

Animal Law

Cases and Materials

FIFTH EDITION

Sonia S. Waisman

PARTNER, McCLOSKEY, WARING & WAISMAN LLP

Pamela D. Frasch

ASSISTANT DEAN, ANIMAL LAW PROGRAM
EXECUTIVE DIRECTOR, CENTER FOR ANIMAL LAW STUDIES
LEWIS & CLARK LAW SCHOOL

Bruce A. Wagman

PARTNER, SCHIFF HARDIN LLP
ADJUNCT PROFESSOR OF LAW
UNIVERSITY OF CALIFORNIA, SAN FRANCISCO, HASTINGS COLLEGE OF THE LAW
UNIVERSITY OF CALIFORNIA, BERKELEY LAW
STANFORD LAW SCHOOL



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2014
Sonia S. Waisman
Pamela D. Frasch
Bruce A. Wagman
All Rights Reserved

ISBN 978-1-61163-234-7
LCCN 2014933613

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

Summary of Contents

Table of Cases	xv
Preface to the First Edition	xxxi
Preface to the Fifth Edition	xxxiii
Acknowledgments	xxxv
Editors' Note	xxxvii
Chapter 1 · What Is an Animal?	3
Chapter 2 · Property and Beyond: The Evolution of Rights	35
Chapter 3 · Criminal Law	65
Chapter 4 · Torts	165
Chapter 5 · Constitutional Law	285
Chapter 6 · Commercial Uses of Animals	377
Chapter 7 · Contracts	513
Chapter 8 · Wills and Trusts	563
Chapter 9 · Selected Federal Statutes	605
Appendix A	677
Appendix B	681
Appendix C	685
Index	687

Contents

Table of Cases	xv
Preface to the First Edition	xxxi
Preface to the Fifth Edition	xxxiii
Acknowledgments	xxxv
Editors' Note	xxxvii
Chapter 1 · What Is an Animal?	3
Section 1. Defining “Animal”	3
<i>Knox v. Massachusetts Soc’y for the Prevention of Cruelty to Animals</i>	3
Notes	4
<i>Lock v. Falkenstine</i>	5
Notes	8
<i>State v. Cleve</i>	10
Notes	14
Section 2. Classifications of Animals	16
<i>United States v. Park</i>	16
Notes	18
<i>Holcomb v. Van Zylén</i>	20
Notes	21
<i>Commonwealth v. Massini</i>	21
<i>Commonwealth v. Comella</i>	22
Notes	24
<i>City of Rolling Meadows v. Kyle</i>	30
Notes	33
Chapter 2 · Property and Beyond: The Evolution of Rights	35
Section 1. Slaves	36
Notes	41
Section 2. Women	42
Section 3. Children	44
Notes	47
Section 4. Mental Incompetents	48
Notes	51
Section 5. Potential Humans—Fetuses, Embryos and Prezygotes: Property, Persons or Something in Between?	51
Section 6. Nonhumans	56
Notes	63

Chapter 3 · Criminal Law	65
Section 1. Historical Perspective	65
<i>The Criminal Prosecution and Capital Punishment of Animals</i>	65
Notes	68
Section 2. State Anti-Cruelty Statutes	72
A. Introduction	72
B. Common Provisions	72
C. Common Exemptions	74
D. Issues and Challenges Facing Prosecutors and Law Enforcement	75
<i>State of Oregon v. Nix</i>	75
Note	79
E. Special Procedural Issues in Animal Cruelty Cases	79
Section 3. Affirmative Acts of Cruelty	80
<i>People v. Bunt</i>	80
Notes	84
<i>Oliver v. City of Anaheim</i>	84
Notes	85
<i>People v. Voelker</i>	86
Notes	89
<i>People v. Dunn</i>	90
Notes	91
<i>People v. Garcia</i>	93
Notes	95
<i>Waters v. People</i>	96
Notes	99
Section 4. Failure to Act	100
<i>State v. Schott</i>	100
Notes	103
<i>Martinez v. State of Texas</i>	103
Notes	105
<i>People v. Brian</i>	107
Notes	108
Section 5. Hoarding	110
<i>Animal Legal Defense Fund v. Woodley</i>	111
Notes	112
<i>People v. Youngblood</i>	114
Notes	117
Section 6. Animals in Sport and Entertainment	118
A. Hunting	118
<i>Boushehry v. State</i>	118
Notes	120
B. Rodeos	122
C. Animal Racing	124
Notes	125
D. Breeding, Veterinary and Shelter Issues	127
<i>Hammer v. American Kennel Club</i>	127
Notes	129
<i>California Veterinary Medical Ass'n v. City of West Hollywood</i>	129
Notes	134

E. Television, Film, Zoos, Circuses and Aquaria	136
<i>Culp v. City of Los Angeles</i>	137
Notes	140
<i>People v. Thomason</i>	142
Notes	146
F. Animal Fighting	147
1. Cockfighting	147
2. Dogfighting	148
<i>Ash v. State</i>	148
Notes	150
<i>Hargrove v. State</i>	151
Note	154
Section 7. Cross-Protecting: The Link between Animal Abuse and Human Violence	155
A. Introduction	155
B. Case Law	158
<i>Schambon v. Commonwealth</i>	158
Notes	161
<i>State v. Thompson</i>	162
Note	163
Chapter 4 · Torts	165
Section 1. Theories of Liability	165
A. Negligent Infliction of Emotional Distress (NIED)	165
<i>McDougall v. Lamm</i>	166
<i>Rabideau v. City of Racine</i>	171
Notes	174
B. Intentional Torts	176
<i>Burgess v. Taylor</i>	176
Notes	179
<i>Plotnik v. Meihaus</i>	182
Notes	185
C. Fourth Amendment Claims for Tortious Harm to Companion Animals by Public Officials	186
<i>Carroll v. County of Monroe</i>	189
Note	193
<i>Maldonado v. Fontanes</i>	193
Note	196
D. Product Liability: The Tainted Pet Food Cases	196
<i>In re Pet Food Products Liability Litigation</i>	196
Notes	199
Section 2. Veterinary Malpractice	200
<i>Price v. Brown</i>	201
Notes	204
Section 3. Damages and Valuation	210
<i>La Porte v. Associated Independents, Inc.</i>	211
Notes	213
<i>Corso v. Crawford Dog and Cat Hospital, Inc.</i>	217
Notes	218

<i>Brousseau v. Rosenthal</i>	221
Notes	222
<i>Strickland v. Medlen</i>	232
Notes	240
Section 4. Competing Interests: Companion Dogs and Farm Animals	254
<i>Katsaris v. Cook</i>	255
Notes	260
Section 5. Strict Liability and Negligence—Injuries Caused by Animals	262
<i>Baugh v. Beatty</i>	262
Notes	264
<i>Drake v. Dean</i>	267
Notes	275
Chapter 5 · Constitutional Law	285
Section 1. Legal Standing, Justiciability and Other Limiting Doctrines	285
<i>Jones v. Beame</i>	286
Notes	288
<i>Sierra Club v. Morton</i>	289
Notes	295
<i>Lujan v. Defenders of Wildlife</i>	300
Notes	303
<i>The Humane Society of the United States v. United States</i> <i>Postal Service</i>	305
Note	309
<i>Animal Legal Defense Fund v. Espy</i>	309
Notes	313
<i>Animal Legal Defense Fund v. Glickman</i>	314
Notes	324
Section 2. Due Process—Challenges and Claims	330
<i>American Dog Owners Association v. The City of Yakima</i>	331
<i>Garcia v. The Village of Tijeras</i>	333
Notes	338
Section 3. First Amendment	342
A. Free Exercise of Religion	342
<i>Church of the Lukumi Babalu Aye v. City of Hialeah</i>	342
Notes	353
B. Freedom of Speech	356
<i>United States v. Stevens</i>	356
Notes	365
<i>Dorman v. Satti</i>	366
Notes	370
<i>State v. Miner</i>	372
Notes	376
Chapter 6 · Commercial Uses of Animals	377
Section 1. Animals Raised and Slaughtered for Food	377
A. Conditions Under Which Animals Are Raised	378
<i>New Jersey Society for the Prevention of Cruelty to Animals v.</i> <i>New Jersey Department of Agriculture</i>	380
Notes	400

<i>Humane Society of Rochester and Monroe County for Prevention of Cruelty to Animals, Inc. v. Lyng</i>	404
Notes	408
<i>Humane Society of the United States v. State Board of Equalization</i>	411
Note	416
<i>Humane Society of the United States v. Empire State Development Corporation</i>	416
Notes	418
<i>Animal Legal Defense Fund Boston, Inc. v. Provimi Veal Corp.</i>	418
Notes	425
<i>Physicians Committee for Responsible Medicine v. Tyson Foods, Inc.</i>	433
Notes	434
B. Slaughter Laws and Related Issues	443
<i>Jones v. Butz</i>	446
Notes	452
<i>Cavel International, Inc. v. Madigan</i>	456
Notes	460
<i>National Meat Association v. Harris</i>	464
Notes	470
Section 2. Animals in Research and the Animal Welfare Act	475
A. Scientific, Legal and Public Debate	475
B. AWA History and Overview	479
C. Nonhuman Primates	481
<i>Animal Legal Defense Fund, Inc. v. Glickman</i>	481
Notes	486
D. Breeders, Dealers and Puppy Mills	490
<i>Doris Day Animal League v. Veneman</i>	490
Notes	494
E. Animal Cruelty	497
<i>Taub v. State</i>	497
Notes	499
F. Disclosure of Information	501
<i>Hagan v. Feld Entertainment, Inc. D/B/A Ringling Bros. and Barnum & Bailey Circus</i>	503
Notes	507
G. Animal Exhibition under the AWA	510
Chapter 7 · Contracts	513
Section 1. Landlord/Tenant Disputes and Other Housing Issues	513
<i>Young v. Savinon</i>	513
Notes	517
Section 2. Condominium Law	526
<i>Nahrstedt v. Lakeside Village Condominium Association</i>	527
Notes	536
Section 3. Dissolution of Marriage and Other Relationships:	
Custody Disputes	539
<i>Travis v. Murray</i>	539
<i>Houseman v. Dare</i>	546
Notes	549

<i>Akers v. Sellers</i>	550
<i>Bennett v. Bennett</i>	551
<i>Arrington v. Arrington</i>	552
<i>In re The Marriage of Stewart</i>	553
Notes	554
Section 4. The Sale of “Goods” and “Products”	556
Section 5. Insurance	559
Chapter 8 · Wills and Trusts	563
Section 1. Validity of Will Provisions: Historical Perspective	563
A. Will Provisions Providing for the Destruction of Companion Animals upon the Testator’s Death	563
<i>In re Capers’ Estate</i>	563
<i>In re Estate of Howard H. Brand</i>	568
Notes	573
B. Will Provisions Providing for the Care of Companion Animals upon Testator’s Death	575
<i>In re Howells’ Estate</i>	575
Note	579
<i>In re Estate of Searight: Department of Taxation of Ohio</i>	579
Notes	584
Section 2. Companion Animal Trusts	586
<i>In re Estate of Russell</i>	586
Notes	590
<i>In re Stewart’s Estate</i>	590
<i>Hahn v. Estate of Stange</i>	591
Notes	594
Chapter 9 · Selected Federal Statutes	605
Section 1. Endangered Species Act	605
<i>Tennessee Valley Authority v. Hill</i>	610
Notes	614
<i>Babbitt v. Sweet Home Chapter of Communities for a Great Oregon</i>	615
Notes	623
Section 2. National Environmental Policy Act	625
<i>The Humane Society of the United States v. Johanns</i>	625
Notes	633
<i>Winter v. Natural Resources Defense Council, Inc.</i>	637
Notes	643
Section 3. Marine Mammal Protection Act	644
<i>Committee for Humane Legislation v. Richardson</i>	644
Notes	651
<i>Animal Welfare Institute v. Kreps</i>	656
Notes	661
Section 4. Wild Free-Roaming Horses and Burros Act	662
<i>Colorado Wild Horse and Burro Coalition, Inc. v. Salazar</i>	663
Notes	669
<i>Fallini v. Hodel</i>	672
Notes	676

Appendix A	677
Definitions of “Animal” in Selected State Statutes	
Appendix B	681
Definitions of “Wild Animal” in Selected State Statutes	
Appendix C	685
“General Patton Act of 2003” (formerly T-Bo Act)	
Tenn. Code Ann. § 44-17-403 (2013)	685
Humane Care for Animals Act	
510 Ill. Comp. Stat. 70/16.3 (2013)	686
Index	687

Table of Cases

Principal cases are listed in italics, while cases cited in the editors' notes and footnotes are not. Where a principal case is also referenced in the notes or footnotes, the principal pages are also italicized.

