

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

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IN THE MATTER OF THE NONHUMAN RIGHTS  
PROJECT, INC., ON BEHALF OF HAPPY,

Petitioner,

v.

JAMES J. BREHENY, IN HIS OFFICIAL CAPACITY  
AS EXECUTIVE VICE PRESIDENT AND GENERAL  
DIRECTOR OF ZOOS AND AQUARIUMS OF THE  
WILDLIFE CONSERVATION SOCIETY AND  
DIRECTOR OF THE BRONX ZOO, AND WILDLIFE  
CONSERVATION SOCIETY,

Respondents.

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**NOTICE OF ENTRY**

Docket Nos. CA 19-00530  
and CA 19-00531

Index No. 18-45164

**PLEASE TAKE NOTICE** that the accompanying Order was granted on  
April 8, 2019, and entered in the Office of the Clerk of the Appellate Division, Fourth  
Department on April 8, 2019.

Dated: Buffalo, New York  
April 10, 2019

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SUPREME COURT OF THE STATE OF NEW YORK  
*Appellate Division, Fourth Judicial Department*

DOCKET NOS. CA 19-00530 AND CA 19-00531

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CARNI, AND LINDLEY, JJ.

IN THE MATTER OF THE NONHUMAN RIGHTS PROJECT, INC.,  
ON BEHALF OF HAPPY, PETITIONER,

V

JAMES J. BREHENY, IN HIS OFFICIAL CAPACITY AS EXECUTIVE  
VICE PRESIDENT AND GENERAL DIRECTOR OF ZOOS AND AQUARIUMS  
OF THE WILDLIFE CONSERVATION SOCIETY AND DIRECTOR OF THE  
BRONX ZOO, AND WILDLIFE CONSERVATION SOCIETY, RESPONDENTS.

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Petitioner having moved for leave to appeal to this Court from orders of the Supreme Court entered in the Office of the Clerk of the County of Orleans on January 23, 2019, and February 26, 2019, and for a stay of enforcement of the order entered January 23, 2019, pursuant to CPLR 5519 (c),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

**It is hereby ORDERED** that the motion is denied.

Entered: April 8, 2019

MARK W. BENNETT, Clerk

**Supreme Court  
APPELLATE DIVISION  
Fourth Judicial Department  
Clerk's Office, Rochester, N.Y.**



*I, MARK W. BENNETT, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original order, now on file in this office.*



*IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Rochester, New York, this*

**APR 08 2019**

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Clerk