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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

14 JOHN KELLY, an individual

15 Plaintiff,

16 vs.

17 DENISE VERRET, an individual; and DOES
18 1 through 10, inclusive,

19 Defendants.

CASE NO.

**COMPLAINT FOR INJUNCTIVE RELIEF
PURSUANT TO:**

- (1) **VIOLATIONS OF BUSINESS &
PROFESSIONS CODE § 17200 *et*
seq.; and**
(2) **VIOLATIONS OF BUSINESS &
PROFESSIONS CODE § 17500 *et seq.***

1 Plaintiff JOHN KELLY (“Plaintiff” or “Kelly”), by and through his attorneys, Lavelly & Singer
2 Professional Corporation, respectfully alleges as follows:

3 **INTRODUCTION**

4 ***“Captivity is a terrible existence for any intelligent, self-aware species,
5 which the undisputed evidence shows elephants are. To believe
6 otherwise, as some high-ranking zoo employees appear to believe, is
7 delusional.”***

8 Hon. John A. Segal
9 *Leider v. Lewis*, LASC Case No. BC375234 (July 23, 2012)

10 1. This lawsuit arises from the deliberately false and misleading representations made by
11 Defendant Denise Verret (“Verret”) – Mayor Karen Bass’s appointed Director of the Los Angeles Zoo
12 and Botanical Gardens (“LA Zoo”) – designed to dupe the public into believing that sending Billy and
13 Tina the elephants to a *newly expanded elephant “preserve”* meant they were going to a genuine
14 elephant sanctuary. That is false. The “preserve” is an enclosure at another zoo where Billy and Tina
15 will continue to suffer.

16 2. For years, Billy has been at the center of impassioned efforts by animal activists and
17 lovers, legal experts, scientists, civil rights leaders and concerned citizens to release him from
18 confinement and the inhumane, devastating conditions at the LA Zoo. One petition to #FreeBilly
19 garnered over 432,000 signatures. He has been the subject of op-eds, petitions, online animal rights
20 campaigns, television and film specials (including the documentary *Free Billy*) and lawsuits, all in
21 service of a single goal: to convince the LA Zoo and the City to send him to an elephant sanctuary
22 accredited by the Global Federation of Animal Sanctuaries (“GFAS”). After the troubling deaths of
23 Jewel in 2023 and Shaunzi in 2024, which left Tina the sole female elephant confined at the LA Zoo,
24 there has been an outpouring of public support and demands for her to be moved to a GFAS-accredited
25 elephant sanctuary along with Billy. While the Los Angeles City Council directed the LA Zoo to
26 provide detailed reports after Jewel’s and Shaunzi’s deaths by May 15, 2024 via a unanimous motion
27 (14-0), the LA Zoo ignored this directive, and in response to follow-up requests, Verret said she was
28 working on it and just needed more time. In reality, she was secretly developing a plan to relocate the
elephants to another zoo without involving the City Counsel or informing the general public. During
that time, she also got herself appointed Chair of the Board of the Association of Zoos and Aquariums

(AZA), the accrediting body for zoos and aquariums. Now she claims it is too late to move Billy and Tina to a sanctuary because the decision has been made – in secret and without any input by the City government elected by the people.

3. Despite years of scrutiny for its breeding and confinement practices, the LA Zoo remains a cruel, inhumane and traumatic place for elephants where Billy and Tina suffer each day, isolated in restrictive enclosures with little shade, forced to stand on hard packed sand that has caused severe damage to their feet and prevented them from freely grazing on vegetation of their choice by electric wires wrapped around the trees and other flora. Due to these abysmal conditions, the LA Zoo has been featured on the annual list of North America’s “10 Worst Zoos for Elephants” published by animal protection non-profit In Defense of Animals (“IDA”). The Tulsa Zoo, where Verret wants to send them, is also on that list. In 2022, IDA wrote: “When a zoo expands its elephant space from 1 or 2 acres to 3 or 6 acres, or even 10 like the Tulsa Zoo, it simply increases the problems that elephants face in captivity. Often zoos expand exhibit space so they can import more elephants to the zoo, usually with a plan to breed more elephants. Room added in the expansion shrinks with every new elephant.” Although the Tulsa Zoo’s elephant exhibit has been expanded to 17 acres, only a portion of that is accessible to the five elephants who already live there and the zoo has a reputation for brutal captive breeding practices. The addition of Billy and Tina would bring the number to seven. As the IDA noted: “Consider what a few acres is for an elephant. Les O’Brien, a former zoo elephant keeper comments, *‘that’s like a family living in a room the size of a bathroom for their whole lives.’*”

4. The science is well-settled. The zoo environment is inhumane and confinement in zoo enclosures causes elephants severe physical and mental harm that can be fatal if left unchecked. Many species, particularly those with advanced cognitive abilities like elephants, suffer from the stress and limitations of zoo life.¹ In their natural environments, elephants are highly social and roam vast home ranges (sometimes traveling as far as 50 or more miles in a day) while foraging on a broad range of

¹ “Large-brained animals with complex cognitive capacities such as elephants . . . seem particularly prone to poor welfare in captive environments insofar as they do not have an adequately stimulating, natural environment.” Jacobs, et al., *Putative neural consequences of captivity for elephants and cetaceans*, Rev. Neurosci. (Sept. 16, 2021) at p. 1.

1 foods such as trees, bark, roots, grasses and fruits. In zoos, they live in comparatively small, barren
2 enclosures that fail to meet their social and physical needs. The limited space available at zoos causes
3 elephants to walk repeatedly over the same ground, thereby compacting it. Walking on packed dirt for
4 prolonged periods often causes elephants to suffer painful osteoarthritis, which can lead to lameness
5 and death. It also causes cracks in the elephants' foot pads, which can lead to infections from walking
6 in their own feces and urine, resulting in abscesses and osteomyelitis, a deadly bacterial infection that
7 causes the elephant's toe bones to disintegrate, again leading to lameness and death.

8 5. Elephants confined in zoos often also suffer "zoochosis," a form of severe mental
9 illness caused by confinement in a limited space, not being able to engage in instinctive behaviors,
10 living in isolation, and having no control over their lives. It is characterized by elephants engaging in
11 meaningless, repetitive motions such as rocking, swaying and head bobbing (stereotypic behaviors),
12 often with a blank look in their eyes. These stereotypic behaviors are not seen in elephants in the wild.

13 6. Recognizing these incontrovertible facts about the plight of captive elephants yielded by
14 careful and thorough research, politicians, judges and even zoo officials have taken steps to liberate
15 these majestic, intelligent and sensitive creatures.

16 7. In September 2023, the Ojai City Council adopted Ordinance No. 940, which prohibits
17 the captivity of elephants within Ojai city limits except in facilities that qualify as true sanctuaries,
18 where elephants are free from human-imposed control and allowed to engage in natural behaviors. In
19 so doing, the Ojai City Council found that "*elephants are autonomous beings with the capacity for*
20 *self-awareness, emotional complexity, and social bonds,*" and determined that a ban on elephant
21 captivity was necessary "*in recognition of scientific evidence and evolving standards of morality.*" In
22 October 2024, U.S. Congresswoman Nicole Malliotakis of New York introduced legislation aimed at
23 banning the keeping of elephants in captivity.

