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February 23, 2015

Andrew W. Klein  
Chief Clerk of the New York Court of Appeals  
New York State Court of Appeals  
Court of Appeals Hall  
20 Eagle Street  
Albany, New York 12207

*Re: The People of the State of New York ex rel. The Nonhuman Rights Project, Inc., on behalf of Tommy (Appellant) v. Patrick C. Lavery, individually and as an officer of Circle L Trailer Sales, Inc., Diane Lavery, and Circle L Trailer Sales, Inc. (Respondents) Index No.518336*

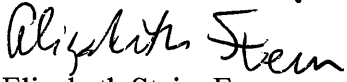
Dear Chief Clerk Klein:

On behalf of the Appellant Nonhuman Rights Project, Inc., I am submitting this letter to request that the Court grant *pro hac vice* admission to Steven M. Wise, Esq., to brief and argue the above-referenced appeal pursuant to 22 NYCRR §§ 500.4, 500.11(a). Attorney Wise is highly qualified and competent in the matters of this case, has been preparing this litigation for 28 years, has been admitted *pro hac vice* in the Supreme Court, Fulton County (see Exhibit A) and the New York State Supreme Court Appellate Division, Third Judicial Department (see Exhibit B) in this case and in the Supreme Court, Niagara County and the New York State Supreme Court Appellate Division, Fourth Judicial Department in a matter similar to this appeal. Attorney Wise's assistance is necessary as set forth in his attached Affidavit (Exhibit C) and he is a member in good standing of the Massachusetts Bar (see Exhibit D) and also has been admitted to appear in matters *pro hac vice* in Connecticut, Florida, Illinois, Tennessee, Texas and Vermont.

I am a member in good standing of the New York Bar, am the attorney of record in all matters concerning this case, shall appear with Attorney Wise on the appeal and shall be the person upon whom all papers in connection with the cause shall be served. I respectfully request that Attorney Wise be admitted *pro hac vice* in this appeal as he is the most qualified lawyer on the matters at issue in the United States.

Thank you for your kind consideration of this matter.

Very truly yours,

  
Elizabeth Stein, Esq.

# EXHIBIT A



**COPY**

**SUPREME COURT STATE OF NEW YORK  
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,**

**ORDER  
Index No. 02051**

**Petitioners,**

**-against-**

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

**Respondents.**

Applications for an Order To Show Cause and Writ of Habeas Corpus having been made to this Court on December 2, 2013, and this Court having considered same upon the oral arguments of petitioner's counsel in support thereof on such date, it is hereby

**ORDERED**, that the transcript of such arguments before the Court, a copy of which is appended hereto and incorporated herein by reference, constitutes the Order of this Court thereon.

Signed this *17<sup>th</sup>* day of December 2013 in Chambers at Fonda, New York.

ENTER:

**HON. JOSEPH M. SISE  
JUSTICE SUPREME COURT**

RECORDED

2013 DEC 18 AM 10:22

FULL COUNTY  
CLERK

Writ of Habeas Corpus (12/2/13)

1 resumed.)

2  
3 **THE COURT:** Back on the record.

4 **MS. STEIN:** Thank you so much.

5 Yes, I am fully aware of Attorney Wise's  
6 reputation in the field of litigation. I have  
7 followed his different court rulings -- his  
8 different court decisions and the various  
9 applications that he has made.

10 I do have a letter for Your Honor that fully  
11 elaborates Mr. Wise's credentials; and I -- having  
12 been a member of the New York State Bar since  
13 1981, I would recommend that Attorney Wise be  
14 admitted pro hac vice in these proceedings.

15 **THE COURT:** All right. And that's your wish,  
16 Mr. Wise?

17 **MR. WISE:** It is, Your Honor.

18 **THE COURT:** Okay. The Court grants that for  
19 the purpose of this application for today only  
20 that Mr. Wise is admitted pro hac vice for the  
21 purpose of seeking an order from this Court in  
22 this matter of the Nonhuman Rights Project on  
23 behalf of Tommy vs. Patrick C. Lavery,  
24 Individually, and as an Officer of Circle L  
25 Trailer Sales, Inc., Diane Lavery and Circle L

Writ of Habeas Corpus (12/2/13)

Trailer Sales, Inc., this index number, 2051.

Who would like to address the Court?

