defines a person as, “a human being” or “a natural person.”

Merriam-Webster Dictionary defines a person as a, “human individual” and a “natural person,” as a “human being as distinguished from a person (as a corporation created by operation of law).”

It must be noted that even if statutory framework is ignored, legal authority in the common law context in many jurisdictions similarly has not extended the category of persons beyond human beings.

The Court's conclusion that an elephant is not a person for purposes of *habeas corpus* is fatal to the petition. Based on the Court's review of applicable legal authority, the protections of *habeas corpus* may not be extended to nonhumans. Correspondingly, the petitioners lack standing and are unable to maintain the petition based upon a *prima facie* inquiry on behalf of nonhumans or elephants.

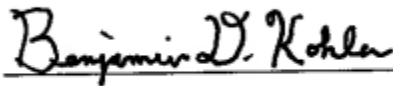
Despite the petitioner's laudable goal in advocating for elephants, certainly remarkable nonhumans, the petition, which is in the nature of an argument for an extension of existing law or the establishment of new law, seeks leaps that this Court is unable to make based upon existing legal authority. The Court concludes that this realm is best left to the General Assembly.

Accordingly, the motion to dismiss is granted.

N.T., 2/12/2026, at 53-57 (cleaned up).

Order affirmed.¹

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 10/05/2026

¹ In light of this decision to affirm the appealed-from order, this case shall be removed from the oral argument list, and the September 22, 2026 motion of the Project for a continuance of the oral argument is denied. Also, the Project's September 28, 2026 Application for Relief regarding an *amicus curiae* brief is dismissed as moot.

