

		Summary of Facts	Summary of Holding
<i>Anderson v. Evans</i>	371 F.3d 475 (9 th Cir. 2004).	Animal advocacy groups challenged federal government's approval of quota for whale hunting by Makah Indian Tribe.	The court found that the government violated NEPA by failing to prepare environmental impact statement prior to approving whaling quota and the Marine Mammal Protection Act applied to tribe's proposed whale hunting.
<i>Animal Rights Found. Of Fla. V. Siegel</i>	867 So.2d 451 (Fla. Dist. Ct. App. 2004).	Developer of timeshare development brought action against nonprofit animal rights foundation for tortuous interference with business relationships, invasion of privacy, slander, and libel, and sought injunctive relief, relating to picketing and leafleting opposing animal shows to attract potential timeshare buyers.	Content-neutral provisions of temporary injunction did not satisfy First Amendment requirement of burdening no more speech than necessary to serve significant governmental interest, and Content-based restrictions did not satisfy First Amendment requirement of serving a compelling state interest.
<i>Australians for Animals v. Evans</i>	301 F.Supp.2d 1114 (N.D. Calif. 2004).	Environmental groups brought suit, challenging decision of National Marine Fisheries Service to issue permit, allowing scientist to conduct oceanographic research involving the use of underwater whale-finding sonar on gray whales off the California coast.	NMFS's environmental assessment of project adequately discussed, under NEPA, auditory effects of sonar on gray whales and other marine mammals, potential harm that sonar caused on gray whale migration, and the gray whale population NMFS did not act arbitrarily and capriciously, under NEPA, by not extensively considering possible harm to harbor porpoises in EA mitigation measures considered in EA were adequate NMFS was not required to predict or even precisely identify every possible unknown environmental impact of project in EA NMFS's conclusion that project

			<p>did not warrant preparation of environmental impact statement was not arbitrary and capricious</p> <p>issuance of permit did not violate MMPA.</p>
<i>Cetacean Cmty. V. Bush</i>	386 F.3d 1169 (9 th Cir. 2004).	Suit was brought against government in name of cetacean community of whales, dolphins, and porpoises alleging that proposed deployment of Navy of low frequency active sonar in time of heightened threat violated various environmental statutes.	<p>Animals lacked standing to sue under ESA, and</p> <p>Animals lacked standing to sue under APA, for alleged violations of MMPA and NEPA.</p>
<i>Cold Mountain v. Garber</i>	375 F.3d 884 (9 th Cir. 2004).	Environmental groups brought action against Montana Department of Livestock, USFS, NPS, and various federal officers alleging violation of NEPA, Migratory Bird Treaty Act, APA, and National Forest Management Act.	<p>Environmental groups did not show that prohibited take of bald eagles had occurred,</p> <p>Reinitiation claim was not reviewable by Court of Appeals,</p> <p>USFS took “hard look” required by NEPA before issuing finding of no significant impact and special use permit,</p> <p>Supplemental analysis of special use permit was not required.</p>
<i>Edmondson v. Pearce</i>	91 P.3d 605 (Okla. 2004).	Attorney General sought declaratory relief upholding the constitutionality of statute outlawing cockfighting, after companies and individuals involved in cockfighting obtained a temporary injunction against enforcement.	<p>Supreme Court was entitled to invoke original jurisdiction,</p> <p>Statute did not amount to an uncompensated regulatory takings,</p> <p>Statute did not violate the state or federal constitutional Contract Clause,</p> <p>Statute did not violate state constitutional provision regarding right to life, liberty, and the pursuit of happiness,</p> <p>Statute did not infringe upon right</p>

			to travel between states, and Statute was not unconstitutionally overbroad.
<i>Kennedy v. Byas</i>	867 So.2d 1195 (Fla. Dist. Ct. App. 2004).	Dog owner filed petition for writ of certiorari, seeking review of the transfer of his action for veterinary malpractice from circuit court to county court for failure to satisfy the jurisdictional limits.	Impact rule precluded dog owner from recovering damages for emotional distress.
<i>Kohola v. Nat'l Marine Fisheries Serv.</i>	314 F.Supp.2d 1029 (D. Haw. 2004).	Environmental groups brought action alleging that decision of NMFS to classify Hawaii longline fishery as "category III" fishery violated MMPA.	NMFS had discretion to consider reliability of only available scientific data in classifying fishery.
<i>Like v. Glaze</i>	126 S.W.3d 783 (Mo. Ct. App. 2004).	Pedestrian attacked by dog brought personal injury action against possessor of dog, who was caring for dog at owner's request.	Possessor of dog was not liable for injuries to plaintiff caused by dog.
<i>People v. Arroyo</i>	777 N.Y.S.2d 836 (N.Y. Crim. Ct. 2004).	Defendant, charged under anticruelty statute for failure to provide medical treatment for his dog.	Statutory provision prohibiting depriving animal of "necessary sustenance" was vague as applied to defendant, and Statutory provision prohibiting "unjustifiably" causing pain to animal was vague as applied to defendant.
<i>People v. Fennell</i>	677 N.W.2d 66 (Mich. Ct. App. 2004).	Defendant was convicted in the Circuit Court of nineteen counts of willfully and maliciously torturing or killing animals.	Trial court's refusal to instruct the jury that prosecution was required to show that defendant specifically intended to kill or torture the horses, was proper, As an issue of first impression, portion of animal torture statute relating to killing or torturing an animal is a general intent crime, Trial court's instructions

