

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORLEANS

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 HAPPY,

Petitioner,

-against-

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.

Index No.: 18-45164

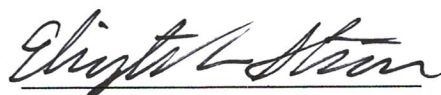
**NOTICE OF MOTION
FOR LEAVE TO
REARGUE**

PLEASE TAKE NOTICE, that upon the annexed affirmation of Elizabeth Stein, Esq., an attorney of record for Petitioner, the Nonhuman Rights Project, Inc. (“NhRP”), dated January 23, 2019, and all exhibits attached thereto, the annexed Memorandum of Law dated January 23, 2019, and all prior pleadings, memoranda, demands, affidavits, exhibits, and attachments filed in this matter, the NhRP moves this Court pursuant to CPLR Rule 2221(a) and (d) for leave to reargue this Court’s written order, signed and entered on January 18, 2018, to transfer venue from the County of Orleans to the County of the Bronx, on the grounds that this Court misapprehended the law and facts governing venue in the above-captioned action under CPLR Articles 5 (Venue) and 70 (Habeas Corpus), and that upon granting such leave, reverse the order to transfer venue, and for such other and further relief as the Court may deem just and equitable.

PLEASE TAKE FURTHER NOTICE, that in accordance with the dates designated in the Order to Show Cause entered by this Court on January 14, 2019, this motion is returnable on

February 1, 2019, at 11:30 in the forenoon of that date, or as soon thereafter as counsel may be heard, at the Courthouse located at Courthouse Square, 1 South Main Street, Suite 3, Albion, NY 14411. Opposition papers, if any, are to be served by Respondents or their attorneys upon Elizabeth Stein, Esq. and Steven M. Wise, Esq. by email no later than January 30, 2019.

Dated: January 23, 2019



Elizabeth Stein, Esq.
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NOTICE TO:

Karen Lake-Maynard
County Clerk, Orleans County
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By Delivery Service and Email to Karen.Lake-Maynard@orleanscountyny.gov

Supreme & County Court, Orleans County
Kristin E. Nicholson, Chief Clerk
1 South Main St.
Albion, NY 14411

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By Email to knichols@nycourts.gov

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Joanna J. Chen, Esq.

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