

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 and Order to Show  
Cause,

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.

---

STATE OF NEW YORK    )  
                                  ) SS.:  
COUNTY OF BRONX     )

Paul P. Calle, being duly sworn, deposes and says:

1. I joined Respondent Wildlife Conservation Society ("WCS") in 1989, and currently serve as WCS Vice President for Health Programs, Chief Veterinarian, and Director of the Zoological Health Program based at the Bronx Zoo. My responsibilities include managing the Clinical, Pathology, and Aquatic Health Departments for WCS's Bronx, Central Park, Queens, and Prospect Park Zoos and the New York Aquarium; shared oversight of the WCS Wildlife Health Program; and chair of the WCS Institutional Animal Care and Use Committee.

2. In addition to administrative responsibilities and medical and surgical care of the animals in WCS's custody, I have participated in local and international field

**AFFIDAVIT OF  
PAUL P. CALLE**

Index No. 18-45164

projects in support of WCS's global conservation mission. I am a member of both the American Association of Zoo Veterinarians and the European Association of Zoo and Wildlife Veterinarians; a Diplomate in the American College of Zoological Medicine and a Diplomate in the European College of Zoological Medicine (Zoo Health Management); a Professional Fellow of the Association of Zoos and Aquariums ("AZA"); member of the AZA Field Conservation Committee; and previous president of the American Association of Zoo Veterinarians. I participated in the Management and Research Priorities of Tuberculosis for Elephants in Human Care – Stakeholders Task Force meetings in 2011 and 2012. I currently serve as a member of the AZA Ethics Committee. During my entire 34-year career as a zoo veterinarian, at three different U.S. zoos, I have worked with both African and Asian elephants.

3. I received a Bachelor of Arts degree from the University of Pennsylvania School of Arts and Sciences and a Veterinary Medical Degree from the University of Pennsylvania School of Veterinary Medicine, completed internships in small animal medicine and surgery at Manhattan's Animal Medical Center and in zoological medicine and surgery at the San Diego Zoo, and have served as adjunct Assistant Professor of Wildlife and Conservation Medicine at Cornell University.

4. Based upon the foregoing, I am fully familiar with the facts and circumstances of this matter.

5. I submit this affidavit in opposition to Petitioner the Nonhuman Rights Project, Inc.'s ("NRP") petition for a writ of habeas corpus on behalf of Happy, an Asian elephant currently at the Bronx Zoo.

6. As explained below, the Bronx Zoo undertakes a multitude of efforts to ensure Happy's continued physical and psychological well-being and health.

7. Like all animals at the Bronx Zoo, Happy is given visual checks by the care staff several times each day and, on occasions when an issue is identified, the veterinary staff responds appropriately to any concern that is noted.

8. On a regular basis, but less than daily, the Bronx Zoo conducts analysis of Happy's blood samples through performance and analysis of complete blood count, biochemical profile, and elephant inflammatory profile. An elephant tuberculosis antibody screening test and trunk wash for tuberculosis culture and PCR are conducted on a quarterly basis.

9. The Bronx Zoo's veterinary staff conducts regular health assessments of Happy through body condition evaluations, oral and dental examinations, and foot examinations. Baseline toe x-rays of Happy's feet were completed, and are repeated for comparative analysis, on an as-needed basis to address particular areas of concern as they arise.

10. Veterinary staff are consulted by keepers regarding nail and pad conditions, with veterinary participation in trims, evaluations, or treatments as necessary.

11. Veterinary staff participate in development and maintenance of medical behaviors (trunk wash, oral/dental evaluation, blood sampling, foot work, presentation for injections or x-rays) in conjunction with Happy's animal keeper staff.

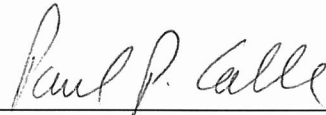
12. Happy's health care is recorded and documented in her individual medical record, and documented in the Bronx Zoo's annual AZA Elephant Program Annual Report.

13. Based upon my responsibilities in providing veterinary care for almost thirty years to the animals at the Bronx Zoo, including Happy, and to the best of my knowledge, Happy is currently healthy and well-adapted to her present surroundings.

14. During my experience with Happy, she has become very distressed during short moves from one area of the Bronx Zoo to another.

15. Given her age and longstanding familiarity and attachment to her surroundings, a long-distance move, such as that proposed by NRP to California, would cause substantial stress to Happy. Imposing this move on Happy would create a serious risk to her long-term health that I do not believe is justified.

16. In my professional opinion, Happy's health and well-being would not be best served by moving her to an animal sanctuary such as the facility operated by the Performing Animal Welfare Society.



Paul P. Calle

Sworn to before me this  
3rd day of December 2018.



Notary Public

Doc #01-3165008

SCOTT F. WIGHT  
Notary Public, State of New York  
No. 01WI6242543  
Qualified in Bronx County  
Certificate Filed in New York County  
Commission Expires 6 JUNE 20 19