



# Captive Animal Litigation, Legal Loopholes, and Sanctuaries

**CRISTINA KLADIS**  
STAFF ATTORNEY

ANIMAL LEGAL DEFENSE FUND



30<sup>TH</sup> ANNUAL ANIMAL LAW CONFERENCE  
BUILDING A BRIGHTER FUTURE



## Personal Views and Opinions

Standard Disclaimer:

---

Opinions are personal  
and not necessarily  
representative of those of the  
Animal Legal Defense Fund  
or any clients.

30<sup>TH</sup> ANNUAL ANIMAL LAW CONFERENCE  
BUILDING A BRIGHTER FUTURE



# The Problem

---



# Animal Welfare Act (AWA)

7 U.S.C. § 2131 *et seq.*

---

- Primary federal law providing minimum requirements for the humane care and treatment of animals used for research, exhibition, or use as pets
  - The AWA does not apply to all animals
- License and registration scheme for animal dealers, exhibitors, handlers, carriers, researchers, breeders
- U.S. Department of Agriculture (USDA) enforces the AWA, primarily through inspections conducted by the Animal and Plant Health Inspection Service (APHIS)



# AWA Enforcement and Animal Confiscation

---

- AWA enforcement in practice: warning letters, settlement agreements, and administrative proceedings resulting in fines, cease-and-desist orders, license revocation
- AWA license revocation is rare, and animal confiscation is rarer
- Mandatory duty for the USDA to promulgate regulations for confiscation when an animal is suffering. 7 U.S.C. § 2146(a).
- Current regulations allow animal confiscation in narrow situations. 9 C.F.R. § 2.129.



# Case Study: Cricket Hollow Zoo

---

- Animal Legal Defense Fund led six lawsuits involving Cricket Hollow Zoo under federal and state laws
- Cricket Hollow Zoo's AWA violations were so vast that the USDA revoked its license, but it did not confiscate the animals
- *Kuehl v. Sellner*, 965 N.W.2d 926 (Iowa Ct. App. 2021) upheld finding that the roadside zoo constituted a public nuisance due to violations of animal neglect laws

## Des Moines Register

**Mountain lions, grizzly bears among 110 animals missing from Iowa roadside zoo, group says**

[desmoinesregister.com/story/news/2020/01/09/cricket-hollow-animal-park-animals-missing-iowa-roadside-zoo-animal-legal-defense-fund-claims/4420426002](https://www.desmoinesregister.com/story/news/2020/01/09/cricket-hollow-animal-park-animals-missing-iowa-roadside-zoo-animal-legal-defense-fund-claims/4420426002)



# Case Study: Robert Sawmiller d/b/a Wildlife on Wheels

---

## A rare instance of USDA animal confiscation

- *Animal Legal Defense Fund v. Vilsack*, No. 1:21-cv-00623 (D.D.C. Mar. 9, 2021)
- Administrative Procedure Act challenge to the USDA's renewal of Sawmiller's AWA license, despite previous inspections showing 19 non-compliances
- The USDA initiated administrative proceedings to revoke his AWA license during the case



# Robert Sawmiller d/b/a Wildlife on Wheels

---





# “Revoke and Run” Litigation

---

- Animal Legal Defense Fund filed a petition for rulemaking to fill this gap in 2016, which the USDA denied in 2022
- *Animal Legal Defense Fund v. Vilsack*, No. 1:22-cv-03146 (D.D.C. Oct. 17, 2022)



# Future Considerations

---

- Close legal loopholes in the AWA that allow the USDA to abandon animals after license revocation or termination
- Create legal infrastructure that considers costs and care of confiscated animals
- Stop the problem at the source: prohibit captive animal breeding and trafficking
- Support legitimate sanctuaries





Thank you!

**CRISTINA KLADIS**  
STAFF ATTORNEY  
ANIMAL LEGAL DEFENSE FUND

[ckladis@aldf.org](mailto:ckladis@aldf.org)

 [@AnimalLegalDefenseFund](https://www.facebook.com/AnimalLegalDefenseFund)  [@animallegaldefensefund](https://www.instagram.com/animallegaldefensefund)  [@ALDF](https://twitter.com/ALDF)



30<sup>TH</sup> ANNUAL ANIMAL LAW CONFERENCE  
BUILDING A BRIGHTER FUTURE