



Duane Morris attorneys have decades of experience representing businesses and institutions that feature or utilize animals or animal products and have obtained an international profile in the areas of animal law and animal rights litigation. These attorneys, together with the firm's international footprint, serve clients' needs globally.

PRACTICE HIGHLIGHTS

- > Federal and state court litigation
- > Regulatory advice and defense of enforcement actions
- > Intellectual property matters
- > Crisis communications and media relations

The practice involves global litigation, regulatory counseling and contentious matters before various administrative agencies, such as the U.S. Department of Agriculture (USDA), the U.S. Fish and Wildlife Service (FWS), the Environmental Protection Agency (EPA) and the Federal Trade Commission (FTC), pre-litigation counseling and advice, media relations and crisis communications. The firm's lawyers have extensive experience with the Endangered Species Act (ESA), Animal Welfare Act (AWA), Marine Mammal Protection Act (MMPA), the Lacey Act, National Environmental Policy Act (NEPA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). They also handle animal-related consumer law litigation.

Duane Morris attorneys are well-versed in dealing with legal actions and complaints brought by activist organizations and individuals. We have been involved in judicial, administrative and legislative disputes with most of the major animal rights organizations over the past 20 years.

We understand that a well-developed litigation strategy often must be coordinated with a robust media and/or crisis communications plan. Our animal law litigators have extensive experience in developing media/crisis strategies, tactical messaging and media appearances that seamlessly meld the public relations and legal strategies into a focused and effective approach.

Our attorneys have extensive knowledge of veterinary practice, animal husbandry and welfare standards. We are well-versed in

the biology and behavior of multiple animal species, including several of the exhibited, charismatic animals, e.g., elephants (*Elephas maximus* and *Loxodonta africana*), killer whales (*Orcinus orca*) and Bengal tigers (*Panthera tigris tigris*).

Our attorneys also have extensive experience in global intellectual property matters involving veterinary pharmaceuticals, biologicals (including vaccines) and homeopathic medicines. Our attorneys are well-versed in preparing, prosecuting, maintaining, enforcing, licensing and defending patents involving veterinary medicines. We have experience combatting sales (including internet sales) of veterinary products that are contrary to USDA regulations under the AWA, the Food, Drug and Cosmetics Act (FD&C Act) and the Insecticide, Fungicide and Rodenticide Act (FIFRA).

REPRESENTATIVE CLIENTS AND INDUSTRIES

- > Animal exhibitors (circuses, zoos, aquariums, marine mammal, safari parks and wildlife preserves)
- > Animal agriculture and food production
- > Restaurants
- > Apparel
- > Animal exhibitor and agriculture trade associations
- > Third-party certifiers of humane and ethical animal welfare
- > Universities and research facilities
- > Veterinary pharmaceuticals, biologicals and homeopathic medicine companies
- > Equestrian and Western sports

SELECT REPRESENTATIVE MATTERS

- ▶ Tried a landmark case involving Asian elephants to a defense verdict for Ringling Bros. and Barnum & Bailey Circus, which garnered international media attention. Obtained an unprecedented ruling that the client was entitled to recover attorneys' fees because the court found the plaintiffs' case to be "frivolous," "vexatious" and "groundless and unreasonable from its inception." Obtained recovery of more than \$25.2 million from the adverse animal rights activist parties and their counsel.
- ▶ Tried a federal court diversity case brought by animal activists involving alleged violations of California consumer protection laws. Jury trial resulted in a take-nothing verdict in favor of entertainment company client.

- ▶ Represented a national association of pork producers in the U.S. Court of Appeals for the District of Columbia Circuit in a case brought by a major animal activist organization, which resulted in significant precedent on constitutional standing to sue with respect to federal commodity check-off programs.
- ▶ Defended a marine mammal park in a California Unfair Competition Law (UCL) case in which, after a bench trial, the federal district court determined that plaintiffs had no standing, marking one of the few times in a California UCL case the issue of standing has been tried to the court.
- ▶ Obtained a dismissal with prejudice for a marine mammal park in a class action suit brought pursuant to multiple states' consumer fraud statutes, which was affirmed by the Ninth Circuit.
- ▶ Obtained summary judgment for a certifier of humane farm animal welfare in a case involving consumer fraud claims challenging the certification on the label of chicken products, which was affirmed by the California Court of Appeal in a published decision.
- ▶ Defeated a motion for a temporary restraining order for a coalition of zoos seeking to import wildlife from Swaziland (now known as Eswatini) to the United States in a case involving an animal activist group's challenge to the U.S. Fish and Wildlife Service's grant of an import permit that received international media attention.
- ▶ Represented an amicus curiae group of research institutions that was instrumental in federal district court dismissal of animal rights claim that excluding certain research animals from the Animal Welfare Act is an unconstitutional bill of attainder.
- ▶ Obtained an injunction (stay away order) to protect animal park employees against animal activists who engaged in violent behavior inside the park.
- ▶ Advised restaurant clients on compliance with California's Proposition 12 and Massachusetts Question 3's regulations regarding animal confinement and sale of covered product in those jurisdictions.
- ▶ Obtained dismissal of an Administrative Procedure Act case in California federal court brought by an animal activist group attempting to invalidate U.S. Fish and Wildlife Service permits and CITES certificates obtained by a U.S. circus to move Asian elephants and Bengal tigers to and from Mexico.
- ▶ Handled and resolved Federal Trade Commission (FTC) Bureau of Consumer Protection inquiries and investigations related to agriculture and pet businesses and organizations.
- ▶ Advised a cold-weather clothing manufacturer with respect to defamatory statements contained in a shareholder proposal advanced by an animal activist organization.
- ▶ Handled and resolved USDA enforcement actions and administrative appeals of inspection reports involving claims of mistreatment of animals and other Animal Welfare Act citations on behalf of licensed exhibitors.
- ▶ Obtained a dismissal of a Lacey Act case related to international import of exotic animals.
- ▶ Advised and assisted clients in obtaining various federal permits, including captive-bred wildlife, import and export, and designated port exception permits.
- ▶ Served as regulatory counsel in sale transactions of animal businesses (biomedical; marine mammal park).
- ▶ Advised medical research and transportation companies on various compliance matters.

ANIMAL LAW DEVELOPMENTS BLOG

Read the latest industry insights from our litigators at:
blogs.duanemorris.com/AnimalLawDevelopments

INTELLECTUAL PROPERTY SPOTLIGHT

Our attorneys have a nearly 30-year history of handling global intellectual property matters and regulatory enforcement for one of the largest animal health companies and its predecessors, including:

- ▶ Procuring, defending and enforcing patents related to commercial veterinary vaccines, including as to recombinant vector veterinary vaccines that became the backbone of about 15 commercial veterinary vaccines.
- ▶ Procuring, defending and enforcing patents for and stopping unlawful sales of flea and tick control products for companion animals.
- ▶ Providing assistance with soft chew technology patents employed in commercial, veterinary, orally administered flea and tick control products.



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