

**SUPREME COURT OF THE STATE OF NEW YORK
 APPELLATE DIVISION THIRD 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,
 Petitioners-Appellants,

**AFFIDAVIT IN SUPPORT
 OF MOTION FOR
 ADMISSION PRO HAC VICE**

-against-

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

Respondents-Respondents

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STATE OF _____ }
 COUNTY OF _____ }
 ss:

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

1. My name is Steven M. Wise. I live and work at 5195 NW 112th Terrace, Coral Springs, Florida. I seek to be admitted *pro hac vice* for the sole purpose of participating fully in the briefing and arguing of the above-referenced case. I was admitted *pro hac vice* in this case in the State of New York Supreme Court, County of Fulton. I have been preparing this litigation for 28 years.
2. I am a member in good standing of the Massachusetts Bar (see Exhibit A) and have been admitted to appear in matters *pro hac vice* in Connecticut, New Hampshire, Vermont, Illinois, Florida, California, and Texas.

3. I hold a J.D. from Boston University Law School and have regularly been practicing animal protection law for 34 years throughout the United States. I served as President of the Animal Legal Defense Fund, Inc., presently headquartered in Cotati, California, from 1984 to 1994. I am the founder and have been the President of the Petitioner-Appellant Nonhuman Rights Project, Inc., a 501(c)(3) nonprofit corporation incorporated in Massachusetts, since 1996.
4. I have been teaching “Animal Rights Law” or “Animal Rights Jurisprudence” at American law schools since 1990. I taught the first class in “Animal Rights Law” at the Harvard Law School in 2000. I have been teaching “Animal Rights Law” or “Animal Rights Jurisprudence” at the Vermont Law School since 1990 and at the Lewis and Clark Law School, in Portland, Oregon, since 2007. I taught “Animal Rights Jurisprudence” at the University of Miami Law School between 2009 and 2011, and at the St. Thomas Law School, in Miami, Florida, in 2006, and since 2010. I taught “Animal Rights Law” at the John Marshall Law School in Chicago in 1999. I was Instructor and Tutor teaching “Animal Law” in the Masters of Science in Animals and Public Policy Program at Tufts University School of Veterinary Medicine from 1996 to 2003. I am associated with the Universitat Autònoma de Barcelona Masters Program in Law, where I lecture on animal rights law.
5. I regularly lecture on animal rights jurisprudence throughout the United States and the world, including Japan, Australia, New Zealand, South Africa, Brazil, Argentina, England, France, Spain, Italy, and Switzerland.

6. I have written four books on animal rights jurisprudence and/or human slavery. These include (a) RATTLING THE CAGE—TOWARD LEGAL RIGHTS FOR ANIMALS (Perseus Publishing 2000); (b) DRAWING THE LINE—SCIENCE AND THE CASE FOR ANIMAL RIGHTS (Perseus Publishing 2002); (c) THOUGH THE HEAVENS MAY FALL—THE LANDMARK TRIAL THAT LED TO THE END OF HUMAN SLAVERY (de Capo Press 2005); and (d) AN AMERICAN TRILOGY—DEATH, SLAVERY, AND DOMINION ALONG THE BANKS OF THE CAPE FEAR RIVER (de Capo Press 2009)
7. I have written six book chapters: (a) "Animal law and animal sacrifice: Analysis of the U.S. Supreme Court Ruling on Santaria animal sacrifice in Hialeah," in A COMMUNION OF SUBJECTS – ANIMALS IN RELIGION, SCIENCE, AND ETHICS (Paul Waldau and Kimberly Patton, eds. Columbia University Press 2006); (b) "Entitling Nonhuman Animals to Fundamental Legal Rights on the Basis of Practical Autonomy," in ANIMALS, ETHICS, AND TRADE (Earthscan 2006); (c) "Resources on Animals and the Law," in ANIMALS ARE THE ISSUE - LIBRARY RESOURCES ON ANIMAL ISSUES (John M. Kistler, ed., Haworth Press 2004); (d) Animal Rights, One Step at a Time," in ANIMAL RIGHTS: CURRENT DEBATES AND NEW DIRECTIONS (Cass Sunstein and Martha Nussbaum, eds., Oxford University Press 2004); (e) "Untitled," *The State of the Animals II* (Humane Society of the United States, 2003); and (f) "A Great Shout - Breaking the Barriers to Legal Rights for Great Apes," in GREAT APES AND HUMANS - THE ETHICS OF COEXISTENCE (Smithsonian Press, 2001)
8. I have written 15 law review and journal articles: (a) *Nonhuman Rights to Personhood*, 30 PACE ENVIRONMENTAL LAW REVIEW 1278 (2013); (b) *Legal Personhood and the Nonhuman Rights Project*, 17 ANIMAL LAW 1 (2011); (c) *An Argument for the Basic*

