



# Nonhuman Rights Project

May 13, 2014

Arthur Carl Spring, Esq.  
10 South Market Street  
Johnstown, New York 12095

RE: #518336 – Matter of the Nonhuman Rights Project, Inc. v. Lavery

Dear Attorney Spring:

Thank you for today's phone call. I want to confirm that you will not be filing a brief nor requesting oral argument in this case.

As I said, I emailed and wrote Mr. Lavery several months ago offering to settle this matter by working with him to agree on the manner in which Tommy would be immediately transferred to a North American Primate Sanctuary Alliance (NAPSA) approved sanctuary. He never replied. As I told you, we renew our offer.

As I also mentioned, we are concerned about Mr. Lavery's public statements that he intends to transfer Tommy to a place other than a NAPSA-approved sanctuary. As that is unacceptable, we have drafted a motion for a preliminary injunction that is ready to be filed in the Third Appellate Department. It demands that Mr. Lavery be restrained from transferring Tommy, without our assent, until all legal proceedings in this matter are complete. We ask that, after you meet with Mr. Lavery on Thursday, you confirm, no later than Tuesday, May 20, 2014, whether Mr. Lavery will agree not to transfer Tommy, without our assent, to any place outside the state of New York. If we do not hear from you by that time, we will assume that Mr. Lavery intends to transfer Tommy outside the state of New York to some place other than a NAPSA-approved sanctuary.

I look forward to hearing from you.

Yours truly,

Steven M. Wise