- 1700 York Assocs. v. Kaskel, N.Y.S.2d 233 (N.Y.C. Civ. Ct. 1999): 34
- Access Now, Inc. v. Town of Jasper, Tenn., 268 F. Supp. 2d 973 (E.D. Tenn. 2003): 525
- Advisory Opinion to the Atty General Re: Limiting Cruel & Inhumane Confinement of Pigs During Pregnancy, 815 So. 2d 597 (Fla. 2002): 400
- Aegis Security Ins. Co. v. Pennsylvania Ins. Dept., 798 A.2d 330 (Pa. Commw. Ct. 2002): 560
- Africa v. Com. of Pa., 662 F.2d 1025 (3d Cir. 1981): 355
- Aguillard v. Madura, 257 S.W.3d 494 (Tex. Ct. App. 2008): 210–11
- Akers v. Sellers*, 54 N.E.2d 779 (Ind. Ct. App. 1994), 548–49, 550–51
- Alaska Fish & Wildlife Federation v. Dunkle, 829 F.2d 933 (9th Cir. 1987): 298
- Alice C. v. Bernard G.C., 602 N.Y.S.2d 623 (App. Div. 1993): 47
- Alpert v. Thomas, 643 F. Supp. 1406 (D. Vt. 1986): 557–58
- Alternative Research & Dev. Found. v. Glickman, 101 F. Supp. 2d 7 (D.D.C. 2000): 326–27, 328
- Altman v. City of High Point, N.C., 330 F.3d 194 (4th Cir. 2003): 189, 191, 194
- Amadio v. Levin, 501 A.2d 1085 (Pa. 1985): 53
- Amaker v. Kings County, 540 F.3d 1012 (9th Cir. 2008): 219
- Amburgey v. Sauder, 605 N.W.2d 84 (Mich. Ct. App. 1999): 282
- American Bald Eagle v. Bhatti, 9 F.3d 163 (1st Cir. 1993): 623, 624
- American Colonization Soc’y v. Gartrell, 23 Ga. 448 (1857): 40
- American Dog Owners Ass’n v. City of Lynn, 533 N.E. 2d 642 (Mass. 1989): 339–40
- American Dog Owners Ass’n v. City of Yakima*, 777 P.2d 1046 (Wash. 1989): 331–32, 340
- American Horse Protection Ass’n v. United States, 551 F.2d 432 (D.C. Cir. 1977): 670
- American Soc’y for the Prevention of Cruelty to Animals v. Feld Entertainment, 659 F.3d 13 (D.C. Cir. 2011): 328
- American Soc’y for the Prevention of Cruelty to Animals v. Ringling Bros. & Barnum & Bailey Circus, 317 F.3d 334 (D.C. Cir. 2003): 327, 328
- American Soc’y for the Prevention of Cruelty to Animals v. Ringling Bros. & Barnum & Bailey Circus, 502 F. Supp. 2d 103 (D.D.C. 2007): 328
- American Soc’y for the Prevention of Cruelty to Animals v. Ringling Bros. & Barnum & Bailey Circus, 677 F. Supp. 2d 55 (D.D.C. 2011): 328
- American Soc’y for the Prevention of Cruelty to Animals v. Ringling Bros. & Barnum & Bailey Circus, 2007 WL 4261699 (D.D.C. Dec. 3, 2007): 328
- American Soc’y for the Prevention of Cruelty to Animals v. Ringling Bros. & Barnum & Bailey Circus, 2007 WL 625937 (D.D.C. Feb. 26, 2007): 328
- American Soc’y for the Prevention of Cruelty to Animals v. Ringling Bros.

- & Barnum & Bailey Circus, 244 F.R.D. 49 (D.D.C. 2007): 328
- Ammon v. Welty, 113 S.W.3d 185 (Ky. Ct. App. 2002): 227
- Anderson v. Evans, 314 F.3d 1006 (9th Cir. 2003): 278, 637, 654–56
- Anderson v. Farmers Hybrid Co., 408 N.E.2d 1194 (Ill. App. Ct. 1980): 557
- Animal Hosp. of Elmont, Inc. v. Gianfrancisco, 418 N.Y.S. 2d 992 (Nassau Cnty. Dist. Ct. 1979): 205, 222–23, 226
- Animal Legal Defense Fund v. Espy*, 23 F.3d 496 (D.C. Cir. 1994): 309–13, 313–14, 479
- Animal Legal Defense Fund v. Glickman*, 154 F.3d 426 (D.C. Cir. 1998): 314–24, 328
- Animal Legal Defense Fund v. Glickman*, 204 F.3d 229 (D.C. Cir. 2001): 481–86
- Animal Legal Defense Fund v. HVFG, LLC (dba Hudson Valley Foie Gras), 2013 U.S. Dist. LEXIS 89169 (N.D. Cal. June 25, 2013): 432
- Animal Legal Defense Fund v. Madigan, 781 F. Supp. 797 (D.D.C. 1992): 479
- Animal Legal Defense Fund v. Mendes, 160 Cal. App. 4th 136 (2008): 410–11
- Animal Legal Defense Fund v. USDA, 2013 U.S. Dist. LEXIS 40547 (C.D. Cal. Mar. 22, 2013): 403, 441
- Animal Legal Defense Fund v. Veneman, 469 F.3d 826 (9th Cir. 2006): 487
- Animal Legal Defense Fund v. Veneman, 482 F.3d 1156 (9th Cir. 2007): 487
- Animal Legal Defense Fund v. Veneman, 490 F.3d 725 (9th Cir. 2007): 487
- Animal Legal Defense Fund v. Woodley*, 640 S.E.2d 777 (N.C. Ct. App. 2007): 111–12
- Animal Legal Defense Fund Boston, Inc. v. Provimi Veal Corp.*, 626 F. Supp. 278 (D. Mass. 1986): 418–25, 500
- Animal Lovers Volunteer Ass’n v. Carlucci, 849 F.2d 1475 (9th Cir. 1988): 298
- Animal Lovers Volunteer Ass’n v. Weinberger, 765 F.2d 937 (9th Cir. 1985): 297–98
- Animal Protection Institute of America, Inc. v. Hodel, 860 F.2d 920 (9th Cir. 1988): 669
- Animal Protection Institute of America, Inc. v. Mosbacher, 799 F. Supp. 173 (D.D.C. 1992): 661, 662
- Animal Welfare Institute v. Feld Entertainment, Inc., 944 F. Supp. 2d 1 (D.D.C. 2013): 328
- Animal Welfare Institute v. Krepes*, 561 F.2d 1002 (D.C. Cir. 1977): 455, 656–61
- Anzalone v. Kragness, 826 N.E.2d 472 (Ill. App. Ct. 2005): 243, 250, 252
- Apex Oil Co. v. United States, 530 F.2d 1291 (8th Cir. 1976): 109
- Arendes ex rel. Arendes v. Lee County, 899 So. 2d 493 (Fla. Ct. App. 2005): 215–16
- Arrington v. Arrington*, 613 S.W.2d 565 (Tex. App. 1981): 552–53
- Ash v. State*, 718 S.W.2d 930 (Ark. 1986): 148–50
- Association des Eleveurs de Canards et D’oies du Quebec v. Harris, 729 F.3d 937 (9th Cir. 2013): 401, 402, 441
- Association of Apartment Owners of Liliuokalani Gardens at Waikiki v. Taylor, 892 F. Supp. 2d 1268 (D. Haw. 2012): 521–22
- Association of Data Processing Serv. Orgs., Inc. v. Camp, 397 U.S. 150 (1970): 313
- Auburn Woods I Homeowners Ass’n v. Fair Employment and Housing Comm’n, 121 Cal. App. 4th 1578 (2004): 519
- Avenson v. Zegart, 577 F. Supp. 958 (D. Minn. 1984): 494
- Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687 (1995): 615–23
- Baker v. Carr, 369 U.S. 186 (1962): 288
- Balelo v. Baldrige, 724 F.2d 753 (9th Cir. 1984): 652
- Banasczek v. Kowalski, 10 Pa. D. & C. 3d 94 (Luzerne Cty. 1979): 180–81
- Barrios v. Safeway Ins. Co., 97 So. 3d 1019 (La. Ct. App. 2012): 216–17

- Batra v. Clark, 110 S.W.3d 126 (Tex. App. 2003): 279
- Baugh v. Beatty, 205 P.2d 671 (Cal. Ct. App. 1949): 262–64, 267
- Baughner v. City of Ellensburg, 2007 WL 858627 (E.D. Wash. Mar. 19, 2007): 525
- Bauman v. Auch, 539 N.W.2d 320 (S. Dak. 1995): 282
- Baur v. Veneman, 352 F.3d 625 (2d Cir. 2003): 471–72
- Bekkemo v. Erickson, 242 N.W. 617 (Minn. 1932): 205
- Belhumeur v. Zilm, 949 A.2d 162 (N.H. 2008): 267
- Bellis v. United States, 417 U.S. 85 (1974): 56
- Bennett v. Bennett, 655 So. 2d 109 (Fla. Dist. Ct. App. 1995): 551–52
- Bennett v. Spear, 520 U.S. 154 (1997): 314
- Benningfield v. Zinmeister, 367 S.W.3d 651 (Ky. 2012): 281
- Beyer v. Aquarium Supply Co., 94 Misc. 2d 336 (N.Y. Supr. Ct. 1977): 557
- Bluestone v. Bergstrom, Case No. 00CC00796 (Cal. Super. Ct., Orange Cty. Mar. 28, 2001): 185
- Boeing Co. v. U.S. Dept. of the Airforce, 616 F. Supp. 2d 178 (D.D.C. 2008): 510
- Bonbreit v. Kotz, 65 F. Supp. 138 (D.D.C. 1946): 53
- Bothell v. Two Point Acres, Inc., 965 P.2d 47 (Ariz. Ct. App. 1998): 282
- Boushehry v. State, 648 N.E.2d 1174 (Ind. Ct. App. 1995): 118–20
- Brackett v. State, 236 S.E.2d 689 (Ga. Ct. App. 1977): 153
- Bradwell v. State, 83 U.S. 130 (1872): 43
- Brady v. White, 2006 WL 2790914 (Del. Super. Ct. 2006): 278
- Braun v. York Properties, Inc., 583 N.W.2d 503 (Mich. Ct. App. 1998): 279
- Bronk v. Ineichen, 54 F.3d 425 (7th Cir. 1995): 520
- Brosius v. Barker, 136 S.W. 18 (Mo. Ct. App. 1911): 47
- Brousseau v. Rosenthal, 433 N.Y.S.2d 285 (1980): 221–22, 223, 226, 250
- Brower v. Daley, 93 F. Supp. 2d 1071 (N.D. Cal. 2000): 653–54
- Brower v. Evans, 257 F.3d 1058 (9th Cir. 2001): 654
- Brown v. Frontier Theaters, Inc., 369 S.W.2d 299 (Tex. 1963): 246–47
- Brown v. Muhlenberg Township, 269 F.3d 205 (3d Cir. 2001): 186, 188, 191, 195
- Bueckner v. Hamel, 886 S.W.2d 368 (Tex. Ct. App. 1994): 230–31
- Burdeno v. Amperse, 14 Mich. 91 (1866): 42
- Burgess v. Taylor, 44 S.W.3d 806 (Ky. Ct. App. 2001): 176–79, 542
- Burke v. McKay, 679 N.W.2d 418 (Neb. 2004): 283
- Cabinet Mountains Wilderness/Scotchman’s Peak Grizzly Bears v. Peterson, 685 F.2d 678 (D.C. Cir. 1982): 304
- California Veterinary Medical Ass’n v. City of West Hollywood, 152 Cal. App.4th 536 (2007): 129–34, 409
- Californians for Humane Farms v. Schafer, 2008 U.S. Dist. LEXIS 74861 (N.D. Cal. Sept. 29, 2008): 401
- Campbell v. Animal Quarantine Station, 632 P.2d 1066 (Haw. 1981): 175, 218
- Campins v. Capels, 461 N.E.2d 712 (Ind. Ct. App. 1984): 248–29, 250
- Care & Protection of Beth, 587 N.E. 2d 1377 (Mass. 1992): 50, 62
- Carl v. Resnick, 714 N.E.2d 1 (Ill. App. Ct. 1999): 282
- Carroll v. County of Monroe, 712 F.3d 649 (2d Cir. 2013): 189–93
- Carter v. Louisiana State University, 520 So. 2d 383 (La. 1988): 207
- Carter v. Metro North Assocs., 680 N.Y.S.2d 239 (App. Div. 1998): 276
- Cavaliere v. Skelton, 40 S.W.2d 844 (Ark. Ct. App. 2001): 33
- Cavel Int’l, Inc. v. Madigan, 500 F.3d 551 (7th Cir. 2007): 456–60
- Celinski v. State, 911 S.W.2d 177 (Tex. Ct. App. 1995): 92
- Center for Biological Diversity v. Salazar, 695 F.3d 893 (9th Cir. 2012): 637