24 8. Demands for elephants' freedom have been framed as the next iteration of the civil
25 rights movement. Although legal efforts to free Happy the Elephant from the Bronx Zoo (another
26 permanent fixture on IDA's annual "Worst Zoos" list) ultimately failed, his plight drew support from
27 Harvard Law School Professor Laurence Tribe, one of the nation's preeminent constitutional scholars,
28 and compelling dissents from Chief Judge Rowan D. Wilson and Judge Jenny Rivera of the New York

1 Court of Appeals (New York’s highest court). In his amicus curiae brief, Tribe argued that zoo
2 captivity for elephants is so inhumane that they should have the legal right to be freed from zoo and
3 transferred to sanctuaries. He wrote: “[T]his kind of across-the-board disqualification for rights
4 harkens back to dark days in our past, when race, gender, national origin, religion, and other
5 inherited or immutable characteristics later understood to be arbitrary were used to justify the denial
6 of rights to whole swaths of humanity.” In his dissent, New York Court of Appeals Chief Judge Wilson
7 opined that elephant captivity at a zoo “cause[s] suffering so great as to be deemed unjust.” New York
8 Court of Appeals Judge Rivera provided a pithy and candid summary of the matter in her dissent:
9 “[Elephant] captivity is inherently unjust and inhumane. It is an affront to a civilized society.”

10 9. Over the past decade, a growing number of zoo officials have chosen to relocate their
11 elephants to legitimate preserves and sanctuaries. Others have permanently shuttered their elephant
12 exhibits after the passing of the animals already living in captivity at their zoo. The plight of captive
13 elephants is so widely accepted that 38 zoos in North America have voluntarily closed their elephant
14 exhibits.

15 10. On March 24, 2025, the Honorable Paul Bacigalupo (ret.), past president of the
16 California Judges Association, wrote in the Daily Journal: “Billy and Tina – the two surviving
17 elephants confined at the LA Zoo – have done nothing to deserve a life sentence of captivity other than
18 being born elephants – a magnificent species that attracts human curiosity. These exceptionally
19 intelligent, deeply social animals deserve freedom and dignity. They deserve the opportunity to live
20 their remaining years ... [at a] sanctuary.”

21 11. In or about late April 2025, the LA Zoo circulated a mass email blast to all of its
22 members containing a statement signed by Verret to announce that a decision had been reached to
23 move Billy and Tina to a newly expanded elephant “preserve.” Verret stated that the “decision was
24 made with Billy and Tina’s health, wellbeing, and future as our top priority” and would “provide them
25 with the opportunity to live among other elephants in an enriched environment.” Verret explained that
26 LA Zoo officials “have spent the last year consulting with other experts and have considered all viable
27 options.” She went on to state: “[T]his decision, like every other decision regarding the animals in our
28 care, is guided by our unwavering commitment to their wellbeing.” Verret deliberately used the term

1 “preserve” and repeated references to Billy’s and Tina’s future wellbeing and opportunities for
2 socialization with other elephants to trick members of the public like Plaintiff John Kelly into
3 believing that she and the LA Zoo had chosen for Billy and Tina live out the rest of their days at an
4 accredited sanctuary instead of a zoo. In short, Verret intended to and in fact did mislead Kelly by
5 creating the false impression that she had finally agreed to do what the public had advocated all along:
6 give the elephants a chance to recover from years of inhumane confinement and torturous conditions in
7 a safe and healing space.

8 12. The reality could not be more different. The purported “elephant preserve” is just a
9 slightly larger elephant enclosure at the Tulsa Zoo in Oklahoma. It boasts 17 acres, which is
10 approximately 0.027 of a square mile. The space available for the elephants, however, is only
11 approximately 11 acres. The Tulsa Zoo already has five elephants. With the addition of Billy and Tina,
12 there will be seven elephants on 11 acres, or approximately 1.57 acres per elephant, slightly more than
13 the approximately one acre per elephant at the LA Zoo.

14 13. On May 5, 2025, Verret made similar statements when she appeared at City Hall before
15 the City Council’s five-member Budget and Finance Committee. When a Committee member asked if
16 she could promise that Billy and Tina would not be moved until the City Council had a chance to
17 review and vote on the matter, Verret merely responded: *“I can promise you that I am always going to*
18 *make decisions that are for the best interest of the animals at the zoo, including the elephants.”* To be
19 clear, Verret has refused to suspend the elephants’ relocation to the Tulsa Zoo to accommodate the
20 democratic process by which publicly elected officials representing the interests and views of their
21 constituents can evaluate the choice to shuffle Billy and Tina from one zoo prison to another.

22 14. In addition to virtually every animal protection organization, civil rights organizations
23 have expressed appropriate outrage both at the thought of sending Billy and Tina to the Tulsa Zoo
24 rather than to an accredited sanctuary (particularly when an accredited elephant sanctuary offered to
25 take Billy *years* ago if the LA Zoo would allow it), and at the fact that Verret intends to move Billy
26 and Tina in circumvention of a pending motion of City Council to explore all options in a public
27 forum. For example, the Multicultural Bar Alliance of Southern California – an alliance of more than
28 20 local women and minority bar organizations, ranging from the Asian Pacific American Bar

1 Association to the John M. Langston Bar Association to the LGBTQ+ Lawyers Association of Los
2 Angeles – voiced its concern “*rooted in the core principles of human rights – respect for due process*
3 *and the moral obligation to protect the vulnerable.*” And the Congress of Racial Equality of California
4 (the non-profit descended from one of America’s oldest civil rights organizations that produces the
5 annual Kingdom Day Parade), noting that injustice anywhere is a threat to justice everywhere, wrote
6 that it is compelled to act because “[t]o ignore the suffering of Billy and Tina is to betray the very
7 values of compassion, dignity, and moral responsibility that we exist to uphold [and] aligns our city
8 with a legacy of injustice we have worked so hard to overcome.”

9 15. Kelly brings this lawsuit to stop the transfer of Billy and Tina to the Tulsa Zoo, and
10 ensure that they are given the second chance at the free and happy life that they truly deserve. At the
11 very least, Kelly requests that the transfer to another zoo be halted temporarily so that the issue of
12 where to send Billy and Tina can be discussed openly with consideration of the scientific facts in
13 connection with the pending motion filed by Los Angeles City Councilmember Bob Blumenfield.

14 16. Without immediate Court intervention, Verret will move Billy and Tina to the Tulsa
15 Zoo, where they will suffer in an inhumane environment. Accordingly, as soon as this action is
16 assigned to a Judge of the Superior Court for Los Angeles County, Plaintiff intends to seek emergency
17 relief by filing an *ex parte* application for a temporary restraining order preventing the relocation of
18 Billy and Tina to the Tulsa Zoo. True and correct copies of a working draft of Plaintiff’s *ex parte*
19 application and supporting declarations of Cher and Dr. Chris Draper are attached hereto as **Exhibit A**
20 and incorporated herein by this reference.

21 **PARTIES, JURISDICTION AND VENUE**

22 17. Plaintiff John Kelly is, and at all times relevant hereto has been, an individual who
23 resides and does business in the County of Los Angeles, State of California.

