

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

-----X

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,

Index No. 162358/15
(New York County)

Petitioner-Appellant,

-against-

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

**AMENDED NOTICE
OF MOTION FOR
LEAVE TO FILE
REPLY TO AMICUS
CURIAE LETTER-
BRIEF IN
OPPOSITION**

Respondents-Respondents.

-----X

PLEASE TAKE NOTICE, that upon the annexed affirmation of Elizabeth Stein, Esq. dated December 7, 2016, Petitioner-Appellant will move this Court, at a term of the Appellate Division of the Supreme Court, First Judicial Department, at the Courthouse located at 27 Madison Avenue, New York, New York for an order granting leave to file the annexed brief in reply to the letter-brief filed by Richard L. Cupp as *amicus curiae* on November 14, 2016 in the above-captioned action.

PLEASE TAKE FURTHER NOTICE, that the annexed brief replaces the brief filed by Petitioner-Appellant on December 8, 2016 and served upon Respondents on December 7, 2016.

PLEASE TAKE FURTHER NOTICE, that the motion is returnable at 10 o'clock in the forenoon on, December 16, 2016, which is at least 9 days from the date of service of the original papers.

Elizabeth Stein, Esq.
Attorney for Petitioner-Appellant
5 Dunhill Road
New Hyde Park, New York 11040
516-747-4726
liddystein@aol.com

December 9, 2016

NOTICE TO:

New York State Supreme Court
Appellate Division – First Department
Clerk's Office
27 Madison Avenue
New York, New York 10010
(212) 340-0400

Richard L. Cupp Jr.
John W. Wade Professor of Law
Pepperdine University School of Law
24255 Pacific Coast Hwy
Malibu, CA 90263
(310) 506-4658
richard.cupp@pepperdine.edu

Patrick C. Lavery, individually and as an officer of Circle L Trailer Sales, Inc.
3032 State Highway 30
Gloversville, New York 12078
(518) 661-5038

Diane Lavery
3032 State Highway 30
Gloversville, New York 12078
(518) 661-5038

Circle L Trailer Sales, Inc.
3032 State Highway 30
Gloversville, New York 12078
(518) 661-5038