- Cerimele v. Van Buren*, 2013 Ohio App. LEXIS 1159 (Ct. App. Mar. 29, 2013): 206
- Cetacean Community v. Bush*, 386 F.2d 1169 (9th Cir. 2004): 62
- Chevron U.S.A. v. Natural Resources Defense Council*, 467 U.S. 837 (1984): 62, 621
- Chinatown Neighborhood Ass'n v. Brown*, 2013 U.S. Dist. LEXIS 17910 (9th Cir. Aug. 27, 2013): 401, 475
- Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993): 89, 342–53, 354, 371, 453
- Cipollone v. Liggett Group, Inc.*, 505 U.S. 504 (1992): 426
- Citizens for Alternatives to Animal Labs, Inc. v. Board of Trustees of State University of N.Y.*, 703 N.E.2d 1218 (N.Y. 1998): 508–09
- Citizens to End Animal Suffering and Exploitation, Inc. v. New England Aquarium*, 836 F. Supp. 45 (D. Mass. 1986): 304, 305
- City Finance Co. v. Kloostra*, 209 N.W.2d 498 (Mich. Ct. App. 1973): 43
- City of Canadian v. Guthrie*, 87 S.W.2d 316 (Tex. Ct. App. 1932): 231
- City of Rolling Meadows v. Kyle*, 494 N.E.2d 766 (Ill. App. Ct. 1986): 30–33
- Clarke v. Securities Indus. Ass'n*, 479 U.S. 388 (1987): 313
- Clay v. New York Cent. R.R. Co.*, 231 N.Y.S. 424 (N.Y. App. Div. 1928): 378
- Cleland v. Waters*, 19 Ga. 35 (1855): 38, 39
- Cloud Found. v. U.S. Bureau of Land Mgmt.*, 2013 U.S. Dist. LEXIS 53371 (D. Nev. Mar. 26, 2013): 671
- Cohen v. Wollner, Hirschberg & Co.*, 72 Ala. 233 (1882): 43
- Colavito v. New York Organ Donor Network, Inc.*, 438 F.3d 214 (2d Cir. 2006): 218
- Colorado Dog Fanciers v. City & County of Denver*, 820 P.2d 644 (Colo. 1991): 339
- Colorado Wild Horse & Burro Coalition, Inc. v. Salazar*, 639 F. Supp. 2d 87 (D.D.C. 2009): 663–69
- Colorado Wild Horse & Burro Coalition, Inc. v. Salazar*, 890 F. Supp. 2d 99 (D.D.C. 2012): 669
- Committee for Humane Legislation v. Richardson*, 540 F.2d 1141 (D.C. Cir. 1976): 644–51
- Commonwealth v. Comella*, 735 A.2d 738 (Pa. Commw. Ct. 1999): 22–24
- Commonwealth v. Kneller*, 971 A.2d 495 (Pa. Super. Ct. 2009): 84
- Commonwealth v. Massini*, 188 A.2d 816 (Pa. Super. Ct. 1963): 21–22
- Community First Bank v. National Credit Union Admin.*, 41 F.3d 1050 (6th Cir. 1994): 314
- Compassion Over Killing, Inc., et al. v. Giant of Md. LLC, d/b/a Giant Food Store, et al.*, Case No. 05–0001077 (D.C. Super. Ct.) (Mem. Order Oct. 12, 2005): 428–29
- Conkey v. Carpenter*, 106 Mich. 1, 63 N.W. 990 (1895): 204–05
- Connor v. Bogrett*, 596 P.2d 683 (Wyo. 1979): 558–59
- Connor v. Mokem Co.*, 898 S.W. 2d 89 (Mo. 1995): 53
- Cook Inlet Beluga Whale v. Daley*, 156 F. Supp. 2d 16 (D.D.C. 2001): 654
- Cook v. Dayton*, 8 Haw. 8 (1889): 205
- Copenhaver v. Borough of Bernville*, 2003 U.S. Dist. LEXIS 1315 (E.D. Pa. Jan. 9, 2003): 181
- Corso v. Crawford Dog and Cat Hospital, Inc.*, 415 N.Y.S.2d 182 (N.Y.C. Civ. Ct., Queens County 1979): 217–18, 223, 542, 570
- Covance Laboratories Ltd., et al. v. Covance Campaign, et al.*, Claim No. 5C–00295 (High Ct. of Justice, Chancery Div., Leeds Dist. Registry, June 16, 2005): 501–03
- Crossroads Apartments Assocs. v. LeBoo*, 578 N.Y.S. 2d 1004 (1991): 519–20
- Crowder v. Kitagawa*, 81 F.3d 1480 (9th Cir. 1996): 524–25
- Culp v. City of Los Angeles*, 2009 Cal. App. Unpub. LEXIS 7621 (Ct. App. 2009): 137–39

- Customs & Int'l Trade Newsletter v. U.S. Customs & Border Prot., 484 F. Supp. 2d 77 (D.D.C. 2007): 510
 Dalton v. Delta Airlines, 570 F. 2d 1244 (5th Cir. 1978): 378
 Danos v. St. Pierre, 383 So. 2d 1019 (La. Ct. App. 1980): 53
 Daughen v. Fox, 539 A.2d 858 (Pa. Super. Ct. 1988): 182, 226
 Davis v. Davis, 842 S.W.2d 588, 596 (Tenn. 1992): 54–55
 Defenders of Wildlife v. Babbitt, 130 F. Supp. 2d 121 (D.D.C. 2001): 606
 Defenders of Wildlife v. Salazar, 729 F. Supp. 2d 1207 (D. Mont. 2010): 606
 Defenders of Wildlife v. U.S. Dept. of the Navy, 895 F. Supp. 2d 1285 (S.D. Ga. 2012): 637
 DeHart v. Town of Austin, 39 F.3d 718 (7th Cir. 1994): 500
 DeJoy v. Niagara Mohawk Power Corp., 786 N.Y.S.2d 873 (App. Div. 2004): 225
 Di Mario v. Coppola, 10 F. Supp. 2d 213 (E.D.N.Y. 1998): 124–25
 Dias v. City & County of Denver, 567 F.3d 1169 (10th Cir. 2009): 339
 Dietrich v. Inhabitants of Northampton, 138 Mass. 14 (1884): 53
 Ditloff v. State Farm Fire & Cas. Co., 406 N.W.2d 101 (Neb. 1987): 561
Doris Day Animal League v. Veneman, 315 F.3d 297 (D.C. Cir. 2003): 490–94
 Dorman v. Satti, 802 F.2d 432 (2d Cir. 1988): 370
Dorman v. Satti, 678 F. Supp. 375 (D. Conn. 1988): 366–70
 Downing v. Gully, 915 S.W.2d 181 (Tex. Ct. App. 1996): 206
Drake v. Dean, 15 Cal. App. 4th 915 (1993): 267–75
 Dred Scott v. Sandford, 60 U.S. 393 (1856): 37, 41
 Dubois v. Ass'n of Apartment Owners of 2987 Kalakaua, 453 F.3d 1175 (9th Cir. 2006): 521
 Dunn v. Amey, 1 Leigh 465 (Va. 1829): 38
 Dziekan v. Gaynor, 376 F. Supp. 2d 267 (D. Conn. 2005): 189
 Earth Island Institute v. Hogarth, 494 F.3d 757 (9th Cir. 2007): 654
 Earth Island Institute v. Mosbacher, 746 F. Supp. 964 (N.D. Cal. 1990): 652
 Edmonds v. U.S., 563 F.Supp.2d 196 (D.C. Dist. Ct. 2008): 247
 Edmondson v. Pierce, 91 P.3d 605 (Okla. 2004): 9
 Ely v. Hitchcock, 58 P.3d 116 (Kan. Ct. App. 2002): 219
 Embryo Progeny Assocs. v. Lovana Farms, Inc., 416 S.E.2d 833 (Ga. Ct. App. 1992): 556
 Empacadora de Carnes de Fresnillo, S.A. de C.V. v. Curry, 476 F.3d 326 (5th Cir. 2007): 460
 Engler v. Winfrey, 201 F.3d 680 (5th Cir. 2000): 435
 Ennen v. White, 598 N.E.2d 416, 419 (Ill. App. Ct. 1992): 282
 Esterson v. Broward County Sheriff's Dept., 2010 U.S. Dist. LEXIS 117490 (S.D. Fla. Nov. 4, 2010): 189
 Ethan Assal v. Jennifer Barwick (Kidwell), Civil No. 164421 (Md. Cir. Ct., Montgomery Cnty. 1999): 555–56
 Eyrich v. Robert Earl, d/b/a Robert Bros. Circus, 495 A.2d 1375 (N.J. Super. Ct. App. Div. 1985): 264–65
 Fable v. Brown, 10 S.C. Eq. (1 Hill. Eq.) 378 (1835): 39
 Fackler v. Genetzky, 595 N.W.2d 884 (Neb. 1999): 176, 205
 Fair Housing of the Dakotas, Inc. v. Goldmark Prop. Mgmt., Inc., 778 F. Supp. 2d 1028 (D.N.D. 2011): 522
Fallini v. Hodel, 963 F.2d 275 (9th Cir. 1992): 34, 672–76
 Farley v. Sartin, 466 S.E.2d 522 (W. Va. 1995): 53
 Farm Sanctuary, Inc. v. Corcpork, Inc., 2007 Cal. App. Unpub. LEXIS 634 (Cal. Ct. App. Jan. 26, 2007): 431
 Farm Sanctuary, Inc. v. Department of Food and Agriculture, 63 Cal. App. 4th 495 (1998): 454–55
 Feld Entertainment, Inc. v. ASPCA, 523 F. Supp. 2d 1 (D.D.C. 2007): 328