24 18. Defendant Denise Verret is the Director and CEO of the LA Zoo. Her position as Zoo
25 Director is a mayoral appointment and she holds her position at the discretion of Mayor Karen Bass.
26 The LA Zoo is a City Council-controlled Department of the City of Los Angeles that was created by
27 ordinance. It is owned and operated by the City of Los Angeles. Plaintiff is informed and believes and,
28 based thereon, alleges that Verret is, and at all times relevant hereto has been, an individual who

1 resides and does business in the County of Los Angeles, State of California.

2 19. Plaintiff is presently unaware of the true names and capacities of the defendants sued
3 herein as Does 1 through 10, inclusive (“Doe Defendants”), and therefore sues said defendants by
4 fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities of such
5 fictitiously named defendants when their names and capacities have been ascertained. Plaintiff is
6 informed and believes and, based thereon, alleges that each of the fictitiously named defendants is
7 responsible in some manner for the occurrences, acts and omissions alleged herein and that Plaintiff’s
8 damages were proximately caused by their conduct. Hereinafter, Doe Defendants 1 through 10,
9 inclusive, will sometimes be referred to collectively as “Defendants.”

10 20. Plaintiff is informed and believes and, based thereon, alleges that each of the
11 Defendants, their employees and agents, participated personally in the unlawful conduct challenged
12 herein and, to the extent that they did not personally participate, they authorized, acquiesced, set in
13 motion or otherwise failed to take necessary steps to prevent the acts that resulted in the unlawful
14 conduct and the harm suffered by Plaintiff. Each acted in concert with each other.

15 21. Jurisdiction is proper in the Superior Court of the State of California for the County of
16 Los Angeles pursuant to Article VI, Section 10 of the California Constitution, Article VI, Section 10,
17 and California Civil Procedure Code section 410.10 because this Court is a court of general jurisdiction
18 and has authority to grant injunctive and equitable relief. This action is brought under Business and
19 Professions Code §§17200 and 17500 *et seq.*, and no statute or regulation confers exclusive
20 jurisdiction elsewhere. This is an unlimited civil action because the relief sought in this Complaint is
21 not exclusively described in one or more statutes that classify an action as a limited civil case as set
22 forth in California Civil Procedure Code sections 85(c) and 86.

23 22. Venue is proper in the County of Los Angeles, California pursuant to California Civil
24 Procedure Code section 395(a) because the acts and omissions giving rise to the claims asserted herein
25 took place in the County of Los Angeles and Defendant City of Los Angeles maintains its primary
26 place of business in this County.

1 **FACTS COMMON TO ALL CAUSES OF ACTION**

2 23. Kelly is an animal lover and a long-time resident of Los Angeles. For decades, he has
3 been interested in animals and has occasionally made modest donations to organizations that he feels
4 promote the health, welfare and quality of life of animals. Kelly loves elephants, which are majestic
5 and indisputably highly intelligent animals. He was familiar with the decades-long campaign to allow
6 Billy to retire to a sanctuary, and the consensus among scientists and researchers that it is inhumane,
7 both physically and mentally, for elephants to reside in zoos. He was also aware of the increasing
8 movement by zoos to close their elephant exhibits and relocate these animals to elephant sanctuaries,
9 where they have ample room to roam and graze and where they are proven to recover from the
10 physical and mental trauma caused by living in a zoo enclosure.

11 24. Recently, Kelly saw and heard the announcement by Verret that the LA Zoo was
12 relocating its elephants, Billy and Tina, to an “Elephant Experience and Preserve” in another state.
13 Kelly was elated to hear that the LA Zoo had finally done what the community had been asking it to do
14 for decades, namely, to retire Billy and Tina to a sanctuary, and that it had made the decision to move
15 them from what is widely accepted to be an inhumane and unsafe zoo environment to a “preserve.”
16 Kelly understood the term “preserve” in the Verret’s announcement to have its ordinary meaning: a
17 large, protected area that is dedicated to the preservation, conservation and study of elephants. He
18 understood Verret’s statements to mean that the LA Zoo was sending Billy and Tina to an accredited
19 elephant sanctuary. This understanding was also based on statements by Verret that the decision was
20 reached based on consultation with experts, after exploring all options and to promote the health and
21 welfare of Billy and Tina.

22 25. Based on the statements by Verret that Billy and Tina would be moved to an elephant
23 preserve, to reward the LA Zoo for finally retiring the elephants to a sanctuary and to encourage such
24 pro-animal management decisions, Kelly decided to make a donation to the LA Zoo. On or about May
25 7, 2025, Kelly accessed the publicly-available LA Zoo website and made a donation of Fifty Dollars
26 (\$50.00) via credit card on the website’s donation portal. In the optional notes section, Kelly wrote:
27 “To show my love for Billy and Tina.”
28

26. After receiving confirmation of his donation, Kelly called his friend Chris, another animal lover and someone with a history of advocacy for animal rights and welfare. Kelly asked Chris if he had heard the great news about the LA Zoo's relocation of Billy and Tina to an elephant sanctuary and explained that he had just donated money to the LA Zoo in the elephants' honor. Chris reacted with horror and informed Kelly that the so-called "Elephant Experience and Preserve" where the Zoo was planning to send Billy and Tina was *just a fancy name for the somewhat larger elephant enclosure at the Tulsa Zoo in Oklahoma*. Kelly learned from Chris and his own research of various sources that, at the Tulsa Zoo, the elephants would be subject to the same inhumane conditions from which they had suffered and continued to suffer at the LA Zoo.

27. It became apparent to Kelly that Verret had deliberately misrepresented the location to which the LA Zoo had decided to relocate Billy and Tina in order to falsely pass it off as an elephant preserve or sanctuary where the two elephants would be able to recover from their physical and mental trauma. Based on his love and deep concern for Billy and Tina, and having suffered an injury in fact as a direct result of Verret's false, fraudulent and unfair business practices, Kelly now brings this lawsuit to protect these beautiful, smart and sensitive creatures and prevent Verret from continuing to engage in her ongoing pattern of deceptive acts.

28. The reality is the Tulsa Zoo is just another zoo. Elephants there have died due to captivity-related illnesses. Tova the elephant was dead a mere six weeks after being transferred to the LA Zoo. Maverick and Malee died at the Tulsa Zoo at the young ages of 4 and 7. The Tulsa Zoo is not an elephant sanctuary. It is a zoo where Billy and Tina will continue to suffer.

FIRST CLAIM FOR RELIEF

(VIOLATION OF BUSINESS & PROFESSIONS CODE § 17200 *et seq.*)

29. Plaintiff incorporates by reference Paragraphs 1-28 hereof, inclusive, as though fully set forth herein.

30. California Business and Professions Code § 17200 *et seq.*, referred to as the Unfair Competition Law (the “UCL”), prohibits “any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising.” As alleged herein, Defendants have violated the UCL by engaging in fraudulent business practices; unfair, deceptive, untrue or misleading

1 advertising; and violations of California Business and Professions Code § 17500 *et seq.*

2 31. Specifically, and without limitation, in or about April and May 2025, Verret published
3 written and oral statements about the relocation of Billy and Tina that were likely to deceive a
4 reasonable person who is a member of the public. Verret stated that the elephants were being sent to a
5 newly expanded elephant preserve and that the decision was made in their best interest, to ensure that
6 Billy and Tina would be able to socialize with other elephants. These statements falsely implied that
7 the LA Zoo was relocating Billy and Tina to an accredited sanctuary where they would be able to
8 socialize with other elephants and heal from the trauma of years in captivity at the LA Zoo under
9 inhumane and unconscionable conditions. Plaintiff did, in fact, rely on these fraudulent, false and
10 misleading statements and was deceived by them, and as a result made a donation to the LA Zoo –
11 which is run by Verret – in the amount of Fifty Dollars (\$50.00).

