

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**

**NOTICE OF MOTION  
FOR LEAVE TO APPEAL  
TO THE COURT OF  
APPEALS**

PLEASE TAKE NOTICE that upon the annexed affidavit of Elizabeth Stein, Esq., attorney for Appellant Nonhuman Rights Project, Inc. (“NhRP”), upon the annexed Memorandum of Law in Support of this Motion for Leave to Appeal to the Court of Appeals, upon the briefs and record entered in the State of New York Supreme Court Appellate Division, Third Department (“Appellate Division, Third Department”) on the appeal from the judgment of the Fulton County Supreme Court in this action, upon the annexed opinion and order of this Court in the appeal in this action decided and entered on December 4, 2014 (a true and correct copy of which is attached hereto as Exhibit 1), and upon all papers and prior proceedings in this action, the NhRP hereby moves this Court for an order granting it leave to appeal to the Court of Appeals from the order of the Appellate Division, Third Department, on the grounds that the issues raised in this appeal are novel, legally complex, and of state, national, and international interest and importance, and for such other and further relief as this Court finds just and proper.

PLEASE TAKE FURTHER NOTICE that the motion is returnable at the courthouse of the Appellate Division, Third Department at Robert Abrams Building for Law and Justice, State Street, Room 511, Albany, New York 12223 on Monday, January 5, 2015, which is at least 13 days from the date of service by mail of these papers.

The Respondents are hereby given notice that the motion will be submitted on the papers and that their personal appearance in opposition to the motion is neither required nor permitted.

The Respondents must file papers in opposition to the motion at or before 11 a.m. on Friday, January 2, 2015.

Dated: \_\_\_\_\_

From: \_\_\_\_\_

Elizabeth Stein, Esq.  
Attorney for Appellant  
5 Dunhill Road  
New Hyde Park, New York 11040  
(516) 747-4726

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Steven M. Wise, Esq.  
admitted *pro hac vice*  
Attorney for Appellant  
5195 NW 112<sup>th</sup> Terrace  
Coral Springs, Florida 33076  
(954) 648-9864

To: New York State Supreme Court  
Appellate Division – Third Department  
Clerk’s Office  
P.O. Box 7288  
Capitol Station  
Albany, New York 12224-0288  
(518) 471-4777

Arthur Carl Spring, Esq.  
Attorney for Respondents  
10 South Market Street  
Johnstown, New York 12095  
(518) 762-4503