

STATE OF NEW YORK
SUPREME COURT COUNTY OF FULTON

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 TOMMY,

Petitioners,

v.

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

Respondents.

**AFFIDAVIT OF
STEVEN M. WISE**

Index No.:

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

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

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

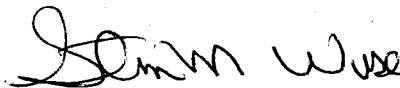
2. I submit this affidavit in support of Petitioners NhRP, on behalf of Tommy, for a writ of habeas corpus.

3. On October 10, 2013, I was invited to observe Tommy at 3032 State Highway 30, Gloversville, New York. Accompanying me was a videographer who was permitted to shoot footage of Tommy and his surroundings. A disc of a portion of this video file is annexed hereto as "Exhibit A". Photographs of Tommy in his cage are annexed hereto as "Exhibit B". Both

the video and the photographs are true and accurate representations of Tommy and his surroundings on the date I visited him.

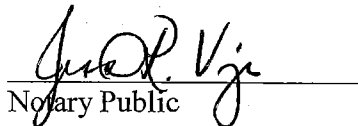
4. On June 26, 2013, The National Institutes of Health accepted Recommendations EA1, 2, 4, 5, 6, 7, and 8 of "The Working Group on the Use of Chimpanzees in NIH-Supported Research within the Council of Councils' Recommendation," *Announcement of Agency Decision: Recommendations on the Use of Chimpanzees in NIH-Supported Research*, dated June 26, 2013, http://dpcpsi.nih.gov/council/pdf/NIH_response_to_Council_of_Councils_recommendations_62513.pdf, annexed hereto as "Exhibit C".

5. 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 D". An English translation performed by Legal Translation Systems of New York is annexed hereto as "Exhibit E".



Steven M. Wise

Sworn to before me
This 2d day of December, 2013



Notary Public

JESSICA R. VIGARS
Notary Public, State of New York
No. 02V16272274
Qualified in Albany County
Commission Expires November 13, 2016

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

On the 24 day of December, in the year 2013 before me, the undersigned, a notary public in and for said state, personally appeared Steven M. Wise, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before me the undersigned in the County of Albany and the State of New York.

Jessica R. Vigers
Notary Public

My Commission Expires: 11/13/2016

JESSICA R. VIGARS
Notary Public, State of New York
No. 02VI6272274
Qualified in Albany County 2016
Commission Expires November 13, 2016