12 32. Some or all of these statements were also disseminated to the public, including Plaintiff,
13 in the form of a deceptive, untrue and misleading advertisement intended to portray Verret as a
14 someone concerned with the humane treatment and protection of elephants and the LA Zoo as an entity
15 that practiced pro-animal zoo management. The publication of this deceptive, untrue and misleading
16 advertisement was intended to enhance Verret's public image and create further business opportunities
17 for her beyond running the LA Zoo; increase the LA Zoo's business reputation and standing among the
18 residents of Los Angeles, such as Plaintiff; and to increase the sale of admission tickets and donations.
19 Said advertisement was likely to mislead a reasonable person and did, in fact, mislead Plaintiff. The
20 deceptive advertising was communicated to Plaintiff verbally and in writing. As a direct result of
21 receiving Defendant's untrue, misleading and deceptive advertising, Plaintiff made a donation to the
22 LA Zoo in the amount of Fifty Dollars (\$50.00).

23 33. Defendants' acts and practices offend public policy and are substantially injurious to
24 Plaintiff. Having lost money or property due to his detrimental reliance on the City's fraudulent
25 business practices and deceptive and misleading advertising, Plaintiff has suffered an economic injury
26 and an injury in fact. Moreover, having realized that he was deceived by Defendants regarding the LA
27 Zoo's plans to relocate Billy and Tina, Plaintiff has suffered and will continue to suffer emotional
28 distress, guilt and related physical manifestations of such mental anguish as a result of Defendants'

wrongful conduct for which there is no adequate remedy at law.

34. Defendants have been unjustly enriched and Plaintiff has suffered irreparable harm as a result of Defendants' activities and will continue to suffer irreparable injury that cannot be adequately remedied at law unless Defendants, and their agents, and all other persons acting in concert with them, are enjoined from engaging in any further such acts, including and without limitation, relocating Billy and Tina to another inhumane zoo environment under false pretenses. The substantial harm to Plaintiff outweighs the public benefit of Defendants' conduct. For these reasons, Plaintiff is entitled to injunctive relief ordering Defendants to refrain from further violations of the UCL.

SECOND CLAIM FOR RELIEF

(VIOLATION OF BUSINESS & PROFESSIONS CODE § 17500 et seq.)

35. Plaintiff incorporates by reference Paragraphs 1-34 hereof, inclusive, as though fully set forth herein.

36. California Business and Professions Code § 17500 *et seq.*, referred to as the False Advertising Law (the "FAL"), prohibits the public dissemination of any statement "which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading" with the intent to cause "the public to enter into any obligation related thereto." As alleged hereinabove, Defendants have violated the FAL by publicly disseminating false, deceptive and misleading statements regarding the LA Zoo's plans to relocate Billy and Tina with the intent to increase public opinion of the LA Zoo and induce the public to purchase tickets or make donations to the LA Zoo for its financial benefit.

37. Specifically, and without limitation, in or about April and May 2025, Verret published written and oral statements about the relocation of Billy and Tina that were likely to deceive a reasonable person who is a member of the public. Verret stated that the elephants were being sent to a newly expanded elephant preserve and that the decision was made in their best interest, to ensure that Billy and Tina would be able to socialize with other elephants. These statements falsely implied that the LA Zoo was relocating Billy and Tina to an accredited sanctuary where they would be able to socialize with other elephants and heal from the trauma of years in captivity at the LA Zoo under inhumane and unconscionable conditions.

1 38. Plaintiff was deceived by these false and misleading statements and as a result made a
2 donation to the LA Zoo in the amount of Fifty Dollars (\$50.00).

3 39. Defendants' acts and practices offend public policy and are substantially injurious to
4 Plaintiff. Having lost money or property due to his detrimental reliance on Verret's untrue and
5 misleading advertising in violation of California Business & Professions Code § 17500 *et seq.*,
6 Plaintiff has suffered an economic injury and an injury in fact. Moreover, having realized that he was
7 deceived by Defendants regarding the LA Zoo's plans to relocate Billy and Tina, Plaintiff has suffered
8 and will continue to suffer emotional distress, guilt and related physical manifestations of such mental
9 anguish as a result of Defendants' wrongful conduct for which there is no adequate remedy at law.

10 40. Defendants have been unjustly enriched and Plaintiff has suffered irreparable harm as a
11 result of Defendants' activities and will continue to suffer irreparable injury that cannot be adequately
12 remedied at law unless Defendants, and their agents, and all other persons acting in concert with them,
13 are enjoined from engaging in any further such acts, including and without limitation, relocating Billy
14 and Tina to another inhumane zoo environment under false pretenses. The substantial harm to Plaintiff
15 outweighs the public benefit of Defendants' conduct. For these reasons, Plaintiff is entitled to
16 injunctive relief ordering Defendants to refrain from further violations of the FAL.

17 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

18 **On the First Cause of Action**

19 1. For a preliminary injunction, pursuant to California Business & Professions Code
20 §§ 17203 and 17204, prohibiting Defendants from relocating Billy and Tina to any zoo (including,
21 without limitation, the Tulsa Zoo), or any unaccredited purported preserve or conservation facility
22 during the pendency of this action;

23 2. For a permanent injunction, pursuant to California Business & Professions Code §§
24 17203 and 17204, (i) prohibiting Defendants from keeping Billy and Tina confined at the LA Zoo or
25 relocating Billy and Tina to any zoo (including, without limitation, the Tulsa Zoo), or any unaccredited
26 purported preserve or conservation facility; and (ii) ordering Defendants to relocate Billy and Tina to
27 an elephant sanctuary duly accredited by the Global Federation of Animal Sanctuaries ("GFAS"),
28 including, for example, the Performing Animal Welfare Society in California or The Elephant

Sanctuary in Tennessee, within thirty (30) days of the entry of judgment for Plaintiff in this action;

On the Second Cause of Action

3. For a preliminary injunction, pursuant to California Business & Professions Code § 17535, prohibiting Defendants from relocating Billy and Tina to any zoo (including, without limitation, the Tulsa Zoo), or any unaccredited purported preserve or conservation facility during the pendency of this action;

4. For a permanent injunction, pursuant to California Business & Professions Code § 17535, (i) prohibiting Defendants from keeping Billy and Tina confined at the LA Zoo or relocating Billy and Tina to any zoo (including, without limitation, the Tulsa Zoo), or any unaccredited purported preserve or conservation facility; and (ii) ordering Defendants to relocate Billy and Tina to an elephant sanctuary duly accredited by the GFAS, including, for example, the Performing Animal Welfare Society in California or The Elephant Sanctuary in Tennessee, within thirty (30) days of the entry of judgment for Plaintiff in this action;

On All Causes of Action:

5. For attorneys' fees and costs pursuant to California Civil Procedure Code § 1021.5 and the common law "Private Attorney General" doctrine; and

6. For such other relief as the Court may deem just and proper.

Dated: May 9, 2025

LAVELY & SINGER
PROFESSIONAL CORPORATION
MELISSA Y. LERNER
KELSEY J. LEEKER

By: /s/ Melissa Y. Lerner
MELISSA Y. LERNER

Attorneys for Plaintiff JOHN KELLY

EXHIBIT A

MELISSA Y. LERNER (BAR NO. 285216)
KELSEY J. LEEKER (BAR NO. 313437)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

JOHN KELLY, an individual,

Plaintiff,

vs.

