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14  
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF SAN FRANCISCO**

17 NONHUMAN RIGHTS PROJECT, INC.,  
18 on behalf of Amahle, Nolwazi, and Vusmusi,  
19 individuals,

20 Petitioner,

21 v.

22 FRESNO'S CHAFFEE ZOO  
CORPORATION, and JON FORREST  
DOHLIN, in his official capacity as Chief  
23 Executive Officer & Zoo Director of the  
Fresno Chaffee Zoo,

24 Respondents.  
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ELECTRONICALLY  
**FILED**

Superior Court of California,  
County of San Francisco

**07/01/2022**  
Clerk of the Court

BY: RONNIE OTERO  
Deputy Clerk

Case No. CPF-22-517751

**RESPONDENTS' REPLY IN SUPPORT  
OF MOTION FOR AN ORDER  
TRANSFERRING MATTER TO FRESNO  
COUNTY SUPERIOR COURT**

Date: July 11, 2012

Time: 9:30 a.m.

Dept.: 302

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**I. INTRODUCTION**

Petitioner’s arguments in opposition to Respondents’ motion to transfer venue are belied by the allegations in their petition and by the indisputable facts of this case. The facts alleged in their petition do challenge the conditions in which the elephants are kept, notwithstanding Petitioner’s conclusory allegation to the contrary. And there is no reason for the case to have been filed in this Court, while every potentially relevant factor either favors Fresno County or is venue neutral. The Court should grant Respondents’ motion and order this matter transferred to the Fresno County Superior Court.

**II. ARGUMENT**

As a threshold matter, Petitioner makes a puzzling assertion that Respondents are not parties to this case because the Court has not issued an order to show cause. (Petitioner’s Opposition (“Opp.”), p. 2:5-13.) As a result, they claim, Respondents should not be heard on this motion. However, once Petitioner named Fresno’s Chaffee Zoo Corporation and Jon Forrest Dohlin as the Respondents in their petition, they became party respondents. (E.g. *Meller & Snyder v. R & T Properties, Inc.* (1998) 62 Cal.App.4th 1303, 1310 [holding that the primary way to become a party defendant “is by being named as a defendant”].) Consistently, Respondents moved to protect their interests in having this matter heard in the appropriate venue *before* any order to show cause issued. Under Petitioner’s logic, no respondent could ever challenge venue in a habeas proceeding. That cannot be right in light of California Rules of Court, rule 4.552(b), which expressly allows for the transfer of a petition *before* a court determines whether a prima facie case for relief exists. The Court should reject Petitioner’s attempt to avoid the merits of this motion.

**A. Respondents demonstrated that the petition generally challenges conditions of confinement, thereby justifying a change of venue under California Rules of Court, rule 4.552(b)(2)(B).**

Petitioner first argues that this is not a “conditions of confinement” case, and therefore the transfer of venue exception in California Rules of Court, rule 4.552(b)(2)(B) does not apply. (Opp. pp. 3:18-4:9.) However, as Respondents affirmatively showed in their motion, Petitioner actually does generally challenge the conditions of the elephants’ confinement at Fresno’s Chaffee Zoo, and therefore the Court has discretion to consider whether transfer is appropriate under rule

1 4.552(b)(2)(B). (Respondent’s Motion (“Mot.”), pp. 5:13-6:15.) The petition describes the  
2 elephants’ conditions of confinement at the zoo in order to convince the Court that the conditions  
3 should be improved. (E.g. Petition (“Pet.”), pp. 115:11-116:3, footnotes omitted.) Moreover, the  
4 remedy Petitioner seeks is to transfer the elephants to a different place of confinement with  
5 allegedly better conditions, i.e. an elephant sanctuary. (Pet., pp. 62-64, 112-116.)

6 Attempting to show otherwise, Petitioner points to a single allegation that Petitioner does  
7 not challenge conditions of confinement. This allegation—pretty apparently written in recognition  
8 that Respondents would move to change venue to the correct court— is nothing more than a legal  
9 conclusion, belied by the factual allegations in the Petition, and can be disregarded. (*Wexler v.*  
10 *California Fair Plan Association* (2021) 63 Cal.App.5th 55, 70 [“We disregard legal conclusions  
11 in a complaint; they are just a lawyer’s arguments.”].) Because the petition clearly challenges the  
12 conditions of the elephants’ nominal confinement, rule 4.552(b)(2)(B) applies, and the case can  
13 and should be transferred to the Fresno County Superior Court.

14 **B. Separately, Respondents demonstrated that the petition would be more**  
15 **properly heard in Fresno County, and Petitioner’s arguments in opposition do**  
16 **not show otherwise.**

17 Petitioner also raises a series of arguments in an attempt to show that Fresno County is not  
18 a better venue for this case. None provides a basis for San Francisco County Superior Court to  
19 keep the case—indeed, Respondent studiously avoids explaining its reason for filing here—and  
20 none rebuts Respondents’ affirmative showing that there is substantial reason to transfer the  
21 matter. (Mot. pp. 6:16-7:27, citing Cal. Rules of Court, rule 4.552(b)(2), and *Griggs v. Superior*  
*Court* (1976) 16 Cal.3d 341, 347.)

22 First, Petitioner claims that it would be more convenient for the matter to stay in San  
23 Francisco because the petition presents a pure question of law, all relevant facts can be introduced  
24 and contested via affidavits, and if a hearing is necessary, the Court can hold a hearing via Zoom.  
25 (Opp. p. 4:19-21.) But the same is true for the Fresno County Superior Court. If the matter is  
26 transferred there, and the petition presents a pure question of law as Petitioner claims, then all  
27 relevant facts can be introduced and contested via affidavits, and the Fresno Court can hold a  
28 Zoom hearing if necessary. These factors are neutral, and therefore they do not weigh in favor of



1 spend their days caring for them are in Fresno; the Zoo is in Fresno. The only thing that isn't in  
2 Fresno is this petition. Accordingly, Respondents respectfully request that the Court grant this  
3 motion and issue an order transferring the matter to the Fresno County Superior Court.

4 DATED: July 1, 2022

HANSON BRIDGETT LLP

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By:                   s/ David C. Casarrubias                  

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**PROOF OF SERVICE**

NonHuman Rights Project, Inc., on behalf of Amahle, Nolwazi, and Vusmusi, individuals,  
v.  
FRESNO'S CHAFFEE ZOO  
CORPORATION, and JON FORREST  
DOHLIN, in his official capacity as Chief Executive Officer & Zoo Director of the  
Fresno Chaffee Zoo

San Francisco Superior Court, Case No. CPF-22-517751

**STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 500 Capitol Mall, Suite 1500, Sacramento, CA 95814.

On July 1, 2022, I served true copies of the following document described as:  
**RESPONDENTS' REPLY IN SUPPORT OF MOTION FOR AN ORDER TRANSFERRING MATTER TO FRESNO COUNTY SUPERIOR COURT** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I served a copy of the document to be sent from e-mail address egriffing@hansonbridgett.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 1, 2022, at Sacramento, California.

  
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Emily Griffing

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