- Feld Entertainment, Inc. v. ASPCA, 873 F. Supp. 2d 288 (D.D.C. 2012): 328
- Filipetti v. Dept. of Fish & Wildlife, 197 P.3d 535 (Or. Ct. App. 2008): 28
- Fishman v. Kotts, 179 P.3d 232 (Colo. Ct. App. 2007): 260
- Florida Key Deer v. Paulison, 522 F.3d 1133 (11th Cir. 2008): 608–09
- Florida Key Deer v. Stickney, 864 F. Supp. 1222 (S.D. Fla. 1994): 608
- Forest Conservation Council v. Rosboro Lumber Co., 50 F.3d 78 (9th Cir. 1995): 623, 624
- Friedli v. Kerr, 2001 Tenn. App. LEXIS 108 (Ct. App. Unpub. Feb. 23, 2001): 282–83
- Friedman v. Southern Cal. Permanente Medical Group, 102 Cal. App. 4th 39 (2002): 355–56
- Friends of Blackwater v. Salazar, 691 F.3d 428 (D.C. Cir. 2012): 614
- Front Range Equine Rescue, et al. v. Vilsack, Civ. No. 1:13–cv–MCA–RHS (D.N.M. Nov. 1, 2013): 463, 637
- Fuller v. Vines, 36 F.3d 65 (9th Cir. 1994): 187, 191, 195
- Fuller v. Vines, 1996 U.S. Dist. LEXIS 3622 (N.D. Cal. 1996): 187
- Fulton v. Hecht, 580 F.2d 1243 (5th Cir. 1978): 126
- Fund for Animals v. Kreps, 561 F.2d 1002 (D.C. Cir. 1977): 653
- FW/PBS, Inc. v. Dallas, 493 U.S. 215 (1990): 313
- Gallick v. Barto, 828 F. Supp. 1168 (M.D. Pa. 1993): 33
- Garcia v. Village of Tijeras*, 767 P.2d 355 (N.M. Ct. App. 1988): 333–38
- Gibson v. Donahue, 772 N.E.2d 646 (Ohio Ct. App. 2002): 283
- Gilbert v. Miller, 586 S.E.2d 861 (S.C. Ct. App. 2003): 279
- Gillette v. Tucker, 65 N.E. 865 (Ohio 1902): 205
- Gluckman v. American Airlines, Inc., 844 F. Supp. 151 (S.D.N.Y. 1994): 223–24
- Gonzales v. Personal Storage, Inc., 56 Cal. App. 4th 464 (1997): 184, 185
- Gorran v. Atkins Nutritionals, Inc., 464 F. Supp. 2d 315 (S.D.N.Y. 2006), *aff'd*, 2008 U.S. App. LEXIS 11146 (2d Cir. Unpub. May 22, 2008): 432
- Granby Heights Ass'n, Inc. v. Dean, 647 N.E.2d 75 (Mass. App. Ct. 1995): 538–39
- Green v. Housing Authority of Clackamas County, Or., 994 F. Supp. 1253 (D. Or. 1998): 523–24
- Green v. Leckington, 192 Or. 601, 236 P.2d 335 (1951): 242
- Guth v. Freeland, 28 P.3d 982 (Haw. 2001): 218
- Guy v. Livesey, 79 Eng. Rep. 428 (K.B. 1618): 42
- Habitat for Horses v. Salazar, 745 F. Supp. 2d 438 (S.D.N.Y. 2010): 662, 671
- Habitat for Horses v. Salazar, 2011 U.S. Dist. LEXIS 197267 (S.D.N.Y. Sept. 7, 2011): 672
- Hagan v. Feld Entertainment, Inc. d/b/a Ringling Bros. & Barnum & Bailey Circus*, 365 F. Supp. 2d 700 (E.D. Va. 2005): 503–06, 507
- Hahn v. Estate of Stange*, 2008 Tex. App. LEXIS 1027 (Ct. App. 2008): 591–93
- Hammer v. American Kennel Club*, 803 N.E.2d 766 (N.Y. 2003): 127–28, 408–09
- Hanly v. Kleindienst (II), 471 F.2d 823 (2d Cir. 1972): 636
- Hansen v. Maniatty, 1997 Conn. Super. LEXIS 805 (Conn. Super. Mar. 25, 1997): 20
- Harabes v. Barkery, Inc., 791 A.2d 1142 (N.J. Super. Ct. Law Div. 2001): 225
- Hargrove v. State*, 321 S.E.2d 104 (Ga. 1984): 151–54
- Harper v. Tipple, 184 P. 1005 (Ariz. 1919): 46
- Havens Realty Corp. v. Coleman, 455 U.S. 363 (1982): 309
- Hawaiian Crow ('Alala) v. Lujan, 906 F. Supp. 549 (D. Haw. 1991): 304
- Hawksbill Sea Turtle v. Federal Emergency Mgmt. Agency, 126 F.3d 461 (3d Cir. 1997): 304

- Hecht v. Superior Court, 20 Cal. Rptr. 2d 275 (Ct. App. 1993): 55
- Hill v. Williams, 547 S.E.2d 472 (N.C. Ct. App. 2001): 275–76
- Hitchcock v. Conklin, 669 N.E.2d 563 (Ohio Ct. App. 1995): 206
- Hodgkins v. Fletcher, 10 Cal. App. 690 (1909): 557
- Holcomb v. Colonial Assocs., LLC, 597 S.E.2d 710 (N.C. 2004): 280–81
- Holcomb v. Van Zylen*, 140 N.W. 521 (Mich. 1913): 20–21
- Houseman v. Dare*, 966 A.2d 24 (N.J. Super. Ct. App. Div. 2009): 546–49
- Houseman v. Dare, 2010 N.J. Super. Unpub. LEXIS 2498 (N.J. Super. Ct. App. Div. Oct. 15, 2010): 550
- HUD v. Dutra, 1996 WL 657690 (HUSDALJ Nov. 12, 1996): 520
- Hudson v. Janesville Conservation Club, 472 N.W.2d 247 (Wis. Ct. App. 1991) (depub.): 27
- Hudson v. Janesville Conservation Club, 484 N.W.2d 132 (Wis. 1992): 28
- Hughes–Gibb & Co. v. The Flying Tiger Line, Inc., 504 F. Supp. 1239 (N.D. Ill. 1981): 378
- Humane Soc’y of Rochester & Monroe Cnty. for Prevention of Cruelty to Animals, Inc. v. Lyng*, 633 F. Supp. 480 (W.D.N.Y. 1986): 404–08, 455
- Humane Soc’y of the U.S. v. Brennan, 881 N.Y.S.2d 533 (App. Div. 2009): 402
- Humane Soc’y of the U.S. v. Brennan, Index No. 7704–06, RJI No. 01–06–ST7184 (N.Y. Supr. Ct., Albany Cnty. Mar. 20, 2008): 402
- Humane Soc’y of the U.S. v. Empire State Dev. Corp.*, 863 N.Y.S.2d 107 (App. Div. 2008): 416–17
- Humane Soc’y of the U.S. v. Gutierrez, 523 F.3d 990 (9th Cir. 2008): 615
- Humane Soc’y of the U.S. v. Gutierrez, 527 F.3d 788 (9th Cir. 2008): 615
- Humane Soc’y of the U.S. v. Gutierrez, 558 F.3d 896 (9th Cir. 2009): 615
- Humane Soc’y of the U.S. v. Hodel, 840 F.2d 45 (D.C. Cir. 1988): 298, 299, 636
- Humane Soc’y of the U.S. v. Johanns*, 520 F. Supp. 2d 8 (D.D.C. 2007): 461, 463, 625–33
- Humane Soc’y of the U.S. v. Locke, 626 F.3d 1041 (9th Cir. 2009): 615
- Humane Soc’y of the U.S. v. Pritzker, 2013 U.S. App. LEXIS 19861 (9th Cir. Sept. 27, 2013) (Unpub.): 615
- Humane Soc’y of the U.S. v. State Bd. of Equalization*, 152 Cal. App. 4th 349 (2007): 411–16
- Humane Soc’y of the U.S. v. U.S. Postal Service*, 609 F. Supp. 2d 85 (D.D.C. 2009): 305–08, 309
- Humane Soc’y of the U.S. v. Vilsack, 2013 U.S. Dist. LEXIS 137022 (D.D.C. Sept. 25, 2013): 402
- Hunt v. Washington State Advertising Comm’n, 432 U.S. 333 (1977): 299
- Huntingdon Life Sciences, Inc. v. Stop Huntingdon Animal Cruelty USA, Inc., 129 Cal. App. 4th 1228 (2005): 376
- Hyland v. Borrás, 719 A.2d 662 (N.J. Super. Ct. App. Div. 1998): 245–46, 548
- Illinois Restaurant Ass’n v. City of Chicago, 492 F. Supp. 2d 891 (N.D. Ill. 2007): 441
- In Defense of Animals v. USDA, 587 F. Supp. 2d 178 (D.D.C. 2008): 510
- In Defense of Animals v. USDA, 656 F. Supp. 2d 68 (D.D.C. 2009): 510
- In Defense of Animals v. U.S. Dept. of Interior, 648 F.3d 1012 (9th Cir. 2011): 671
- In Re “Agent Orange” Product Liability Litigation, 611 F. Supp. 1223 (E.D.N.Y. 1985): 427
- In Re Capers Estate*, 34 Pa. D. & C.2d 121 (Pa. Orph. Ct. 1964): 563–68, 570
- In Re Estate of Howard H. Brand*, No. 28473 (Vt. Prob. Ct., Chittenden Cnty. Mar. 17, 1998): 568–72
- In Re Estate of Russell*, 444 P.2d 353 (Cal. Ct. App. 1968): 586–90
- In Re Estate of Searight*, 95 N.E.2d 779 (Ohio Ct. App. 1950): 579–83

- In Re Filkins' Will, 120 N.Y.S. 2d 124 (N.Y. Surrogate's Ct., Monroe Cnty. 1952): 579
- In Re Goodell, 39 Wis. 232 (1875): 43
- In Re Howells' Estate*, 260 N.Y.S. 598 (N.Y. Surrogate's Ct., Kings Cnty. 1932): 575–79, 581
- In Re J.P., 648 P.2d 1364 (Utah 1982): 46
- In Re Kenna Homes Co-op Corp., 557 S.E.2d 787 (W. Va. 2001): 522–23
- In Re Marriage of Berger, 834 N.W.2d 82 (Iowa Ct. App. 2013): 554
- In Re Marriage of Stewart*, 356 N.W.2d 611 (Iowa Ct. App. 1984): 553, 554
- In Re Pet Food Products Liability Litigation*, 629 F.3d 333 (3d Cir. 2010): 196–99
- In Re Pet Food Products Liability Litigation, 2008 WL 4937632 (D.N.J. 2008): 199
- In Re Ricker, 29 A. 559 (N.H. 1890): 43
- In Re Robinson, 131 Mass. 376 (1881): 43
- In Re Stewart's Estate*, 13 Pa. D. & C.3d 488 (Pa. Ct. Common Pleas, Montgomery Cnty. 1979): 590–91
- In Re Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation, 582 F. Supp. 2d 1378 (J.P.M.L. 2008): 434
- In Re Waggin' Train Chicken Jerky Pet Treats Products Liability Litigation, 893 F. Supp. 2d 1357 (J.P.M.L. 2012): 200
- In the Interest of Kingsley, 1992 WL 551484 (Fla. Cir. Ct. Oct. 21, 1992): 47
- In the Matter of Lillian Kline, No. A-1788-95T5 (N.J. Super. Ct. App. Div. July 12, 1996): 208, 525–26
- Inhabitants of Lowell v. Inhabitants of Newport*, 66 Me. 78 (1876): 46
- Initiative & Referendum Institute v. Walker*, 161 F. Supp. 2d 1307 (D. Utah 2001): 121
- Jackson v. Mateus*, 70 P.3d 78 (Utah 2003): 281
- Jamgotchian v. Slender*, 170 Cal. App. 4th 1384 (2009): 185
- Jankoski v. Preiser Animal Hosp., Ltd.*, 510 N.E.2d 1084 (Ill. App. Ct. 1987): 225, 226, 243, 244, 250
- Janush v. Charities Housing Dev. Corp.*, 169 F. Supp. 2d 1133 (N.D. Cal. 2000): 520
- Johnson v. Douglas*, 723 N.Y.S.2d 627 (Supr. Ct., Nassau Cnty. 2001): 223
- Johnson v. Gambrinus Co./Spoetzl Brewery*, 116 F.3d 1052 (5th Cir. 1997): 525
- Johnson v. Wander*, 592 So. 2d 1225 (Fla. Ct. App. 1992): 214
- Jones v. Beame*, 380 N.E.2d 27 (N.Y. Ct. App. 1978): 286–88
- Jones v. Butz*, 374 F. Supp. 1284 (S.D.N.Y. 1974): 356, 446–52, 453
- Jones v. U.S. Dept. of Housing & Urban Dev.*, 390 F. Supp. 579 (E.D. La. 1974): 635
- Juelfs v. Gough*, 41 P.3d 593 (Alaska 2002): 542, 544, 546, 548, 555
- Julis v. City of Cedar Rapids*, 349 F. Supp. 88 (N.D. Iowa 1972): 635
- Justus v. Atchison*, 565 P.2d 122 (Cal. 1977): 53
- Kaplan v. C Lazy U Ranch*, 615 F. Supp. 234 (D. Colo. 1985): 557
- Katsaris v. Cook*, 180 Cal. App. 3d 256 (1986): 91, 255–60
- Kaufman v. Langhofer*, 222 P.3d 273 (Ariz. Ct. App. 2009): 225
- Kennedy v. Byas*, 867 So. 2d 1195 (Fla. Ct. App. 2004): 214–15
- Key v. Bagen*, 221 S.E.2d 234 (Ga. Ct. App. 1975): 556
- Kimes v. Grosser*, 195 Cal. App. 4th 1556 (2011): 184, 244–45
- Kimble v. Schafer*, 143 N.W. 505 (Iowa 1913): 10
- King v. CJM Country Stables*, 315 F. Supp. 2d 1061 (D. Haw. 2004): 283
- King v. Greenhill*, 111 Eng. Rep. 922 (K.B. 1836): 45
- Kingsley v. Kingsley*, 623 So. 2d 780 (Fla. 1993): 47
- Kleppe v. New Mexico*, 426 U.S. 529 (1976): 663
- Knowles Animal Hosp., Inc. v. Wills*, 360 So. 2d 37 (Fla. Ct. App. 1978): 214
- Knox v. Massachusetts Soc'y for the Prevention of Cruelty to Animals*, 425 N.E.2d 393 (Mass. Ct. App. 1981): 3–4