DENISE VERRET, an individual, and DOES 1
through 10, inclusive,

Defendants.

CASE NO.

Hon.
Dept.

**PLAINTIFF JOHN KELLY'S *EX*
PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

Date: May __, 2025
Time: 8:30 a.m.
Dept: _____

Complaint Filed: May 9, 2025
Trial Date: None Set

1 **PLEASE TAKE NOTICE** that on May ___, 2025, or as soon thereafter as the matter may
2 be heard before the Honorable _____ in Department ___ of the Los Angeles Superior
3 Court, located at 111 N. Hill Street, Los Angeles, CA 90012, Plaintiff John Kelly (“Plaintiff”),
4 through his attorneys of record herein, will and hereby does make this *ex parte* application to the
5 Court for issuance of a Temporary Restraining Order and Order to Show Cause re: Preliminary
6 Injunction to stop Defendant Denise Verret (“Defendant”) and DOES 1-10 (“Doe Defendants”)
7 (together, “Defendants”) from transferring two elephants named Billy and Tina from the Los
8 Angeles Zoo and Botanical Gardens to any other zoo (including without limitation, another zoo in
9 Tulsa, Oklahoma), or any unaccredited purported preserve or conservation facility during the
10 pendency of this action.

11 This Application is made pursuant to Cal. Rules of Court, rule 3.1150(g), Cal. Rules of
12 Court, rule 3.1200, *et seq.*, and Cal. Code of Civil Procedure § 527, on the grounds that: (1) Plaintiff
13 has established a strong likelihood of success on the merits on his claim for injunctive relief;
14 (2) Plaintiff will suffer irreparable injury if the preliminary relief is not granted; and (3) the balance
15 of hardship likely to be sustained by Plaintiff, when compared to any harm that might be suffered by
16 Defendants, strongly favors Plaintiff.

17 Notice of this *Ex Parte* Application will be provided to Defendant Verret in accordance with
18 Cal. Civ. Proc. Code § 527(c).

19 This Application is based on the Memorandum of Points and Authorities; Declarations of
20 John Kelly, Melissa Y. Lerner, Chris Draper and Cher filed concurrently herewith; all matters of
21 which the Court is permitted or required to take judicial notice; and upon all papers and pleadings on
22 file herein and on such other oral and documentary evidence as may be presented at the time of this
23 hearing.

24 Dated: May ___, 2025

LAVELY & SINGER
PROFESSIONAL CORPORATION

By: /s/ DRAFT
MELISSA Y. LERNER
Attorneys for Plaintiff JOHN KELLY

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiff JOHN KELLY (“Kelly” and/or “Plaintiff”) hereby makes this *ex parte* application to
4 the Court for issuance of a Temporary Restraining Order and Order to Show Cause re: Preliminary
5 Injunction to stop Defendant DENISE VERRET (“Defendant”) and DOES 1-10 (“Doe Defendants”)
6 (together, “Defendants”) from transferring two elephants named Billy and Tina from the Los Angeles
7 Zoo and Botanical Gardens (the “LA Zoo”) to the Tulsa Zoo or any other zoo until a hearing can be
8 heard on a motion for preliminary injunction.

9 The lives of two beloved elephants hang in the balance. For years, Billy and Tina have been at
10 the center of impassioned efforts to release them from zoo captivity and let them live their remaining
11 years at an elephant sanctuary. *See* Declaration of Cher (“Cher Decl.”) ¶¶ 2, 4. This is because current
12 science proves that elephants are incredibly intelligent, emotionally complex beings who suffer
13 horribly in zoo captivity. Physically, no matter how large the zoo exhibit, it simply is not enough
14 space for this species. Elephants are highly social and roam vast ranges in the wild, sometimes
15 traveling as far as 50 or more miles a day. The limited space at zoos causes elephants to walk
16 repeatedly over the same ground, thereby compacting it. Walking on packed dirt for prolonged period
17 causes elephants painful and often deadly foot diseases. Elephants in captivity frequently suffer
18 “zoochosis,” a form of severe mental illness caused by confinement in a limited space.

19 Emergency temporary relief is needed to stop Verret from transferring the elephants until a
20 motion for preliminary injunction is heard. If Verret moves Billy and Tina to the Tulsa Zoo before
21 this case is heard, it will be too late for them. The moment they are moved, their fate is decided –
22 permanently. Suffering in zoo captivity until their death is not the fate that Billy and Tina deserve.

23 **II. FACTUAL BASIS FOR EX PARTE RELIEF REQUESTED**

24 **A. Scientific Evidence Unequivocally Establishes Zoos Are Harmful to Elephants.**

25 “Scientific knowledge about elephants and the detrimental effects of zoo captivity has rapidly
26 increased over the past decades. Science demonstrates that no matter how hard a zoo tries it is nearly
27 impossible to humanely keep elephants in traditional zoos.” Declaration of Chris Draper, Ph.D.
28 (“Draper Decl.”) ¶ 10. In addition to the severe physical harm that the zoo environment causes, in

1 recent years scientists have been able to learn more about its devastating impacts on elephants’
2 mental and emotional health. “Elephants confined in zoos often exhibit behavioral abnormalities not
3 seen in the wild, resulting from among other things, confinement in a limited space, not being able to
4 engage in appetitive behaviors, living in isolation, reduced activity, and having no control over their
5 lives. This frequently results in elephants engaging in functionless, repetitive motions such as
6 rocking, swaying and head bobbing (stereotypic behaviors), behaviors that both Billy and Tina appear
7 to exhibit.” *Id.* ¶ 13.

8 **B. Maintaining the Status Quo for a Short Period of Time Will Not harm Defendant.**

9 Billy and Tina have been at the LA Zoo literally for decades notwithstanding the community’s
10 urging that they be allowed to live their remaining lives at an animal sanctuary. Defendant will suffer
11 no harm if a short stay is granted so that the motion can be heard.

