

Supreme Court of the State of New York
Appellate Division : Second Judicial Department

Form A - Request for Appellate Division Intervention - Civil

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

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, Petitioners,

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,

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type	CPLR article 78 Proceeding	Filing Type	Transferred Proceeding
<input type="checkbox"/> Civil Action	<input type="checkbox"/> Special Proceeding Other	<input checked="" type="checkbox"/> Appeal	<input type="checkbox"/> CPLR 5704 Review
<input type="checkbox"/> CPLR article 75 Arbitration	<input checked="" type="checkbox"/> Habeas Corpus Proceeding	<input type="checkbox"/> Original Proceeding	

Nature of Suit: Check up to five of the following categories which best reflect the nature of the case.

A. Administrative Review	D. Domestic Relations	F. Prisoners	I. Torts
<input type="checkbox"/> 1 Freedom of Information Law <input type="checkbox"/> 2 Human Rights <input type="checkbox"/> 3 Licenses <input type="checkbox"/> 4 Public Employment <input type="checkbox"/> 5 Social Services <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 Adoption <input type="checkbox"/> 2 Attorney's Fees <input type="checkbox"/> 3 Children - Support <input type="checkbox"/> 4 Children - Custody/Visitation <input type="checkbox"/> 5 Children - Terminate Parental Rights <input type="checkbox"/> 6 Children - Abuse/Neglect <input type="checkbox"/> 7 Children - JD/PINS <input type="checkbox"/> 8 Equitable Distribution <input type="checkbox"/> 9 Exclusive Occupancy of Residence <input type="checkbox"/> 10 Expert's Fees <input type="checkbox"/> 11 Maintenance/Alimony <input type="checkbox"/> 12 Marital Status <input type="checkbox"/> 13 Paternity <input type="checkbox"/> 14 Spousal Support <input type="checkbox"/> 15 Other	<input type="checkbox"/> 1 Discipline <input type="checkbox"/> 2 Jail Time Calculation <input type="checkbox"/> 3 Parole <input type="checkbox"/> 4 Other G. Real Property <input type="checkbox"/> 1 Condemnation <input type="checkbox"/> 2 Determine Title <input type="checkbox"/> 3 Easements <input type="checkbox"/> 4 Environmental <input type="checkbox"/> 5 Liens <input type="checkbox"/> 6 Mortgages <input type="checkbox"/> 7 Partition <input type="checkbox"/> 8 Rent <input type="checkbox"/> 9 Taxation <input type="checkbox"/> 10 Zoning <input type="checkbox"/> 11 Other	<input type="checkbox"/> 1 Assault, Battery, False Imprisonment <input type="checkbox"/> 2 Conversion <input type="checkbox"/> 3 Defamation <input type="checkbox"/> 4 Fraud <input type="checkbox"/> 5 Intentional Infliction of Emotional Distress <input type="checkbox"/> 6 Interference with Contract <input type="checkbox"/> 7 Malicious Prosecution/Abuse of Process <input type="checkbox"/> 8 Malpractice <input type="checkbox"/> 9 Negligence <input type="checkbox"/> 10 Nuisance <input type="checkbox"/> 11 Products Liability <input type="checkbox"/> 12 Strict Liability <input type="checkbox"/> 13 Trespass and/or Waste <input type="checkbox"/> 14 Other
B. Business & Other Relationships	E. Miscellaneous		J. Wills & Estates
<input type="checkbox"/> 1 Partnership/Joint Venture <input type="checkbox"/> 2 Business <input type="checkbox"/> 3 Religious <input type="checkbox"/> 4 Not-for-Profit <input type="checkbox"/> 5 Other	<input type="checkbox"/> 1 Constructive Trust <input type="checkbox"/> 2 Debtor & Creditor <input type="checkbox"/> 3 Declaratory Judgment <input type="checkbox"/> 4 Election Law <input type="checkbox"/> 5 Notice of Claim <input checked="" type="checkbox"/> 6 Other		<input type="checkbox"/> 1 Accounting <input type="checkbox"/> 2 Discovery <input type="checkbox"/> 3 Probate/Administration <input type="checkbox"/> 4 Trusts <input type="checkbox"/> 5 Other
C. Contracts	H. Statutory		
<input type="checkbox"/> 1 Brokerage <input type="checkbox"/> 2 Commercial Paper <input type="checkbox"/> 3 Construction <input type="checkbox"/> 4 Employment <input type="checkbox"/> 5 Insurance <input type="checkbox"/> 6 Real Property <input type="checkbox"/> 7 Sales <input type="checkbox"/> 8 Secured <input type="checkbox"/> 9 Other	<input type="checkbox"/> 1 City of Mount Vernon Charter §§ 120, 127-f, or 129 <input type="checkbox"/> 2 Eminent Domain Procedure Law § 207 <input type="checkbox"/> 3 General Municipal Law § 712 <input type="checkbox"/> 4 Labor Law § 220 <input type="checkbox"/> 5 Public Service Law §§ 128 or 170 <input type="checkbox"/> 6 Other		