- Kondaurov v. Kerdasha, 629 S.E. 2d 181 (Va. 2006): 229
- Krasnecky v. Meffen, 777 N.E.2d 1286 (Mass. App. Ct. 2002): 27, 225
- Ladnier v. Norwood, 781 F.2d 490 (5th Cir. 1986): 205, 207
- Lake v. Cameron, 364 F.2d 657 (D.C. Cir. 1966): 49
- Lakeshore Hills, Inc. v. Adcox, 413 N.E.2d 548 (Ill. App. Ct. 1980): 33
- Langford v. Emergency Pet Clinic, 644 N.E.2d 1035 (Ohio Ct. App. 1994): 180
- LaPorte v. Associated Independents, Inc.*, 163 So. 2d 267 (Fla. 1964): 185, 211–13, 218
- Lasma Corp. v. Monarch Ins. Co. of Ohio, 764 P.2d 1118 (Ariz. 1988): 562
- Latham v. Wal-Mart Stores, Inc., 818 S.W.2d 673 (Mo. Ct. App. 1991): 557
- Leach v. Cooley, 6 S. & M. 93 (Miss. 1846): 38
- Leider v. Lewis, Case No. BC375234 (Cal. Super. Ct., L.A. County July 23, 2012): 140
- Leith v. Frost, 899 N.E.2d 635 (Ill. App. Ct. 2008): 243–44
- Lentini v. California Center for the Arts, Escondido, 370 F.3d 837 (9th Cir. 2004): 525
- Levine v. Conner, 540 F. Supp. 2d 1113 (N.D. Cal. 2008): 20, 454
- Levine v. Knowles, 197 So. 2d 329 (Fla. Ct. App. 1967): 214, 552
- Levine v. Vilsack, 587 F.3d 986 (9th Cir. 2009): 19, 454
- Lewis v. DiDonna, 743 N.Y.S.2d 186 (App. Div. 2002): 225
- Lincecum v. Smith, 287 So.2d 625 (La. Ct. App. 1973): 181
- Lindley v. Sullivan, 889 F.2d 124 (7th Cir. 1989): 314
- Lock v. Falkenstine*, 380 P.2d 278 (Okla. 1963): 5–8, 147
- Lockett v. Hill, 51 P.3d 5 (Or. Ct. App. 2002): 219–20
- Lockheed Litigation Cases, 23 Cal. Rptr. 3d 762 (Ct. App. 2005): 477–78
- Loggerhead Turtle v. County Council of Volusia Cnty., Fla., 896 F. Supp. 1170 (M.D. Fla. 1995): 304
- Lovenheim v. Iroquois Brands, Ltd., 618 F. Supp. 554 (D.D.C. 1985): 440–41
- Lujan v. Defenders of Wildlife*, 504 U.S. 444 (1992): 300–03, 304
- Majors v. Housing Authority of County of DeKalb, Ga., 652 F.2d 454 (5th Cir. 1981): 518–19
- Maldonado v. Fontanes*, 568 F.3d 263 (1st Cir. 2009): 193–96
- Maldonado v. Municipio de Barceloneta, 682 F. Supp. 2d 109 (D.P.R. 2010): 196
- Maldonado v. Municipio de Barceloneta, 2011 U.S. Dist. LEXIS 93130 (D.P.R. Aug. 19, 2011): 196
- Mangini v. R.J. Reynolds Tobacco Co., 7 Cal. 4th 1057 (1994): 426
- Mansour v. King County, 131 Wash.App. 255, 128 P.3d 1241 (2006): 304
- Marbled Murrelet v. Babbitt, 83 F.3d 1068 (9th Cir. 1996): 304
- Marbled Murrelet v. Pacific Lumber Co., 880 F. Supp. 1343 (N.D. Cal. 1995): 304
- Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803): 325
- Martinez v. State of Texas*, 48 S.W.3d 273 (Tex. Ct. App. 2001): 103–05
- Maryland v. Louisiana, 451 U.S. 725 (1981): 426
- Maryland–National Capital Park & Planning Comm’n v. U.S. Postal Serv., 487 F.2d 1029 (D.C. Cir. 1973): 636
- Matter of Guardianship of Hedin, 528 N.W. 2d 567 (Iowa 1995): 61
- May v. Burdett, 9 Q.B. 101, 115 E.R. 1213 (1846): 266, 267
- McAdams v. Faulk, 2002 Ark. App. LEXIS 258 (Unpub. Apr. 24, 2002): 176
- McCurdy v. Union Pac. R.R. Co., 68 Wash.2d 457, 413 P.2d 617 (1966): 240–41
- McDonald’s Corp. v. Steel, (1997) EWHC (Q.B.) 366 (England’s High Ct. of Justice, Queen’s Bench Div.): 438–39, 453
- McDougal v. Lamm*, 48 A.3d 312 (N.J. 2012): 166–71, 174, 175

- McGee v. Smith, 107 S.W.3d 725 (Tex. Ct. App. 2003): 206
- McKinney v. Robbins, 892 S.W.2d 502 (Ark. 1995): 24
- McMahon v. Craig, 176 Cal. App. 4th 1502 (2009): 183, 184, 225
- M’Cutchen v. Marshall, 33 U.S. (8 Pet.) 220 (1834): 38
- Medlock v. Board of Trustees of University of Mass., 580 N.E.2d 387 (Mass. 1991): 509
- Merced v. Kasson, 577 F.3d 578 (5th Cir. 2009): 354
- Metcalf v. Daley, 214 F.3d 1135 (9th Cir. 2000): 655
- Meyer v. Nebraska, 262 U.S. 390 (1923): 45
- Michigan Wolfdog Ass’n, Inc. v. St. Clair Cnty., 122 F. Supp. 2d 794 (E.D. Mich. 2000): 339
- Midtown Hosp. v. Miller, 36 F. Supp. 2d 1360 (N.D. Ga. 1997): 219
- Mieloch v. Country Mutual Ins. Co., 628 N.W.2d 439 (Wis. Ct. App. 2001): 276
- Mieske v. Bartell Drug Co., 593 P.2d 1308 (Wash. 1979): 241, 243
- Mills v. Giant of Md., LLC, 441 F. Supp. 2d 104 (D.D.C. 2006), *aff’d*, 508 F.3d 11 (D.C. Cir. 2007): 432
- Mink v. Encina Veterinary Clinic, Inc., 2011 Cal. App. Unpub. LEXIS 4441 (Ct. App. June 13, 2011): 185–86
- Minnesota Public Interest Research Group v. Butz (I), 498 F.2d 1314 (8th Cir. 1974): 634, 636
- Mississippi State University v. PETA, 992 So. 2d 595 (Miss. 2008): 507–08
- Mitchell v. Bazzle, 404 S.E.2d 910 (S.C. Ct. App. 1991): 279
- Mitchell v. Wells, 37 Miss. 235 (1859): 39, 44
- Molbert Bros. Poultry & Egg Co. v. Montgomery, 261 So.2d 311 (La. Ct. App. 1972): 10
- Monroe County Conservation Council, Inc. v. Volpe, 472 F.2d 693 (2d Cir. 1972): 635
- Montgomery v. Stephan, 101 N.W.2d 227 (Mich. 1960): 42
- Montgomery v. United Services Auto. Ass’n, 886 P.2d 981 (N.M. Ct. App. 1994): 561
- Moody v. State, 320 S.E.2d 545 (Ga. 1984): 154
- Moore v. Burdman, 526 P.2d 893 (Wash. 1974): 46
- Moore v. Regents of the University of Cal., 793 P.2d 479 (Cal. 1990): 55
- Morgan v. Kroupa, 702 A.2d 630 (Vt. 1997): 26, 56, 548, 570
- Mormon Church v. United States, 136 U.S. 1 (1890): 353
- Morning Fresh Farms, Inc. v. Weld County Bd. of Equalization, 794 P.2d 1073 (Colo. Ct. App. 1990): 10
- Moses v. Richardson, 2001 Cal. App. Unpub. LEXIS 1154 (Ct. App. Nov. 29, 2001): 207
- Mountain States Legal Found. v. Hodel, 799 F.2d 1423 (10th Cir. 1986): 663
- Mova Pharmaceutical Corp. v. Shalala, 140 F.3d 1060 (D.C. Cir. 1998): 326
- Mt. Graham Red Squirrel v. Yeutter, 930 F.2d 703 (9th Cir. 1991): 304
- Muller v. English, 472 S.E.2d 448 (Ga. Ct. App. 1996): 282
- Mutual Service Cas. Co. v. Ambrecht, 142 F. Supp. 2d 1101 (N.D. Iowa 2001): 205
- Nahrstedt v. Lakeside Village Condominium Ass’n*, 878 P.2d 1275 (Cal. 1994): 27, 527–36, 537
- Nash v. Herold, 2010 Conn. Super. LEXIS 1237 (Conn. Super. Ct., Stamford–Norwalk Jud. Dist. May 18, 2010): 29
- National Ass’n for the Advancement of Colored People v. Medical Ctr., Inc., 584 F.2d 619 (3d Cir. 1978): 634
- National Meat Ass’n v. Brown, 599 F.3d 1093 (9th Cir. 2010): 470–71
- National Meat Ass’n v. Harris*, 132 S. Ct. 965 (2012): 401, 464–70, 472
- National Resources Defense Council, Inc. v. Grant, 341 F. Supp. 356 (E.D.N.C. 1972): 635
- National Resources Defense Council, Inc. v. Hodel, 435 F. Supp. 590 (D. Or. 1977): 634