12 **III. ARGUMENT**

13 **A. Legal Standard**

14 California Code of Civil Procedure Section 527 allows a plaintiff to obtain injunctive relief,
15 including a temporary restraining order (“TRO”), pending a resolution of the merits of an action. Cal.
16 Civ. Proc. Code § 527. “The ex parte hearing concerning a TRO is no more than a review of the
17 conflicting contentions to determine whether there is a sufficiency of evidence to support the issuance
18 of an interlocutory order to keep the subject of litigation in status quo pending a full hearing to
19 determine whether the applicant is entitled to a preliminary injunction.” *Landmark Holding Group v.*
20 *Superior Court*, 193 Cal. App. 3d 525, 528 (1987), citing *Gray v. Bybee*, 60 Cal. App. 2d 564, 571
21 (1943). It is not a determination on the merits. *Ibid.* “All that is determined is whether the TRO is
22 necessary to maintain the status quo pending the noticed hearing on the application for preliminary
23 injunction.” *Ibid.* (citing *Biasca v. Superior Court*, 194 Cal. 366, 367 (1924)).

24 An injunction may be granted “[w]hen it appears, during the litigation that a party to the
25 action is doing, or threatens, or is about to do, or is procuring or suffer to be done, some act in
26 violation of the rights of another party to the action respecting the subject of the action and tending to
27 render the judgment ineffectual.” Cal. Civ. Proc. Code § 526(a)(3).

28 The trial court “must exercise its discretion ‘in favor of the party most likely to be injured. If

1 the denial of an injunction would result in great harm to the plaintiff, and the defendants would suffer
2 little harm if it were granted, then it is an abuse of discretion to fail to grant the preliminary
3 injunction.” *Robbins v. Superior Court*, 38 Cal.3d 199, 205 (1985) (citations omitted).

4 **B. Without the Requested TRO, a Subsequent Judgment Will Be Rendered Ineffectual.**

5 An injunction may be granted “[w]hen it appears, during the litigation that a party to the
6 action is doing, or threatens, or is about to do, or is procuring or suffer to be done, some act in
7 violation of the rights of another party to the action respecting the subject of the action and tending to
8 render the judgment ineffectual.” (Code Civ. Proc. § 526(a)(3).) That is exactly the case here. If
9 Verret moves the elephants before this case is heard, this Court’s judgment will be rendered
10 ineffectual.

11 **C. Plaintiff is Likely to Succeed on the Merits.**

12 Plaintiff will likely prevail on his UCL and FAL claims. Statutory authority provides a right
13 of action for any injury caused by “any unlawful, unfair, or fraudulent business act or practice” or
14 “unfair, deceptive, untrue or misleading advertising,” and, as noted, expressly permits injunctive
15 relief. Cal. Bus. & Prof Code §§ 17200, 17203. Likewise, the FAL provides a right of action for any
16 injury caused by the dissemination of any “untrue or misleading” statement to the public regarding its
17 operations or services and permits injunctive relief. *Id.* §§ 17500, 17535.

18 Courts have granted injunctions where false and misleading statements were made to donors
19 to solicit donations in violation of California Business & Professions Code §§ 17200 *et seq.* and
20 17500 *et seq.* See *People v. Orange Cnty. Charitable Servs.*, 73 Cal. App. 4th 1054 (1999). Here,
21 Verret engaged in fraudulent business practices when they deliberately made false and deceptive
22 statements regarding the location to which the LA Zoo had decided to relocate Billy and Tina in order
23 to falsely pass it off as an elephant sanctuary where they would be able to recover from their physical
24 and mental trauma and to obtain support from the public, including in the form of donations, under
25 false pretenses. Kelly was misled and deceived by Verret’s misrepresentations. In reliance on
26 Defendant’s deliberate efforts to mislead members of the public, including Kelly himself, Kelly
27 donated to the LA Zoo and therefore suffered damages. Plaintiff is entitled protection under the
28 Business and Professions Code’s and common law’s prohibition against fraudulent business practices

1 and false advertising.

2 **D. Plaintiff's Irreparable Harm and The Balance of Hardships Favor Granting Injunctive**
3 **Relief.**

4 In addition to the authority provided above, injunctive relief is appropriate where Plaintiff can
5 demonstrate "that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in
6 the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is
7 in the public interest." *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (quoting *Winter*
8 *v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008)).

9 **i. Plaintiff's Irreparable Harm**

10 If this *Ex Parte* Application is not granted, and a temporary restraining order is not issued nor
11 an order to show case regarding a preliminary injunction entered by the Court, Kelly will suffer
12 irreparable harm. Declaration of John Kelly ("Kelly Decl."), ¶ 8. Kelly will suffer emotional distress,
13 including feelings of severe guilt and sadness, based on the fact that his personal donation was used
14 to fund an organization that moved Billy and Tina to another inhumane and harmful zoo instead of an
15 accredited sanctuary, and that he had provided monetary support to an institution that was
16 perpetrating cruelty against animals. *Id.* Kelly will lose sleep thinking that he funded the continued
17 suffering of two beautiful animals. *Id.*

18 Kelly is also left feeling helpless now that he has also learned that Varrete plans to move the
19 elephants without waiting for elected officials on the City Council to help decide what is best for
20 Billy and Tina. *Id.* ¶ 9. Kelly's feelings that democracy is failing are triggered when a City
21 Department run by a political appointee can defy the will of the people and move forward, relocating
22 these incredibly intelligent and sensitive animals to another inhumane zoo without a public hearing
23 on what is truly best for Billy and Tina. *Id.*

24 **ii. The Balance of Hardships Favors Plaintiff**

25 The hardship that Defendant will face, if any, is negligible. Indeed, Plaintiff only seeks to
26 preserve the status quo by this *Ex Parte* Application and to keep the Elephants where they reside
27 currently, and have since 1989 (Billy) and 2010 (Tina). *See Landmark Holding Group v. Superior*
28 *Court*, 193 Cal. App. 3d 525, 528 (1987) (citing *Gray v. Bybee*, 60 Cal. App. 2d 564, 571 (1943))

1 (“The ex parte hearing concerning a TRO is no more than a review of the conflicting contentions to
2 determine whether there is a sufficiency of evidence to support the issuance of an interlocutory order
3 to keep the subject of litigation in status quo pending a full hearing to determine whether the
4 applicant is entitled to a preliminary injunction.”).

5 If Plaintiff’s preliminary relief is not granted, and the Elephants are relocated prior to the
6 hearing, and then Plaintiff is successful in his claims, it will be much more traumatic and costly for
7 the Elephants to then be returned to the LA Zoo after they have been transferred all the way to the
8 Tulsa Zoo. Such a result is harmful to all, and would render a subsequent judgment ineffectual. *See*
9 Code Civ. Proc. § 526(a)(3) (an injunction may be granted “[w]hen it appears, during the litigation
10 that a party to the action is doing, or threatens, or is about to do, or is procuring or suffer to be done,
11 some act in violation of the rights of another party to the action respecting the subject of the action
12 and tending to render the judgment ineffectual”).

13 Thus, the balance of harms strongly favors Plaintiff.

14 **iii. Preliminary Relief Advances the Public Interest**

15 There is an incredibly strong public interest among the residents of Los Angeles in protecting
16 the last remaining elephants in the LA Zoo from further mental and physical hardship and suffering.

17 Billy, Tina and other captive elephants have been the focus of public advocacy for years.

18 Moreover, it has become clear that Varrete will not allow the elected members of the City
19 Council to obtain information sufficient to evaluate the propriety of the elephants’ relocation to the
20 Tulsa Zoo, in flagrant disregard for democratic processes and the people’s right to transparency.