Rights of Farmed Animals, 106 MICH. L. REV. FIRST IMPRESSIONS 133 (2008); (d) *Arguments in favour of basic legal rights for nonhumans*, REFORM (Australian Law Reform Commission March, 2008); (e) *The entitlement of chimpanzees to the common law writs of habeas corpus and de homine replegiando to challenge their legal thinghood*, 37(2) GOLDEN GATE LAW REVIEW 219 (2007); (f) *Rattling the Cage Defended*, 43 BOSTON COLLEGE LAW REVIEW 623 (2002); (g) *Animal Thing to Animal Person - Thoughts on Time, Place, and Theories*, 5 ANIMAL LAW 59 (1999); (h) *Hardly a Revolution - The Eligibility of Nonhuman Animals for Dignity-Rights in a Liberal Democracy*, 22 VERMONT LAW REVIEW 793 (1998); (i) *Recovery of Common Law Damages of Emotional Distress and Loss of Society for the Wrongful Deaths of Companion Animals*, 4 ANIMAL LAW 33 (1998); (j) with Dr. Jane Goodall, *Why Chimpanzees are Entitled to Fundamental Legal Rights*, 3 ANIMAL LAW 61 (1997); (k) *Legal Rights for Nonhuman Animals: The Case for Chimpanzees and Bonobos*, 2 ANIMAL LAW 179 (1996); (l) *The Legal Thinghood of Nonhuman Animals*, 23(2) BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW 471 (1996), reprinted in 3 PRIVATE LAW REVIEW (2003) and 4 PRIVATE LAW REVIEW (2004)(China University of Politics and Law Publishing); (m) *How Nonhuman Animals Became Trapped in a Nonexistent Universe*, 1 ANIMAL LAW 15 (1995); (n) *Scientific experimental conduct is not protected by the First Amendment*, 6(4) BOSTON BAR JOURNAL 20 (Sept./ Oct., 1992); and (o) *Of Farm Animals and Justice*, 3 PACE ENVIRONMENTAL LAW REVIEW 191 (1986)

9. My legal writings on the issue of the capacity of nonhuman animals for legal rights have been critiqued by eminent judges and law professors, including The Honorable Richard A. Posner, *Book Review: Animal Rights*, 110 THE YALE LAW JOURNAL 527

(2000), The Honorable Richard A. Posner, "Animal Rights: Legal, Philosophical, and Pragmatic Perspectives," in ANIMAL RIGHTS: CURRENT DEBATES AND NEW DIRECTIONS (Cass Sunstein and Martha Nussbaum, eds., Oxford University Press 2004), Cass Sunstein, *The Chimps' Day in Court*, *N.Y. Times Book Review*, February 20, 2000, Martha Nussbaum, *Book Review - Animal Rights: The Need for a Theoretical Basis*, 114 HARVARD LAW REVIEW 5 (2001), and Laurence A. Tribe, *Ten Lessons Our Constitutional Experience Can Teach Us About the Puzzle of Animal Rights: The Works of Steven M. Wise*, 7 ANIMAL LAW 1 (2001). My work has been cited in 361 law journals, articles, and books, and twice by courts.

10. I am associated with Elizabeth Stein, Esq., a member in good standing of the New York Bar who shall appear with me on the appeal and shall be the person upon whom all papers in connection with the cause shall be served.

Dated:

Steven M. Wise, Esq.

Subscribed and Sworn to
before me this
_____ day of January, 2014

Notary Public