- National Resources Defense Council, Inc. v. Munro, 626 F.2d 134 (9th Cir. 1980): 634, 635
- National Wildlife Federation v. Hodel, 839 F.2d 694 (D.C. Cir. 1988): 298
- Nelson v. Hall, 165 Cal. Rptr. 688 (Ct. App. 1985): 278
- New Jersey Soc’y for the Prevention of Cruelty to Animals v. New Jersey Dept. of Agric.*, 955 A.2d 886 (N.J. 2008): 380–400, 408
- New York Central & Hudson River R.R. Co. v. United States, 212 U.S. 481 (1909): 109
- New York City Friends of Ferrets v. City of New York, 876 F. Supp. 529 (S.D.N.Y. 1995): 34
- Newman v. Sathyavaglswaran, 287 F.3d 786 (9th Cir. 2002): 219
- Nicholson v. Smith, 986 S.W.2d 54 (Tex. 1999): 41, 267
- Nickell v. Sumner, 943 P.2d 625 (Okla. 1997): 277
- Niewiadomski v. United States, 159 F.2d 683 (6th Cir. 1947): 46
- NLRB v. Hearst Publications, 322 U.S. 111 (1944): 325
- Noble v. Murphy, 612 N.E.2d 266 (Mass. App. Ct. 1993): 537
- North Dakota Fair Housing Council, Inc. v. Allen, 319 F. Supp. 2d 972 (D. N.D. 2004): 520
- Northern Spotted Owl v. Hodel, 716 F. Supp. 479 (W.D. Wash. 1988): 614–15
- Northern Spotted Owl v. Lujan, 758 F. Supp. 621 (W.D. Wash. 1991): 304
- Oberschlake v. Veterinary Assocs. Animal Hosp., 785 N.E.2d 811 (Ohio Ct. App. 2003): 175, 180, 224, 225, 229
- O’Connor v. Judith B. and Roger C. Young, Inc., 1995 U.S. Dist. LEXIS 21111 (N.D. Cal. June 30, 1995): 558
- Oliver v. City of Anaheim*, 490 Fed. App’x 890 (9th Cir. Unpub. 2012): 84–85
- Olmstead v. L.C., 527 U.S. 581 (1999): 50
- Opelt v. Al. G. Barnes & Co., 41 Cal. App. 776 (Ct. App. 1919): 267
- Oras v. Housing Authority of the City of Bayonne, 861 A.2d 194 (N.J. Super. Ct. App. Div. 2004): 520
- Oregon Game Fowl Breeders Ass’n v. Smith, 516 P.2d 499 (Or. Ct. App. 1973): 9
- Ouderkirk v. People for the Ethical Treatment of Animals, Inc., 2007 U.S. Dist. LEXIS 29451 (E.D. Mich. 2007): 376
- Overlook Mutual Homes, Inc. v. Spencer, 666 F. Supp. 2d 850 (S.D. Ohio 2009): 522
- Palila v. Haw. Dep’t of Land & Natural Resources, 471 F. Supp. 985 (D. Haw. 1979): 623, 624
- Palila v. Haw. Dep’t of Land and Natural Resources, 649 F.2d 495 (9th Cir. 1981): 623
- Palila v. Haw. Dep’t of Land & Natural Resources, 649 F. Supp. 1070 (D. Haw. 1986): 623
- Palila v. Haw. Dep’t of Land and Natural Resources, 852 F.2d 1106 (9th Cir. 1988): 304, 617–18
- Parker v. Ohio Oil Co., 186 So. 604 (La. 1930): 61
- Parker v. Parker, 195 P.3d 428 (Or. Ct. App. 2008): 261
- Parrish v. Wright, 828 A.2d 778 (Me. 2003): 279
- Pelman v. McDonald’s Corp., 452 F. Supp. 2d 320 (S.D.N.Y. 2006): 432
- People v. Alvarado, 125 Cal. App. 4th 1179 (2005): 109
- People v. Baniqued, 101 Cal. Rptr. 2d 835 (Ct. App. 2000): 9
- People v. Brian*, 110 Cal. App. 3d Supp. 1 (1980): 107–08
- People v. Bugaiski, 568 N.W.2d 391 (Mich. Ct. App. 1997): 18
- People v. Bunt*, 462 N.Y.S.2d 142 (NY 1983): 80–84, 88
- People v. Dunn*, 39 Cal. App. 3d 418, 114 Cal. Rptr. 164 (1974): 90–91
- People v. Garcia, 777 N.Y.S.2d 846 (N.Y. Sup. Ct. 2004): 95–96
- People v. Garcia*, 812 N.Y.S.2d 66 (N.Y. App. Div. 2006): 93–95

- People v. Hall, 4 Cal. 399 (1854): 44
- People v. Hepburn, 688 N.Y.S.2d 428 (N.Y. City Ct. 1999): 29
- People v. Keichler, 129 Cal. App. 4th 1039 (2005): 354
- People v. Speegle, 62 Cal. Rptr. 2d 384 (Ct. App. 1997): 106
- People v. Tessmer, 137 N.W. 214 (Mich. 1912): 91
- People v. Thomason*, 84 Cal. App. 4th 1064 (2000): 85, 142–46
- People v. Travers, 52 Cal. App. 3d 111 (1975): 110
- People v. Voelker*, 658 N.Y.S.2d 180 (NY 1997): 86–89
- People v. Youngblood*, 91 Cal. App. 4th 66 (Ct. App. 2001): 114–17
- People for the Ethical Treatment of Animals v. Berosini, 895 P.2d 1269 (Nev. 1995): 141, 329–30, 376
- People for the Ethical Treatment of Animals v. Berosini, 894 P.2d 337 (Nev. 1995): 330, 376
- People for the Ethical Treatment of Animals v. California Milk Producers Advisory Bd., 125 Cal. App. 4th 871 (2005): 429–30
- Perez v. City of Placerville, 2008 WL 4279386 (E.D. Cal. Sept. 9, 1008): 187
- Petco Animal Supplies, Inc. v. Schuster, 144 S.W.3d 544 (Tex. Ct. App. 2004): 231–32
- Pettit v. State of N.J., 2011 U.S. Dist. LEXIS 35452 (D.N.J. Mar. 30, 2011): 189
- Pfeffer v. Simon, 2003 Tex. App. LEXIS 2495 (Ct. App. Unpub. Mar. 26, 2003): 277
- Philip v. Norwich Veterinary Hospital, 2012 Conn. Super. LEXIS 1905 (New London Jud. Dist. July 25, 2012): 210
- Phillips v. San Luis Obispo County Dept. of Animal Regulation, 183 Cal. App. 3d 372 (1986): 340
- Physicians Committee for Responsible Medicine v. Glickman, 117 F. Supp. 2d 1 (D.D.C. 2000): 418
- Physicians Committee for Responsible Medicine v. McDonald's Corp., 187 Cal. App. 4th 554 (2010): 426
- Physicians Committee for Responsible Medicine v. National Institutes of Health, 326 F. Supp. 2d 19 (D.D.C. 2004): 509–10
- Physicians Committee for Responsible Medicine v. Tyson Foods, Inc.*, 119 Cal. App. 4th 120 (2004): 433–34
- Pickford v. Masion, 98 P.3d 1232 (Wash. Ct. App. 2004): 226, 242
- Pierce v. Society of Sisters, 268 U.S. 510 (1925): 45
- Pierson v. Post, 3 Cai. 175 (N.Y. Sup. Ct. 1805): 41
- Planned Parenthood v. Casey, 505 U.S. 833 (1992): 43
- Pleasants v. Pleasants, 2 Call 319 (Va. 1800): 38
- Plotnik v. Meihaus*, 208 Cal. App. 4th 1590 (2012): 182–85
- Porras v. Craig, 675 S.W.2d 503 (Tex. 1984): 230
- Poznanski v. Horvath, 749 N.E.2d 1283 (Ind. Ct. App. 2001): 276
- Price v. Brown*, 545 Pa. 216, 680 A.2d 1149 (Pa. Super. Ct. 1996): 201–04
- Priebe v. Nelson, 39 Cal. 4th 1112 (Cal. 2006): 278
- Prindable v. Association of Apartment Owners of 2987 Kalakaua, 304 F. Supp. 2d 1245 (D. Haw. 2003): 520–21
- Prisco v. Forest Villas Condo. Apartments, Inc., 847 So. 2d 1012 (Fla. Dist. Ct. App. 2003): 539
- Propes v. Griffith, 25 S.W.3d 544 (Mo. Ct. App. 2000): 261
- Pruett v. State of Arizona, 606 F. Supp. 2d 1065 (D. Ariz. 2009): 526
- Pruitt v. Box, 984 S.W.2d 709 (Tex. Ct. App. 1998): 206
- Public Lands Council v. Babbitt, 167 F.3d 1287 (10th Cir. 1999): 676
- Public Lands Council v. Babbitt, 529 U.S. 728 (2000): 676
- Public Lands Council v. Babbitt, 929 F. Supp. 1436 (D. Wyo. 1996): 676
- Pullan v. Steinmetz, 16 P.3d 1245 (Utah 2000): 281–82
- Pyramid Lake Paiute Tribe of Indians v. U.S. Dept. of the Navy, 898 F.2d 1410 (9th Cir. 1990): 608, 609

- Quick v. Inavale Veterinary Clinic, Civil Case No. 0310168 (Or. Cir. Ct. Benton Cnty. Oct. 4, 2004): 228
- Quigley v. McClellan, 2013 Cal. App. Unpub. LEXIS 1796 (Ct. App. Mar. 12, 2013): 206
- Quincy Mutual Fire Ins. Co. v. Gramegna, 2008 WL 659586 (D. Conn. Mar. 6, 2008): 560–61
- Rabideau v. City of Racine*, 627 N.W.2d 795 (Wis. 2001): 171–74, 179–80, 228–29, 542
- Ranchers Cattlemen Action Legal Fund v. USDA, 415 F.3d 1078 (9th Cir. 2005): 435
- Raymond v. Lachmann, 264 A.D.2d 340 (N.Y. App. Div. 1999): 543, 550
- Ream v. Watkins, 27 Mo. 516 (1858): 47
- Reed v. Fulton, 384 S.W.2d 173 (Tex. Ct. App. 1964): 125
- Reno v. ACLU, 521 U.S. 844 (1997): 89
- Restrepo v. State of N.Y., 550 N.Y.S.2d 536 (Ct. Cl. 1989): 207
- Rice v. Santa Fe Elevator Corp., 331 U.S. 218 (1947): 426
- Richardson by Richardson v. Richardson–Merrell, Inc., 857 F.2d 823 (D.C. Cir. 1988): 510
- Richelson v. Mariette, 149 N.W. 553 (S.Dak. 1914): 79
- Riverside Park Condo. Unit Owners Ass’n v. Lucas, 691 N.W.2d 862 (N. Dak. 2005): 537
- Roach v. Jackson County, 151 Or. App. 33, 949 P.2d 1227 (1997): 261
- Robidoux v. Busch, 400 S.W.2d 631 (Mo. Ct. App. 1966): 20
- Rodrigues v. State, 472 P.2d 509 (Haw. 1970): 175
- Roe v. Wade, 410 U.S. 113 (1973): 52
- Roos v. Loeser, 41 Cal. App. 782 (1919): 538
- Roselli v. Royal Ins. Co., 538 N.Y.S.2d 898 (App. Div. 1989): 561
- Rounds Bros. v. McDaniel, 118 S.W. 956 (Ky. 1909): 47
- Rouse v. Cameron, 373 F.2d 451 (D.C. Cir. 1966): 49
- Roush v. Berosini, No. CV–S–98–482–PMP–LRL (D. Nev. Nov. 18, 2004): 330
- San Jose Charter of the Hells Angels Motorcycle Club v. City of San Jose, 402 F.3d 962 (9th Cir. 2005): 187–88, 191
- San Vicente Villas Homeowners Ass’n v. Cohen, 2003 Cal. App. Unpub. LEXIS 11780 (Dec. 17, 2003): 537–38
- Sanderson Farms, Inc. v. Tyson Foods, Inc., 547 F. Supp. 2d 491 (D. Md. 2008): 434
- Sanderson Farms, Inc. v. Tyson Foods, Inc., 549 F. Supp. 2d 708 (D. Md. 2008): 434
- Sarkis v. Grey2K, No. 00–4891–E (Mass. Super. Ct. Apr. 13, 2001): 126
- Save Our Ten Acres v. Kreger, 472 F.2d 463 (5th Cir. 1973): 636
- Schambon v. Commonwealth*, 821 S.W.2d 804 (Ky. 1991): 158–61
- Scharer v. San Luis Rey Equine Hosp., Inc., 204 Cal. App. 4th 421 (2012): 209
- Schmidt v. Schmidt, 459 A.2d 421 (Pa. 1983): 50
- Scientists’ Inst. for Pub. Info., Inc. v. Atomic Energy Comm’n, 481 F.2d 1079 (D.C. Cir. 1973): 637
- Sease v. Taylor’s Pets, Inc., 700 P.2d 1054 (Or. Ct. App. 1985): 556–57
- Sebek v. City of Seattle, 290 P.3d 159 (Wash. Ct. App. 2012): 140
- Sentell v. New Orleans & Carrollton R.R. Co., 166 U.S. 698 (1897): 332
- Severson v. Ring, 615 N.E.2d 1 (Ill. App. Ct. 1993): 277
- Sexton v. Brown, 2008 WL 4616705 (Wash. Ct. App. Unpub. Oct. 20, 2008): 181
- Shappy v. Knight, 475 S.W.2d 704 (Ark. 1972): 46
- Shaw v. Ward, 175 N.C. 192 (1918): 38
- Sherman v. Kissinger, 195 P.3d 539 (Wash. Ct. App. 2008): 208, 240–42
- Sierra Club v. Hassell, 636 F.2d 1095 (5th Cir. 1981): 635
- Sierra Club v. Morton, 348 F. Supp. 219 (N.D. Cal. 1972): 295