21 Accordingly, it is in the public’s best interest for the elephants to remain at the LA Zoo,
22 preserving the status quo, until the hearing on Plaintiff’s preliminary injunction takes place, at the
23 very least.

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1 **IV. CONCLUSION**

2 For the reasons set forth hereinabove, Plaintiff respectfully requests that the Court issue a
3 temporary restraining order enjoining Defendants from transferring the Elephants from the LA Zoo
4 to the Tulsa Zoo or any other location, and preserving the status quo, until a preliminary injunction
5 hearing can be heard, and this Court issues a ruling on its Order to Show Cause Why Preliminary
6 Injunction Should Not Issue.

7 Dated: May ___, 2025

LAVELY & SINGER
PROFESSIONAL CORPORATION
MELISSA Y. LERNER
KELSEY J. LEEKER

10
11 By: /s/ DRAFT
MELISSA Y. LERNER

12 Attorneys for Plaintiff JOHN KELLY
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MELISSA Y. LERNER (BAR NO. 285216)
KELSEY J. LEEKER (BAR NO. 313437)

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Attorneys for Plaintiff
JOHN KELLY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

JOHN KELLY, an individual,

Plaintiff,

vs.

DENISE VERRET, an individual; and DOES 1
through 10, inclusive,

Defendants.

CASE NO.

Hon.
Dept.

DECLARATION OF CHER IN
SUPPORT OF PLAINTIFF JOHN
KELLY'S *EX PARTE* APPLICATION
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION

Date: May __, 2025
Time: 8:30 a.m.
Dept: _____

Complaint Filed: May 9, 2025
Trial Date: None set

DECLARATION OF CHER

I, Cher, declare as follows:

1. I make this declaration in support of Plaintiff's *Ex Parte* Application For Temporary Restraining Order And Order To Show Cause Re: Preliminary Injunction. I have personal and first-hand knowledge of the matters set forth herein, except for those that are stated on information and belief, and, as to those, I am informed and believe them to be true. If called as a witness, I could and would testify competently to the matters stated herein.

2. I am a longtime advocate for Billy and Tina, the two remaining elephants at the Los Angeles Zoo, to be relocated to a genuine elephant sanctuary to live out their remaining years. My heart is broken to hear that the Los Angeles Zoo and Botanical Gardens ("LA Zoo") has made plans to move Billy and Tina to yet another zoo rather than to a sanctuary, and that they have done so in secrecy and without involving the community or our elected officials in this decision which is so important to our community.

3. Los Angeles City Councilmember Bob Blumenfield has brought a motion that would simply require the LA Zoo to report back to City Council within 30 days on all relocation options for Billy and Tina, including the option to send them to a genuine sanctuary, and to commit not to move them until the matter has been discussed and voted on by the full City Council. During a recent Budget and Finance hearing, Mr. Blumenfield asked Zoo General Manager Denise Verret to delay the transfer until his motion could be heard. She refused. Not just politely — defiantly. That is unacceptable. The Zoo is a city institution and its leadership should be accountable to the City Council and the people of Los Angeles. In other words, the LA Zoo has refused to honor that request to wait to move them until the motion is heard.

4. Billy has been locked up since 1989. I, along with other activists, have been trying to free him for the last 15 years. Tina was held captive in a private zoo prior to being placed in the LA Zoo. They have been through hell. As the co-founder and trustee of Free The Wild, an international charity dedicated to ending the suffering of wild animals in captivity, I've seen firsthand what it takes to rescue, rehabilitate and safely relocate elephants to sanctuaries. The Tulsa Zoo is not a sanctuary. Billy and Tina

have served their time in confinement. They deserve the chance to live out their lives in peace and dignity.

5. I urge this Court to issue a temporary restraining order, and I urge the public to contact the Mayor and the City Council to urge them not to turn a blind eye to the overwhelming scientific evidence that captivity in zoos inflicts profound and unfathomable harm on elephants, but instead to show compassion and send Billy and Tina a real sanctuary.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 9th day of May, 2025, at Los Angeles, California.

Signed by:

00ED92F90729437...

 CHER

MELISSA Y. LERNER (BAR NO. 285216)
KELSEY J. LEEKER (BAR NO. 313437)

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Attorneys for Plaintiff
JOHN KELLY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

JOHN KELLY, an individual,

Plaintiff,

vs.

DENISE VERRET, an individual; and DOES 1
through 10, inclusive,

Defendants.

CASE NO.

Hon.
Dept.

**DECLARATION OF CHRIS DRAPER
IN SUPPORT OF PLAINTIFF JOHN
KELLY'S *EX PARTE* APPLICATION
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

Date: May __, 2025
Time: 8:30 a.m.
Dept: _____

Complaint Filed: May 9, 2025
Trial Date: None set

DECLARATION OF CHRIS DRAPER

I, Chris Draper, declare as follows:

1. I am not a party to the above-captioned matter. I make this declaration in support of Plaintiff's *Ex Parte* Application for Temporary Restraining Order And Order To Show Cause Re: Preliminary Injunction. I have personal and first-hand knowledge of the matters set forth herein, except for those that are stated on information and belief, and, as to those, I am informed and believe them to be true. If called as a witness, could and would testify competently to the matters stated herein.

Education, Background and Training

2. I hold a Ph.D. in Animal Welfare Science from the School of Biological Sciences, University of Bristol, where my thesis examined the legislation and practices of zoos. I received a Bachelor of Science degree with honors in Zoology from the University College London in 1998. I received a Master of Science degree in Primatology from University College in London in 1999.

3. I was the Head of Animal Welfare and Captivity at Born Free Foundation, UK, from May 2004 through December 2020. In that role, I was responsible for the operation of Born Free's wild animal sanctuaries in Ethiopia, South Africa, and India. I then worked at the Performing Animal Welfare Society (PAWS), USA from December 2020 through February 2025, where I was Chief Operations Officer (2020-2024) and Chief Executive Officer (2024-February 2025). While there, I led the organization's sanctuary and global animal welfare programs and was responsible for the operations of the Ark 2000 wild animal sanctuary in California, among other things.

4. I am a member of the Accreditation Committee of the Global Federation of Animal Sanctuaries (GFAS), a Fellow of the Royal Society of Biology, a Fellow of the Oxford Centre for Animal Ethics, an Advisor to the Whale Sanctuary Project, a Former Member of the Zoos Expert Committee for the Governments in the United Kingdom, a Former Member of the Wild Animal Welfare Committee in the United Kingdom, and a Former Member of the Editorial Board for the UK Journal of Animal Law.

5. I have served on editorial boards and as a reviewer of academic journals, including UK Journal of Animal Law – Editorial Board, Animal Welfare – Reviewer, Animals – Reviewer, Genes – Reviewer, Society and Animals – Reviewer, and Sustainability – Reviewer.

1 6. I have authored multiple peer-reviewed publications in my field, have given multiple oral
2 presentations, including on animal welfare in zoos and exotic animals in captivity, organized
3 international conferences on topics including compassionate conservation, and applied ethology and
4 human interventions in wild animal populations, and have provided Parliamentary Presentations and
5 Testimony on topics including wild animals in circuses, zoo licensing, and licensing and inspection in
6 zoos, among other topics. Other oral presentations have included animal welfare and conservation
7 objectives in zoos, designing and developing an animal welfare framework for zoos, and compassionate
8 conservation. I have given poster presentations on topics such as biodiversity conservation and animal
9 welfare in zoos, and why compassionate conservation can improve the welfare of wild animals.

