

STATE OF NEW YORK
SUPREME COURT - APPELLATE DIVISION
THIRD JUDICIAL DEPARTMENT

In the Matter of a Proceeding under Article 70 of
the CPLR for a Writ of Habeas Corpus,

THE NONHUMAN RIGHTS PROJECT, INC.,
on behalf of TOMMY,

Petitioners, Appellants,

v.

PATRICK C. LAVERY, individually and as an
officer of Circle L Trailer Sales, Inc., DIANE
LAVERY, and CIRCLE L TRAILER SALES,
INC.,

Respondents, Appellees.

PRE-CALENDAR STATEMENT

Index No.: 2013-02051

RJI No: 17-1-2013-0655

DATE OF COMMENCEMENT

December 2, 2013

Elizabeth Stein, Esq.
Attorney for Petitioners
5 Dunhill Road
New Hyde Park, New York 11040
Phone - 516-747-4726
Fax - 516-742-6680
Email - liddystein@aol.com

Steven M. Wise, Esq.
Attorney for Petitioners (subject to
admission pro hac vice)
5195 NW 112th Terrace
Coral Springs, Florida 33076
Phone - 954-648-9864
Fax - 954-346-0358
Email - WiseBoston@aol.com

Patrick C. Lavery, individually and as an officer of Circle L Trailer Sales, Inc.
3032 State Highway 30
Gloversville, New York 12078
Phone - 518-661-5038

Diane Lavery
3032 State Highway 30
Gloversville, New York 12078
Phone – 518-661-5038

Circle L Trailer Sales, Inc.
3032 State Highway 30
Gloversville, New York 12078
Phone – 518-661-5038

Supreme Court
County of Fulton
Honorable Joseph M. Sise, Justice Supreme Court

The nature of the underlying proceeding is an Order to Show Cause and Writ of Habeas Corpus brought under CPLR Article 70.

The issue to be raised on appeal is whether Petitioner/Appellant Tommy is a person within the meaning of CPLR Article 70 and the common law. The ground for reversal of the Supreme Court's denial of the writ is that the judge erred as a matter of law in holding that Tommy is not a person within the meaning of CPLR Article 70 and the common law. The specific relief sought on appeal is a reversal of the judgment and remand to the Supreme Court with an order to issue the Writ of Habeas Corpus.

There is no other related action or proceeding.

Submitted by: _____

Elizabeth Stein, Esq.
Attorney for Petitioners
Date: January 9, 2014

Steven M. Wise, Esq.
Attorney for Petitioners (subject to pro hac
vice admission)
Date: January 9, 2014

Attachments:

1. Copy of Judgment appealed from.
2. Copy of opinion or decision does not exist.
3. Copy of Notice of Appeal.