

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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 HERCULES and LEO,

Petitioner,

-against-

SAMUEL L. STANLEY JR., M.D., as President of
State University of New York at Stony Brook a/k/a
Stony Brook University and STATE UNIVERSITY
OF NEW YORK AT STONY BROOK a/k/a STONY
BROOK UNIVERSITY,

Respondents.

**AFFIDAVIT OF STEVEN M.
WISE**

Index No.

STATE OF NEW YORK)
) ss:
COUNTY OF BROWARD)

Steven M. Wise, being duly sworn, deposes and says:

1. My name is Steven M. Wise. I am the President of the Nonhuman Rights Project, Inc. ("Petitioner").

2. I submit this affidavit in support of Petitioner, on behalf of Hercules and Leo, for a common law writ of habeas corpus.

3. On June 26, 2013, the National Institutes of Health ("NIH") accepted Recommendations EA1, 4, 5, 6, 7, and 8 of "The Working Group on the Use of Chimpanzees in NIH-Supported Research within the Council of Councils' Recommendation," *Announcement of*

Agency Decision: Recommendations on the Use of Chimpanzees in NIH-Supported Research
(June 26, 2013) available at

http://dpcpsi.nih.gov/council/pdf/NIH_response_to_Council_of_Councils_recommendations_62513.pdf (last visited July 22, 2014), annexed hereto as “**Exhibit A.**”

4. On September 28, 2005, Salvador, Brazil Judge Edmundo Lucio da Cruz issued his decision in the case of *In favor of Suica, a Chimpanzee*, No. 833085-3/2005. A copy of the decision in Portuguese is annexed hereto as “**Exhibit B.**” An English translation performed by Legal Translation Systems of New York is annexed hereto as “**Exhibit C.**”

5. Annexed hereto as “**Exhibit D**” is a true and correct copy of selected excerpts from Petitioner’s Appellate Brief filed in the Supreme Court of the State of New York Appellate Division, Fourth Judicial Department (“Fourth Department”) in the case of *Matter of The Nonhuman Rights Project, Inc. v Presti*, 2015 N.Y. App. Div. LEXIS 148, No. CA 14-00357, 2015 WL 25923 (4th Dept. Jan. 2, 2015) (*Nonhuman Rights Project v. Presti*).

6. Annexed hereto as “**Exhibit E**” is a true and correct copy of selected pages from the transcript of the Oral Argument in the Fourth Department in *Nonhuman Rights Project v. Presti*. As there is no official transcript of the oral argument, Petitioner’s transcript is unofficial and was transcribed from a recording of the oral argument.

7. Annexed hereto as “**Exhibit F**” is a true and correct copy of selected pages from Petitioner’s Record on Appeal to the Fourth Department in *Nonhuman Rights Project v. Presti*. The selected pages include the Verified Petition filed by Petitioner in the Supreme Court, Niagara County, along with relevant pages of the Memorandum of Law submitted in support of said Verified Petition.

Steven M. Wise
Steven M. Wise

Sworn to before me this 21st day of January, 2015

[Signature]
Notary Public

