

Motion #001

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: IAS PART 12

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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 HERCULES and LEO,

Petitioner,

-against-

SAMUEL L. STANLEY JR., M.D. as President of State  
University of New York at Stony Brook a/k/a Stony Brook  
University and STATE UNIVERSITY OF NEW YORK  
AT STONY BROOK a/k/a STONY BROOK  
UNIVERSITY,

Respondents.  
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**AFFIDAVIT OF STYLIANI-  
ANNA TSIRKA IN  
OPPOSITION TO PETITION  
AND IN SUPPORT OF CROSS-  
MOTION TO CHANGE VENUE**

Index No. 152736/2015  
Hon. Barbara Jaffe, J.S.C.

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

STYLIANI-ANNA TSIRKA being duly sworn, deposes and says:

1. I am a Professor in the Department of Pharmacological Studies at Stony Brook University ("Stony Brook"). I received my B.S. in Chemistry and Ph.D. in Biochemistry from the University of Thessaloniki. I was appointed Research Assistant Professor in the Department of Psychiatry at Stony Brook in 1998, and I joined the Pharmacology faculty in 2000. In 2012, I was appointed Chair of the Institution of Animal Care and Use Committee ("IACUC") at Stony Brook.

2. I am fully familiar with the facts set forth herein and submit this affidavit in opposition to the Petition for Habeas Corpus of Petitioner The Nonhuman Rights Project on behalf of Hercules and Leo, two chimpanzees currently housed at Stony Brook and in support of respondents' cross-motion to change the venue of this proceeding to Suffolk County.

3. IACUC is responsible for overseeing all protocols and regulations that relate to the care and treatment of animals used for research or teaching purposes at Stony Brook. Every institution that uses animals for federally funded laboratory research must have such a committee. As Chair of IACUC, I am familiar with the regulations governing the treatment of the chimpanzees, Hercules and Leo. I am also generally familiar with the research conducted by the scientists at Stony Brook University, who work with the chimpanzees.

4. Hercules and Leo are currently housed at Stony Brook and have been there since November 30<sup>th</sup>, 2010. They are the subject of studies conducted by researchers such as Dr. Susan Larson, a professor of anatomical sciences at Stony Brook, whose long-running research on the locomotion of chimpanzees and other primates is widely respected in the scientific community.

5. The treatment of Hercules and Leo is governed by a host of regulations to ensure their well-being and that their living conditions are consistent with state and federal law.

6. The primary source of federal regulations for chimpanzees is the Animal Welfare Act ("AWA"), 7 U.S.C. § 2131 and the Animal Welfare Regulations promulgated thereunder. The Animal Welfare Regulations passed in accordance with the AWA have extensive regulations related to the housing and care of chimpanzees and other nonhuman primates. Rules 3.75-3.92 relate specifically to the humane handling, care and treatment of nonhuman primates. Among other regulations, the rules state that the housing facilities "must be kept in good repair" (9 C.F.R. §3.75(a)), hard surfaces must be "spot cleaned daily" (9 C.F.R. §3.75(c)(3)). There are regulations related to heating, ventilation and lighting. (9 C.F.R. §3.76) There is a calculation for the minimum size of an enclosure. (9 C.F.R. §3.80) Research facilities must also "develop, document, and follow an appropriate plan for environment enhancement adequate to promote the

psychological well-being of nonhuman primates.” (9 C.F.R. §3.81) The plan “must include specific provisions to address the social needs of nonhuman primates of species.” (*Id.*) There are also regulations concerning the feeding of these chimpanzees. (9 C.F.R. §3.82).

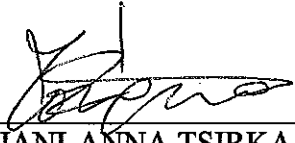
7. Stony Brook complies with all of these regulations, and it is part of my responsibilities as Chair of IACUC to ensure that it does so.

8. Stony Brook is also accredited by the Association for Assessment and Accreditation of Laboratory Animal Care (“AAALAC”). “[AAALAC] is a private, nonprofit organization that promotes the humane treatment of animals in science through voluntary accreditation and assessment programs.” AAALAC Website, available at <http://www.aaalac.org/about/index.cfm> (last visited, May 12, 2015). I am involved with the accreditation process in my role as chair of IACUC.

9. Accreditation by AAALAC requires submission of a “Program Description,” which provides detailed information on Stony Brook’s “Animal care and use program management and oversight; animal environment, housing and management; veterinary care; and physical plant.” AAALAC Website, available at <http://www.aaalac.org/accreditation/steps.cfm> (last visited May 12, 2015). Stony Brook’s Program Description includes this detailed information for Hercules and Leo, and I have taken part in drafting the Program Description that addresses the treatment of Hercules and Leo.

10. AAALAC also conducts a site visit when first accrediting a research facility. To maintain its accreditation, Stony Brook submits an annual report, and additional site visits are conducted by AAALAC every three years. As part of these site visits, AAALAC visits with Hercules and Leo and evaluates their treatment and living conditions. AAALAC’s next site visit is scheduled for June 2015.

11. Stony Brook has been accredited by AAALAC since October 23, 1973.



STYLIANI-ANNA TSIRKA

Sworn to before me this  
21<sup>ST</sup> day of May, 2015

  
NOTARY PUBLIC