**MR. WISE:** I would like to.

**THE COURT:** Okay. Mr. Wise, why is it that you choose to bring a petition before this Court on behalf of an animal under Article 70? Is that the only right of redress you have in New York state for what you are seeking?

**MR. WISE:** Yes, it is, Your Honor. We are bringing it because -- a writ of habeas corpus because Tommy is -- we are arguing that Tommy is --

**THE COURT:** For the record, Tommy is what?

**MR. WISE:** Is a chimpanzee, Your Honor.

And --

**THE COURT:** Because I didn't make that clear before.

**MR. WISE:** We are claiming that Tommy, number one --

**THE COURT:** Let me ask you this -- and I interrupted you not as an indication that you're not going to have a chance to make a record, but I want you to answer some questions I have.

Do you claim that the treatment of Tommy is

# EXHIBIT B

State of New York  
Supreme Court, Appellate Division  
Third Judicial Department

Decided and Entered: March 6, 2014

518336

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In the Matter of NONHUMAN RIGHTS  
PROJECT, INC., on Behalf of TOMMY,

Appellant,

v

DECISION AND ORDER  
ON MOTION

PATRICK C. LAVERY, Individually and as an  
Officer of CIRCLE L TRAILER SALES, INC.,  
et al.,

Respondents.

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Motion for order directing the pro hac vice admission of Steven M. Wise, Esq., an attorney admitted in the Commonwealth of Massachusetts, pursuant to section 520.11 (a)(1) of the rules of the Court of Appeals.

Upon the papers filed in support of the motion, and no papers having been filed in opposition thereto, it is

ORDERED that the motion is granted, without costs, and Steven M. Wise, Esq., is admitted pro hac vice for the purpose of representing appellant upon the appeal.

Peters, P.J., Stein, Garry and Egan Jr., JJ., concur.

ENTER:



Robert D. Mayberger  
Clerk of the Court



# EXHIBIT C

COURT OF APPEALS OF THE STATE OF NEW YORK

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In the Matter of a Proceeding under Article  
70 of the CPLR for a Writ of Habeas  
Corpus,

Index No. 518336

THE PEOPLE OF THE STATE OF NEW  
YORK ex rel. THE NONHUMAN  
RIGHTS PROJECT, INC., on behalf of  
TOMMY,

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

Appellant,

v.

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

Respondents.

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STATE OF Florida }

COUNTY OF Broward }

SS:

**To: The Clerk of the Court of Appeals of the State of New York**

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 112<sup>th</sup> 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 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 *pro hac vice* in a matter similar to the above-referenced case in the Supreme Court, Niagara County and the Supreme Court of the State of New York Appellate Division, Fourth Judicial Department. I was also admitted in this case in the Supreme Court, Fulton County and the Supreme Court of the State of New York Appellate Division, Third Judicial Department. I also have been admitted to appear in matters *pro hac vice* in Connecticut, New Hampshire, Vermont, Illinois, Florida, Texas and Tennessee.
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 285 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 be the attorney of record and appear with me in the proceedings and be the person upon whom all papers in connection with the cause will be served.

Dated: FEBRUARY 20, 2015

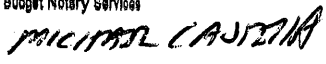
  
Steven M. Wise, Esq.

Subscribed and Sworn to  
before me this  
20 day of February, 2015

  
\_\_\_\_\_  
Notary Public



MICHAEL CANTELLA  
MY COMMISSION # FF 172832  
EXPIRES: November 12, 2018  
Bonded Thru Budget Notary Services





# EXHIBIT D

**COMMONWEALTH OF MASSACHUSETTS**

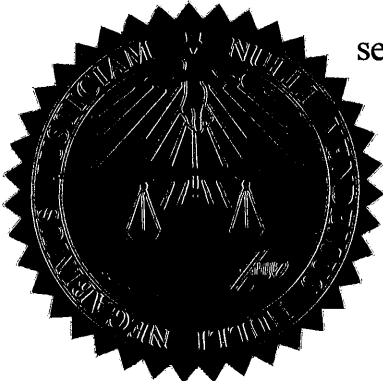
SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **tenth** day of **January** A.D. **1977**, said Court being the highest Court of Record in said Commonwealth:

**Steven M. Wise**

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **twelfth** day of **February** in the year of our Lord **two thousand and fifteen**.



*Maura S. Doyle*  
MAURA S. DOYLE, Clerk

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.