- Sierra Club v. Morton*, 405 U.S. 727 (1972): 289–95, 298, 299, 309
- Sierra Club v. USDA*, 777 F. Supp. 2d 44 (D.D.C. 2011): 634
- Silva v. City of San Leandro*, 744 F. Supp. 2d 1036 (N.D. Cal. 2010): 188
- Simmans v. Grant*, 370 F. Supp. 5 (S.D. Tex. 1974): 635
- Smaxwell v. Bayard*, 682 N.W. 2d 923 (Wis. 2004): 279
- Smith v. Avanzino*, No. 225698 (Cal. Super. Ct., San Francisco Cnty., June 17, 1980): 573–74
- Smith v. Brennan*, 157 A.2d 497 (N.J. 1960): 53
- Smith v. Cook*, Civil Case No. CCV0303790 (Or. Cir. Ct., Clackamas Cnty. July 21, 2003): 228
- Smith v. Pitchford*, 579 N.E.2d 24 (Ill. App. Ct. 1991): 277
- Smith v. State Farm Fire & Cas.*, 381 So. 2d 913 (La. Ct. App. 1980): 561
- Smythe v. Ames*, 169 U.S. 466 (1898): 56
- Southall v. Gabel*, 277 N.E.2d 230 (Ohio Ct. App. 1971): 206
- Southall v. Gabel*, 293 N.E.2d 891 (Ohio Muni. Ct., Franklin Cnty. 1972): 206
- Spring Co. v. Edgar*, 99 U.S. 645 (1879): 28
- St. Petersburg Kennel Club, Inc. v. Smith*, 662 So. 2d 1270 (Fla. Dist. Ct. App. 1995): 18
- Stack v. Hanover Ins. Co.*, 329 So. 2d 561 (Ala. Civ. App. 1976): 561–62
- Stamp v. Eighty-Sixth Street Amusement Co.*, 159 N.Y.S. 683 (App. Term 1916): 265
- State ex rel. Emmons v. Hollenbeck*, 394 S.W. 2d 82 (Mo. Ct. App. 1964): 61
- State ex rel. Michelson v. Superior Court*, 251 P.2d 603 (Wash. 1952): 61
- State ex rel. Miller v. Claiborne*, 505 P.2d 732 (Kan. 1973): 9, 147
- State ex rel. Physicians Committee for Responsible Medicine v. Board of Trustees of Ohio State Univ.*, 843 N.E.2d 174 (Ohio 2006): 507
- State of New Jersey v. ISE Farms, Inc.*, Appeal No. A–45–00 (N.J. Super. Ct. Law Div. Mar. 8, 2001): 409–10
- State of New Mexico ex rel. King, Atty General v. Vallet Meat Co., et al.*, No. D–101–CV–2013–03197 (N.M. Dist. Ct., Santa Fe County, Jan. 17, 2014): 463
- State v. Adjustment Dept. Credit Bureau Inc.*, 483 P.2d 687 (Idaho 1971): 109, 110
- State v. Buford*, 331 P.2d 1110 (N.M. 1958): 10, 11–13, 147
- State v. Cleve*, 949 P.2d 672 (N.M. Ct. App. 1997): 120
- State v. Cleve*, 980 P.2d 23 (N.M. 1999): 10–13
- State v. District Court*, 99 P. 291 (Mont. 1909): 61
- State v. Frito-Lay, Inc.*, 474 F.2d 774 (9th Cir. 1973): 61
- State v. Miner*, 556 N.W.2d 578 (Minn. Ct. App. 1996): 371, 372–75
- State v. Nelson*, 499 N.W.2d 512 (Minn. Ct. App. 1993): 19
- State v. Nix*, 283 P.3d 442 (Or. Ct. App. 2012): 75–78, 129
- State v. Nix*, 298 P.3d 1226 (Or. 2013): 79
- State v. Schott*, 384 N.W.2d 6 20 (Neb. 1986): 100–03, 409
- State v. Tabor*, 678 S.W.2d 45 (Tenn. 1984): 9
- State v. Thompson*, 33 N.W.2d 13 (Iowa 1948): 117–18
- State v. Thompson*, 533 S.E.2d 834 (N.C. Ct. App. 2000): 162–63
- State v. West*, 741 N.W. 2d 823 (Iowa Ct. App. 2007): 261
- Stephens v. Target Corp.*, 482 F.Supp.2d 1234 (9th Cir.2007): 251
- Stiff’s Jewelers v. Oliver*, 678 S.W.2d 372 (Ark. 1984): 247–48
- Storozuk v. W.A. Butler Co.*, 203 N.E.2d 511 (Ohio Ct. of Common Pleas 1964): 206
- Strickland v. Medlen*, 397 S.W.3d 184 (Tex. 2013): 232–40, 246
- Sweet Home Chapter of Communities v. Lujan*, 806 F. Supp. 279 (D.D.C. 1992): 623
- Swenson v. Swenson*, 227 S.W.2d 103 (Mo. Ct. App. 1950): 47

- Taub v. State*, 463 A.2d 819 (Md. Ct. App. 1983): 497–99, 500
- Tennessee Valley Authority v. Hill*, 437 U.S. 153 (1978): 606, 610–14, 615, 620
- Texas Beef Group v. Winfrey*, 201 F.3d 680 (5th Cir. 2000): 376
- Theama ex rel. Bichler v. City of Kenosha*, 344 N.W.2d 513 (Wis. 1984): 42
- Theobald v. Grey Public Relations, Inc.*, 334 N.Y.S.2d 281 (App. Div. 1972): 265–66
- Thurston v. Carter*, 92 A. 295 (Me. 1914): 38
- Tilikum v. Sea World Parks & Entertainment*, 842 F. Supp. 2d 1259 (S.D. Cal. 2012): 62, 140
- Timberlane Mobile Home Park v. Washington State Human Rights Comm’n*, 95 P.3d 1288 (Wash. Ct. App. 2004): 523
- Tobacco Cases II*, 163 P.3d 106 (Cal. 2007): 426
- Toney v. Glickman*, 101 F.3d 1236 (8th Cir. 1996): 495–96
- Township of Ridley v. Blanchette*, 421 F. Supp. 435 (E.D. Pa. 1976): 635
- Tracey v. Solesky*, 50 A.3d 1075 (Md. 2012): 279–80, 338
- Tracey v. Solesky*, 50 A.3d 1095 (Md. 2012): 280
- Travis v. Murray*, 977 N.Y.S.2d 621 (N.Y. Sup. Ct., N.Y. County 2013): 539–46, 550, 554
- Tucker v. Alexanderoff*, 183 U.S. 424 (1902): 56
- Turner v. Sinha*, 582 N.E.2d 1018 (Ohio Ct. App. 1989): 206
- Turudic v. Stephens*, 31 P.3d 465 (Or. Ct. App. 2001): 33
- Uccello v. Laudenslayer*, 44 Cal. App. 3d 741 (1975): 279
- Union Oil Co. v. State Bd. of Equalization*, 386 P.2d 496 (Cal. 1963): 52
- United Food & Commercial Workers Union Local 751 v. Brown Group, Inc.*, 517 U.S. 544 (1996): 313
- United Neighbors Civic Ass’n of Jamaica, Inc v. Pierce*, 563 F. Supp. 200 (E.D.N.Y. 1983): 635
- United States ex rel. Humane Soc’y of the U.S. v. Hallmark Meat Packing Co.*, 2013 U.S. Dist. LEXIS 126945 (C.D. Cal. Apr. 30, 2013): 110, 472
- United States v. Demauro*, 581 F.2d 50 (2d Cir. 1978): 109
- United States v. Dye Constr. Co.*, 510 F.2d 78 (10th Cir. 1975): 109
- United States v. Esparza–Mendoza*, 265 F. Supp. 2d 1254 (N.D. Utah 2003), *aff’d*, 386 F.3d 953 (10th Cir. 2004): 56
- United States v. Gideon*, 1 Minn. 292 (Minn. 1856): 26
- United States v. Guitterez*, 983 F. Supp. 905 (N.D. Cal. 1998), *rev’d*, 203 F.3d 833 (9th Cir. 1999): 56
- United States v. Hayashi*, 22 F.3d 859 (9th Cir. 1994): 617, 651
- United States v. Linville*, 10 F.3d 630 (9th Cir. 1993): 496
- United States v. Manneh*, 2008 U.S. Dist. LEXIS 105209 (E.D.N.Y. Dec. 31, 2008): 462
- United States v. Mantas*, 274 F.3d 1127 (7th Cir. 2001): 445
- United States v. Mitchell*, 553 F.2d 996 (5th Cir. 1977): 661
- United States v. Park*, 536 F.3d 1058 (Idaho Ct. App. 2008): 16–18
- United States v. Park*, 658 F. Supp. 2d 1236 (D. Idaho 2009): 18
- United States v. Richards*, 940 F. Supp. 2d 548 (S.D. Tex. 2013): 90, 365
- United States v. Stevens*, 559 U.S. 460 (2010): 89, 90, 356–65
- United States v. Verdugo–Urquidez*, 494 U.S. 259 (1990): 56
- United States v. Virginia*, 518 U.S. 515 (1996): 43
- UPS Worldwide Forwarding, Inc. v. U.S. Postal Service*, 66 F.3d 621 (3d Cir. 1995): 314
- Valley Forge Christian College v. Americans United for Separation of Church & State*, 454 U.S. 464 (1982): 285
- Vaughan v. Miller Bros. “101” Ranch Wild West Show*, 153 S.E.2d 289 (W. Va. 1930): 266–67

