

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

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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,

**Attorney Affirmation**

-against-

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

Respondents-Respondents.

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I, Elizabeth Stein, an attorney duly admitted to practice law in the State of  
New York, affirm the following under the penalty of perjury:

1. I am an attorney of record for Petitioner-Appellant, The Nonhuman  
Rights Project, Inc. (“NhRP”), in the above-captioned matter and am not a party in  
this action.

2. I am fully familiar with the pleadings and proceedings in this matter,  
have read and know the contents thereof and submit this affirmation in support of  
the within Motion for Leave to File Reply to Amicus Curiae Letter-Brief in  
Opposition and the proposed brief annexed thereto.

3. Pursuant to 22 N.Y.C.R.R. §1301.1, I affirm that this action is not frivolous.

WHEREFORE, NhRP respectfully requests that this Court enter an order (i) granting Petitioner-Appellant leave to submit its proposed Reply to the Amicus Curiae Letter-Brief of Richard L. Cupp; (ii) accepting the Reply Brief that has been filed and served along with this motion; and (iii) granting such other and further relief as this Court deems just and proper.

Dated: December 7, 2016

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Elizabeth Stein, Esq.  
Attorney for Petitioner-Appellant  
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