10 7. I have been retained to observe and report on elephants in Sri Lanka, India, USA,
11 Canada, Mexico, UK, Ireland, South Africa, France, Spain and Italy. I was involved in the retirement
12 and movement of the last circus elephant in England, and have been central to the rescue and retirement
13 of numerous animals rescued from zoos and circuses to lifetime sanctuaries.

14 8. Based on my background, training and experience, I am recognized as an expert in
15 animal behavior, care, and management, including specifically elephants in captivity at zoos as
16 compared to elephants at genuine sanctuaries, such as those accredited by GFAS.

17 9. The opinions I state in this declaration are based on my professional knowledge,
18 education, training, and years of experiences specifically involving elephants, as well as my knowledge
19 of peer-reviewed literature about elephant behavior and intelligence published in the world's most
20 respected journals, periodicals and books that are generally accepted as authoritative in the field.
21 Elephants do not thrive in zoos, and rather frequently suffer horribly from captivity-related ailments.

22 *Extensive research as well as the scientific consensus is that elephants do not thrive in zoos*

23 10. Scientific knowledge about elephants and the detrimental effects of zoo captivity has
24 rapidly increased over the past decades. Science demonstrates that no matter how hard a zoo tries it is
25 nearly impossible to humanely keep elephants in traditional zoos.

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1 11. One primary issue is that, by definition, traditional zoos have limited space compared to
2 the space that elephants require. Elephants have evolved to travel many miles each day – 10, 20, 50 or
3 more miles each day – reacting to their complex ecosystem and engaging in instinctive and learned
4 functional behaviors such as finding food, water, minerals, avoiding threats, finding conspecifics, and
5 social interactions. The ground they have evolved to walk on is variable, soft and forgiving to their
6 joints and feet, unlike concrete or compacted substrates.

7 12. The limited space available in zoos causes elephants to walk repeatedly over the same
8 ground again and again thereby compacting it with their heavy weight (up to 6 or more tons). Walking
9 or standing on concrete or compacted dirt for prolonged periods often causes elephants to suffer painful
10 foot and joint problems such as osteoarthritis, which can eventually lead to lameness and death. It also
11 causes unnatural wear to the elephants' footpads and nails which can develop serious and life-
12 threatening infections.

13 13. Science has also advanced to the point where we now understand more about elephants'
14 mental and emotional health. Elephants confined in zoos often exhibit behavioral abnormalities not seen
15 in the wild, resulting from among other things, confinement in a limited space, not being able to engage
16 in appetitive behaviors, living in isolation, reduced activity, and having no control over their lives. This
17 frequently results in elephants engaging in functionless, repetitive motions such as rocking, swaying and
18 head bobbing (stereotypic behaviors), behaviors that both Billy and Tina appear to exhibit.

19 14. The Tulsa Zoo advertises 17 acres in its elephant enclosure, featuring a 36,650 square
20 foot barn (less than an acre), and a 10-acre "preserve" available for the elephants. Eleven acres is
21 approximately 0.0172 of a square mile; seventeen acres is slightly better at 0.0266 of a square mile.
22 Accredited elephant sanctuaries, by contrast offer significantly more space, enough to allow elephants to
23 start to heal physically and emotionally and engage in a more natural range of behaviors.

24 15. Zoos that make modest improvements offering slightly more space do not, and cannot,
25 compare to the space and natural habitat an accredited sanctuary can provide. Nor does it remedy the
26 fundamental mismatch between captive environments and elephant biology, physiology, and behavior.

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1 16. In recognition of the scientific consensus that elephants do not thrive in captivity and
2 evolving standards of animal welfare legislation and ethics, the trend both nationally and internationally
3 is to move away from keeping elephants in captivity in zoos. Many zoos have permanently closed their
4 elephant exhibits. Los Angeles should be applauded for its decision to move Billy and Tina. However,
5 the decision to move Billy and Tina to another zoo with slightly more space does not eliminate the
6 fundamental mismatch between captive environments and elephant biology, physiology, and behavior.

7 17. Los Angeles residents will recall that the LA Zoo expanded its elephant exhibit with the
8 same goal of eliminating problems associated with captivity. The current elephant exhibit is larger, and
9 more aesthetically pleasing for zoo patrons, but it is still relatively minute and impoverished compared
10 to what elephants have evolved to live in.

11 ***Concerns regarding sending Billy and Tina to the Tulsa Zoo***

12 18. Based on my extensive background, training, observations and experience, it is my strong
13 opinion that a thorough and public review of the Tulsa Zoo should be conducted before sending any
14 elephant there as the preliminary evidence indicates that it is against Billy and Tina's best interests to
15 send them there.

16 ***Preliminary evidence strongly suggests that the elephants will not be transported safely.***

17 19. Another serious concern is how Billy and Tina will be transported from the LA Zoo,
18 especially because the LA Zoo has not provided information to the public as to how or when the move
19 will take place. Transporting elephants is risky and can cause serious injury or death if not done
20 properly. It requires expert planning, monitoring and execution.

21 20. Below is a recently-taken photograph of Tina which causes me grave concern. This
22 photograph appears to show Tina with manacles – straps or webbing-covered chains – on her wrists and
23 ankles. Manacles are sometimes used as a shortcut to move elephants in captivity who are reluctant to
24 get into a travelling crate on their own. Manacles can cause elephants severe physical injuries and
25 psychological trauma as well as long-term musculoskeletal problems, and are widely criticized as being
26 inhumane. The risk to Tina is particularly acute given her current age and health.

TINA



21. In my professional opinion, it is reckless and irresponsible to proceed with any transfer in light of this evidence without fully examining why she is in shackles and exploration of alternative methods.

Billy cannot safely be housed with the Tulsa Zoo's elephants

22. Another serious concern is that Billy is a male elephant who has been housed alone for most of his life. It is highly unlikely that he can be safely introduced to other elephants – at least not immediately. Introducing an adult male to other elephants in captivity can cause serious stress, aggression, injury and/or death to Billy or the other elephants. Nonetheless, while adult male elephants have been wrongly regarded as “solitary” for much of their history in captivity, there is increasing evidence of the complex social networks of adult males in the wild. There should be full transparency as to the plan to meet Billy’s social needs before he is transported to the Tulsa Zoo.

Conclusion

23. In my professional opinion, it would be irresponsible to transport Billy and Tina to the Tulsa Zoo without examining these issues in a public forum and assuring that moving them there would be the best possible option for their health and wellbeing.

24. My preliminary opinion with the information currently available including the size of the elephant exhibit, the photograph of Tina, and the risks inherent in their transportation particularly if

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1 manacles are being used, is that Billy and Tina may ***not*** be any better off at the Tulsa Zoo than they are
2 at the LA Zoo.

3
4 I declare under penalty of perjury under the laws of the State of California that the foregoing is
5 true and correct. Executed this May 9, 2025, at Los Angeles, California.

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CHRIS DRAPER