Appeal

Paper Appealed From (check one only):

- Amended Decree
- Amended Judgment
- Amended Order
- Decision
- Decree
- Determination
- Finding
- Interlocutory Decree
- Interlocutory Judgment
- Judgment
- Order
- Order & Judgment
- Partial Decree
- Resettled Decree
- Resettled Judgment
- Resettled Order
- Ruling
- Other (specify):

Court: <u>Supreme Court</u>	County: <u>Suffolk</u>
Dated: <u>December 5, 2013</u>	Entered: <u>December 6, 2013</u>
Judge (name in full): <u>W. Gerard Asher</u>	Index No.: <u>13-32098</u>
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury

Prior Unperfected Appeal Information

Are any unperfected appeals pending in this case? Yes No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals? Yes No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:

Original Proceeding

Commenced by: <input checked="" type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input checked="" type="checkbox"/> Writ of Habeas Corpus	Date Filed: <u>12/5/2013</u>
Statute authorizing commencement of proceeding in the Appellate Division: <u>CPLR Article 70</u>	

Proceeding Transferred Pursuant to CPLR 7804(g)

Court:	County:
Judge (name in full):	Order of Transfer Date:

CPLR 5704 Review of Ex Parte Order

Court:	County:
Judge (name in full):	Dated:

Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

This is an appeal from a Judgment denying an Order to Show Cause and Writ of Habeas Corpus brought under CPLR Article 70.

Amount: If an appeal is from a money judgment, specify the amount awarded.

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.

The issue proposed to be raised on appeal is whether Plaintiff/Appellants Hercules and Leo are persons within the meaning of CPLR Article 70 and the common law.

Issues Continued:

Use Form B for Additional Appeal Information

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, defendant third-party plaintiff, third-party defendant, and intervenor. Examples of a party's Appellate Division status include: appellant, respondent, appellant-respondent, respondent-appellant, petitioner, and intervenor.

No.	Party Name	Original Status	Appellate Division Status
1	The Nonhuman Rights Project, Inc	Petitioner	Appellant
2	Hercules	Petitioner	Appellant
3	Leo	Petitioner	Appellant
4	Samuel L. Stanley Jr, N.J. President	Respondent	Appellee
5	State University of NY at Stony Brook		
6	State University of NY at Stony Brook	Respondent	Appellee
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Attorney Information

Instructions: Fill in the names of the attorneys or firms of attorneys for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided.

In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Elizabeth Stein
 Address: 5 Dunhill Road
 City: New Hyde Park State: NY Zip: 11040 Telephone No.: 516-747-4726
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice Pro Bono
 Party or Parties Represented (set forth party number[s] from table above or from Form C):

1	2	3							
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Attorney/Firm Name: Steven M. Wise
 Address: 5195 NW 112th Terrace
 City: Coral Springs State: Fla Zip: 33076 Telephone No.: 954-648-9864
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number[s] from table above or from Form C):

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Attorney/Firm Name: Eric T. Schneiderman, Office of the Attorney General
 Address: Litigation Bureau, Justice Building 22 Floor
 City: Albany State: NY Zip: 12224 Telephone No.: 518-474-4441
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number[s] from table above or from Form C):

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Attorney/Firm Name:
 Address:
 City: State: Zip: Telephone No.:
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number[s] from table above or from Form C):

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Attorney/Firm Name:
 Address:
 City: State: Zip: Telephone No.:
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number[s] from table above or from Form C):

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Attorney/Firm Name:
 Address:
 City: State: Zip: Telephone No.:
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number[s] from table above or from Form C):

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Use Form C for Additional Party and/or Attorney Information

The use of this form is explained in § 670.3 of the rules of the Appellate Division, Second Department (22 NYCRR 670.3). If this form is to be filed for an appeal, place the required papers in the following order: (1) the Request for Appellate Division Intervention [Form A, this document], (2) any required Additional Appeal Information Forms [Form B], (3) any required Additional Party and Attorney Information Forms [Form C], (4) the notice of appeal or order granting leave to appeal, (5) a copy of the paper or papers from which the appeal or appeals covered in the notice of appeal or order granting leave to appeal is or are taken, and (6) a copy of the decision or decisions of the court of original instance, if any.