- Vermont Yankee Nuclear Power Corp. v. Natural Resources Def. Council, 435 U.S. 519 (1978): 325
- Villas de las Palmas Homeowners Ass'n v. Terifaj, 33 Cal. 4th 73 (2004): 537, 538
- VIVA! Int'l Voice for Animals v. Adidas Promotional Operations, Inc., 41 Cal. 4th 929 (2007): 401
- Wait v. Pierce, 209 N.W. 475 (Wis. 1926): 42
- Walters v. Grand Teton Crest Outfitters, Inc., 804 F. Supp. 1442 (D. Wyo. 1992): 283–84
- Warboys v. Proulx, 303 F. Supp. 2d 111 (D. Conn. 2004): 188–89
- Wardrop v. Koerner, 617 N.Y.S.2d 946 (App. Div. 1994): 282
- Warren County Combined Health Dist. v. Rittenhouse, 689 N.E.2d 1036 (Ohio Ct. App. 1997): 33
- Warth v. Seldin, 422 U.S. 490 (1975): 285
- Waters v. Braithwaite, 30 T.L.R. 107 (K.B. Div. 1913): 409
- Waters v. People*, 46 P. 112 (Colo. 1896): 96–99
- Weiss v. Allstate Ins. Co., 49 A.D.3d 1251 (N.Y. App. Div. 2008): 561
- Weldy v. Northbrook Condo. Ass'n, Inc., 2004 Conn. Super. LEXIS 1205 (May 5, 2005): 538
- Welsh v. United States, 398 U.S. 333 (1970): 354
- White v. Appleton, 304 So. 2d 206 (Ala. Civ. App. 1974): 46
- Whitmore v. Niagara Mohawk Power Corp., 786 N.Y.S.2d 762 (App. Div. 2004): 225
- Wiley v. Travelers Ins. Co., 534 P.2d 1293 (Okla. 1974): 561
- Williams v. Reynolds, 263 S.E.2d 853 (N.C. Ct. App. 1980): 204
- Williamson v. Prida, 75 Cal. App. 4th 1417 (1999): 205, 207, 209
- Wilson v. Sandstrom, 317 So. 2d 732 (Fla. 1975): 126
- Winter v. Natural Resources Def. Council, Inc.*, 555 U.S. 7 (2008): 637–43, 644
- Womack v. Von Rardon, 135 P. 3d 542 (Wash. Ct. App. 2006): 181, 185, 242
- Wyatt v. Aderholt, 503 F.2d 1305 (5th Cir. 1974): 49
- York v. Jones, 717 F. Supp. 421 (E.D. Va. 1989): 53–54
- Young & Cooper, Inc. v. Vestring, 521 P.2d 281 (Kan. 1994): 556
- Young v. Delta Air Lines, Inc., 432 N.Y.S.2d 390 (App. Div. 1980): 223
- Young v. Savinon*, 492 A.2d 385 (N.J. Super. 1985): 513–16, 517
- Youngberg v. Romeo, 457 U.S. 307 (1982): 49, 50
- Zeid v. Pearce, 953 S.W.2d 368 (Tex. Ct. App. 1997): 206, 231
- Zinter ex rel. Lyons v. Owskey, 633 N.W.2d 278 (Wis. Ct. App. 2001) (Unpub.): 29
- Zuniga v. San Mateo Dept. of Health Services, 218 Cal. App. 3d 1521 (1990): 340–41

Preface to the First Edition

For over five years, we have been asked the same question when we inform colleagues and friends that we teach or practice animal law: “What is ‘Animal Law’?” That repeated inquiry made clear the need for this casebook; you are reading our answer. Since it is the first on the subject, we acknowledge and accept the responsibility of introducing this new and developing area to many of our readers. We also recognize the crucial role this book can play in increasing awareness, practice and education of animal law.

Our introductory chapter deals in part with the definition of “animal” — something we thought was obvious before we began studying the area. Even prefatory to that, we must define “animal law” — for our readers as well as for those who will ask them the same question we have been asked. Quickly-phrased definitions are inherently unsatisfactory, but we will provide one as a starting point: Animal law is, in its simplest (and broadest) sense, statutory and decisional law in which the nature — legal, social or biological — of nonhuman animals is an important factor. After reading this book and/or taking a course in animal law, students and practitioners will better understand and be able to articulate their own definition.

Animals appear in cases of all sorts, and we notably do not define animal law to mean “any case with an animal.” A few illustrations may be helpful here. A personal injury lawsuit for damages related to plaintiff’s ingestion of contaminated meat is not animal law, even though the meat involved was part of an animal. Compare the *Provimi Veal* case in which plaintiffs claimed damages because the veal they bought was not properly labeled, allegedly subjecting them to unknown dangers. That case *is* animal law — not because meat was involved but because plaintiffs’ thinly-veiled agenda was to increase protection of veal calves, or perhaps to stop veal production. As another paired example, consider a breach of contract action involving the sale of horses. If the horses are simply the chattel in a dispute over delivery or financial terms, the case is probably not animal law — although their current status as legal property is a fundamental assumption in the case. If, however, the case focuses on the horses’ inability to perform (*e.g.*, to race or breed), or to get along with other horses, it might be an animal law case.

These scenarios are not meant to clarify or confuse (although they may do some of each). Rather, they demonstrate that, while there is no defining hallmark, with time one knows an animal law case when one sees it. What should become apparent from a glimpse at the Table of Contents is that the unique status and qualities of nonhuman animals affect every area of the law. What is not immediately obvious — but should become so — is that each affected area of the law must be adapted to deal with those qualities.

Animal law as a matter of statute is easier to identify and define. Statutes affecting the use and abuse, sale and management, protection and killing of animals are all part of animal law — and we could have produced a four-volume casebook solely on statutory an-

imal law. Instead we have hand-picked a limited sampling of cases and statutes by way of introduction. As with any general survey course, there are many statutes, cases and issues not even considered here that may merit considerable study.

As we publish this book, animal law remains a frontier subject in both courts and law schools. Its underpinnings, however, are ancient. Indeed, the opening chapter includes descriptions of a period when nonhuman animals were defendants punished for their “crimes” against humans. They were even represented by counsel. In one case, the defendants, a group of rats, entered pleas in abatement arguing (through counsel) they could not be prosecuted or compelled to appear because they could not travel to the courthouse safely.

A collective sigh of relief should be breathed here. Our view of animal law includes *only* as a historical footnote the time when nonhuman animals were criminal defendants. This is a course and a legal specialty heading on four legs into the millennium. Much like the nascent environmental law of the late 1950s and 1960s, and the growth in courses under that name in the 1970s and 1980s, animal law is a monolithic, ascending field with a very large wingspan.

One other important note. This is affirmatively *not* a book about animal rights law. Since we take the prerogative of definition, our version of animal law is not synonymous with “animal rights” activism or with any particular political, moral or ethical agenda. Rather, it is an objective and logical specialization of a challenging area—one with a growing number of cases and statutes, increasing public and practical interest, and significantly different historical, legal and philosophical foundations than most other law school courses. We acknowledge some of the cases discussed here were brought by animal protection groups aiming to establish “rights” for nonhuman animals in our society. (*Provimi Veal* might be one example.) Certainly the question of what rights animals should or do have will be raised as a natural consequence of reading the casebook. Our collective personal goal, though, is to survey the field overall and raise awareness and consciousness of challenging and uncommon legal issues. It is our hope the casebook and any corresponding course would be as stimulating and pertinent to the meat-eating hunter as to the ethical vegan or vegetarian.

Each of us has taught one or more Animal Law courses over the past five years; in that short time the number of animal law classes and court cases, as well as public interest in the field, has grown considerably. It appears the trend will continue and animal law as a legal discipline is here to stay.

We believe there has been a reticence in many legal quarters to teach, learn or practice in the area specifically because of the absence of meaningful assistance and coverage. Thus the other great motivator for our “answer” to the question about the nature of animal law: We hope this casebook will serve as a valuable guide to students and professors stepping onto this new frontier and provide more law schools with a template for animal law courses of their own. Our greatest wish is that our readers be stimulated to work in the field and become able advisors to and practitioners in a burgeoning herd of animal law attorneys.

Preface to the Fifth Edition

Fourteen years on from this text's first publication, the hopeful promise that animal law would grow as a field is reality, and the expansion has been huge. Still young in the shadow of legal history, animal law now attracts constant academic, judicial and popular attention. Thousands of students have taken an animal law course, and major law firms participate in and assist with litigation in all areas of the field. The American Association of Law Schools has a section dedicated to animal law, and the American Bar Association has an active animal law committee. The continued upswing in courses, books and practitioners establishes animal law's importance and the need for an update of doctrine and the current state of the law. The constant development is reflected in the fact that even as we go to press, cases that could add significantly to the discussion are pending in state and federal courts throughout the United States. It is because of a combination of the steady progress and redefinition of important animal law theories, and the growing interest in a near-current treatise, that the editors have prepared this fifth edition.

The three editors collectively have now taught roughly sixty animal law classes and more than 140 law schools have offered the course. Student animal law groups exist at even more schools. In trying to continue to make *Animal Law* both user-friendly and an asset to students and practitioners alike, we have discussed the book, the different approaches to the course and the field in general with professors, students, law school administrators and practitioners. This latest publication is generated principally out of our readers' collective desire to stay abreast of the range of issues that arise and the number of cases that are of increasing value to the discussion of those topics.

Much of the prior editions' text still remains, but throughout the book we have added new cases and removed those that now may be less relevant given the new cases that abound. This edition includes discussion of new legislation and addresses new ideas that have become more significant or more commonly raised. We have also added a new Non-human Primates subsection to Chapter 6.

The charge of summarizing the expanded scope of issues and areas in which the interests of nonhuman animals are central is daunting. With our eyes on course structure, the length of the book, and the multifaceted approaches taken by practitioners, many tough decisions had to be made about which cases, issues and areas would be included and which would be omitted. We adhered in large part to the original definition of animal law stated in the Preface to the first edition, and believe that the current edition presents the opportunity to discuss virtually every issue pertinent to the field as it now exists.

While the job of preparing this edition surpassed our expectations in terms of the time it would take, the process provided us with an added appreciation of our involvement in this area of law, which is now clearly established. We hope this edition provides future (and

present) practitioners the tools they need to immerse themselves in this fascinating and intellectually challenging field. We once again thank everyone who has offered us comments, who has learned or taught from the book, and who has used it to further the development of animal law.

Acknowledgments

The editors express their gratitude for all who have contributed to, assisted with, commented on and learned from the first four editions of this book. We pay tribute to the countless individuals and organizations who have worked, and continue to work, to improve the lives of nonhumans. We are grateful to be partners in this community that has stimulated the growth of animal law around the country and the world.

Sonia Waisman dedicates this book to Pablo and Wilma, and in loving memory of Freddie and Mooki.

Pamela Frasch dedicates this book to Victor and Elizabeth Kisch, and in loving memory of Beverly Frasch.

Bruce Wagman thanks Deborah and his human and nonhuman family, for faith, and all the animals living and dying every day, for inspiring him to carry on.

This book is dedicated to all animals.

Editors' Note

Most of the cases and other materials appearing in these pages have been edited. The deletion of sentences is indicated by ellipses; the deletion of full paragraphs is indicated by asterisks; the deletion of citations is not indicated. Most footnotes have been excised. The remaining footnotes retain their original numbering. Editors' footnotes are lettered.

The editors confirmed that all website links referenced in the narratives and Notes in this edition were functioning properly as of publication. However, these links are not within our control and we recognize that URLs can change without notice and that links sometimes malfunction. We apologize if that occurs with any of the links referenced in this book.

The editors gratefully acknowledge permission to reprint the following secondary sources:

Derek W. St. Pierre, *The Transition from Property to People: The Road to the Recognition of Rights for Non-human Animals*, 9 HASTINGS WOMEN'S L. J. 255 (Summer 1998).

© 1998 by University of California, Hastings College of the Law. Reprinted from Hastings Women's Law Journal, Vol. 9, No. 2 (pages 260–1, 269–70), by permission.

Steven M. Wise, *The Legal Thinghood of Animals*, 23 B.C. ENVTL. AFF. L. REV. 471. (Spring 1996). Boston College Environmental Affairs Law Review. Pages 543–45. Reprinted with permission.

David Favre, *Equitable Self Ownership of Animals*, 50 DUKE L.J. 473 (2001). Duke Law Journal. Pages 479–80, 497–98, 501–02. Reprinted with permission.

Barbara Bennett Woodhouse, *Who Owns the Child? Meyer and Pierce and the Child as Property*, 33 WM. & MARY L. REV. 995 (1992). Pages 1044–45, 1056. Reprinted with permission.

William Alsup, *A Passion for the Wild*, *The Recorder* (Dec. 16, 1998), p. 5. This article is reprinted with permission from *The Recorder* Newspaper in San Francisco, © The Recorder 1999.

David Favre and Vivien Tsang, *The Development of Anti-Cruelty Laws During the 1800s*, 1993 DET. C.L. REV. 1 (Spring 1993). Detroit College of Law Review. Pages 2–4, 13–15, 17, 20–22.

