

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION - THIRD DEPARTMENT**

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

THE PEOPLE OF THE STATE OF NEW YORK  
ex rel. THE NONHUMAN RIGHTS PROJECT, INC.,  
on behalf of TOMMY,

Appellant,

v.

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

Respondents.

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**Index No. 518336**

**AFFIDAVIT OF SERVICE  
BY MAIL**

STATE OF NEW YORK }

ss.: }

COUNTY OF NASSAU

I, Elizabeth Stein, Esq., being duly sworn, deposes and says that I am not a party to the action, am over 18 years of age and reside at 5 Dunhill Road, New Hyde Park, New York 11040.

I hereby certify that on December 16, 2014, I mailed first class and deposited in a post office depository under the exclusive care and custody of the United States Postal Service within New York State, in a postpaid, sealed envelope properly addressed to Arthur Carl Spring, Esq, attorney for Respondents, 10 South Market Street, Johnstown, New York 12095 (his last known address), a true and correct copy of each of the following documents:

1. Notice of Motion for Leave to Appeal to the Court of Appeals
2. Order on Motion for Leave to Appeal to the Court of Appeals
3. Memorandum of Law in Support of Motion for Leave to Appeal to the Court of Appeals

4. Affidavit of Elizabeth Stein, Esq. in Support of Motion for Leave to Appeal to the Court of Appeals
5. Exhibit 1

Sworn to me this

\_\_\_\_\_ day of December, 2014

\_\_\_\_\_  
Elizabeth Stein, Esq.

\_\_\_\_\_  
Notary Public