			<p>sufficiently conveyed required element of malice, and</p> <p>Evidence was sufficient to support conviction.</p>
<i>People v. Garcia</i>	777 N.Y.S.2d 846 (N.Y. Sup. Ct. 2004).	Defendant was convicted, in a bench trial, of numerous assault-related offenses, as well as aggravated cruelty to animals.	Statute was not unconstitutionally vague as applied to defendant accused of killing a boy's pet goldfish by deliberately crushing it under his heel.
<i>Petco Animal Supplies, Inc. v. Schuster</i>	144 S.W.3d 554 (Tex. App. 2004).	Dog-owner brought action against pet store to recover damages allegedly incurred when dog was killed in traffic after escaping from pet groomer.	<p>Dog-owner was not entitled to damages for mental anguish, absent pet store's ill-will, animus or desire to harm her personally,</p> <p>Dog-owner was not entitled to recover counseling expenses,</p> <p>Dog-owner was not entitled to intrinsic value damages,</p> <p>Dog-owner was not entitled to damages for lost wages, and</p> <p>Dog-owner was not entitled to exemplary damages.</p>
<i>Rocky Mountain Animal Def. v. Colo. Div. of Wildlife</i>	100 P.3d 508 (Colo. Ct. App. 2004) (cert. denied Nov. 15, 2004).	Wildlife welfare group sought declaratory judgment, injunction, and mandamus relief relating to constitutional amendment prohibiting inhumane and indiscriminate methods of killing wildlife, insofar as rodent exception, as applied to poisoning prairie dogs, allegedly resulted in incidental poisoning of other wildlife.	<p>Voters did not intend that amendment prohibit poisoning of nontargeted wildlife which was incidental to permissible rodent poisoning,</p> <p>Group was not entitled to mandamus or injunctive relief,</p> <p>Failure to reopen case to admit contested exhibits was not abuse of discretion, and</p> <p>Group was not entitled to costs.</p>
<i>Smaxwell v. Bayard</i>	682 N.W.2d 923 (Wisc.	Child and her parents brought common-law negligence claims against defendant, who owned parcel on which apartment unit	On public policy grounds, common-law liability of landowners and landlords for negligence associated with injuries

	2004).	rented by parents and child was located and who also owned adjacent parcel, alleging child was seriously injured, while on parcel containing apartments, from attack by dogs owned by another tenant and housed, with defendant's permission, on adjacent parcel.	caused by dogs is limited to situations where the landowner or landlord is also the owner or keeper of the dog causing injury, abrogating <i>Patterman v. Patterman</i> , 173 Wis.2d 143, 496 N.W.2d 613.
<i>State v. Anthony</i>	861 A.2d 773 (N.H. 2004).	Following a jury trial, defendant was convicted in the Superior Court of accomplice to negligent cruelty to animals.	Statute governing accomplice liability requires proof that accomplice intended to promote or facilitate another's unlawful or dangerous conduct and that accomplice acted with culpable mental state specified in underlying statute with respect to result, and Crime of accomplice to negligent cruelty to animals exists in New Hampshire.
<i>State v. Coble</i>	593 S.E.2d 109 (N.C. Ct. App. 2004).	Defendant was convicted in the Superior Court of cruelty to animals.	Evidence supported defendant's conviction, Defendant waived for appeal claim that trial court unlawfully precluded defendant from challenging credibility of former deputy with the animal control department, and Jury instructions on admissions was warranted.
<i>State v. Kingsbury</i>	129 S.W.3d 202 (Tex. App. 2004).	State brought criminal action against defendants, alleging animal torture.	As a matter of first impression, the felony offense of "torture" did not include failing to provide necessary food, care, or shelter, and Interpreting felony offense of "torture" to include failing to provide necessary food, care, or shelter defeated statute's categorization of "torture" as a

			more serious crime.
<i>State v. Zawistowski</i>	119 Wash. App. 730, 82 P.3d 698 (Wash. Ct. App. 2004).	Jury returned guilty verdict against two defendants on two charges of second degree animal cruelty with regard to allegedly underweight and malnourished horses. The Superior Court reversed the convictions, finding the evidence insufficient to support jury's verdicts, and the State appealed.	Evidence was sufficient to show that underweight and malnourished horses suffered pain from defendant's failure to provide necessary food.
<i>UFO Chuting of Hawaii, Inc. v. Young</i>	327 F.Supp.2d 1220 (D. Haw. 2004)	Parasail operators brought actions challenging validity of state law banning parasailing in navigable waters.	Statute was preempted by MMPA and ESA did not repeal MMPA's preemption provision.