

# REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

Supreme COURT, COUNTY OF New York

Index No: Date Index Issued:

**CAPTION:** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

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 KIKO, Petitioner,

Plaintiff(s)/Petitioner(s)

-against-

CARMEN PRESTI, individually and as an officer and director of The Primate Sanctuary, Inc., CHRISTIE E. PRESTI, individually and as an officer and director of The Primate Sanctuary, Inc., and THE PRIMATE SANCTUARY, INC., Respondents.

Defendant(s)/Respondent(s)

## NATURE OF ACTION OR PROCEEDING:

Check ONE box only and specify where indicated.

### MATRIMONIAL

☐ Contested

**NOTE:** For all Matrimonial actions where the parties have children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum**.  
For Uncontested Matrimonial actions, use RJI form UD-13.

### TORTS

☐ Asbestos

☐ Breast Implant

☐ Environmental: (specify)

☐ Medical, Dental, or Podiatric Malpractice

☐ Motor Vehicle

☐ Products Liability: (specify)

☐ Other Negligence: (specify)

☐ Other Professional Malpractice: (specify)

☐ Other Tort: (specify)

### OTHER MATTERS

☐ Certificate of Incorporation/Dissolution [see **NOTE** under Commercial]

☐ Emergency Medical Treatment

☐ Habeas Corpus

☐ Local Court Appeal

☐ Mechanic's Lien

☐ Name Change

☐ Pistol Permit Revocation Hearing

☐ Sale or Finance of Religious/Not-for-Profit Property

☐ Other: (specify)

### COMMERCIAL

☐ Business Entity (including corporations, partnerships, LLCs, etc.)

☐ Contract

☐ Insurance (where insurer is a party, except arbitration)

☐ UCC (including sales, negotiable instruments)

☐ Other Commercial: (specify)

**NOTE:** For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the **COMMERCIAL DIV RJI Addendum**.

### REAL PROPERTY: How many properties does the application include?

☐ Condemnation

☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial

Property Address: Street Address City State Zip

**NOTE:** For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the **FORECLOSURE RJI Addendum**.

☐ Tax Certiorari - Section: Block: Lot:

☐ Tax Foreclosure

☐ Other Real Property: (specify)

### SPECIAL PROCEEDINGS

☐ CPLR Article 75 (Arbitration) [see **NOTE** under Commercial]

☐ CPLR Article 78 (Body or Officer)

☐ Election Law

☐ MHL Article 9.60 (Kendra's Law)

☐ MHL Article 10 (Sex Offender Confinement-Initial)

☐ MHL Article 10 (Sex Offender Confinement-Review)

☐ MHL Article 81 (Guardianship)

☐ Other Mental Hygiene: (specify)

☒ Other Special Proceeding: Pet for Writ of Habeas Corpus and Order to Show Cause (specify)

## STATUS OF ACTION OR PROCEEDING:

Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

Has a summons and complaint or summons w/notice been filed?

☐

☒ If yes, date filed: \_\_\_\_\_

Has a summons and complaint or summons w/notice been served?

☐

☒ If yes, date served: \_\_\_\_\_

Is this action/proceeding being filed post-judgment?

☐

☒ If yes, judgment date: \_\_\_\_\_

**NATURE OF JUDICIAL INTERVENTION:**

Check ONE box only AND enter additional information where indicated.

- ☐ Infant's Compromise  
☐ Note of Issue and/or Certificate of Readiness  
☐ Notice of Medical, Dental, or Podiatric Malpractice  
☐ Notice of Motion  
☐ Notice of Petition  
☒ Order to Show Cause  
☐ Other Ex Parte Application  
☐ Poor Person Application  
☐ Request for Preliminary Conference  
☐ Residential Mortgage Foreclosure Settlement Conference  
☐ Writ of Habeas Corpus  
☐ Other (specify): \_\_\_\_\_

Date Issue Joined: \_\_\_\_\_

Relief Sought: \_\_\_\_\_

Return Date: \_\_\_\_\_

Relief Sought: \_\_\_\_\_

Return Date: \_\_\_\_\_

Relief Sought: Habeas Corpus

Return Date: \_\_\_\_\_

Relief Sought: \_\_\_\_\_

**RELATED CASES:**

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case
THE NONHUMAN RIGHTS PROJECT, INC. v. PRESTI, et al	151725	Supreme Court, Niagara County	Ralph A. Boniello, III	same parties, same issues of law
THE NONHUMAN RIGHTS PROJECT, INC. v. LAVERY, et al	162358/2015	Supreme Court, New York County	Barbara Jaffe	common issues of law
THE NONHUMAN RIGHTS PROJECT, INC. v. STANLEY, et al	152736/2015	Supreme Court, New York County	Barbara Jaffe	common issues of law

**PARTIES:**

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the **RJI Addendum**.

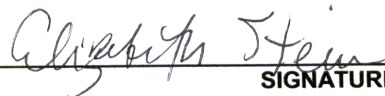
Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	THE NONHUMAN RIGHTS PROJECT, INC. Last Name on behalf of KIKO First Name Primary Role: Petitioner Secondary Role (if any):	Stein Elizabeth Last Name First Name Firm Name 5 Dunhill Road New Hyde Park New York 11040 Street Address City State Zip +1 (516) 747-4726 +1 (516) 742-6680 liddystein@aol.com Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	PRESTI Last Name CARMEN First Name Primary Role: Respondent Secondary Role (if any):	Last Name First Name Firm Name 2764 Livingston Ave. Niagara Falls New York 14303 Street Address City State Zip +1 (716) 284-6118 Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	PRESTI Last Name CHRISTIE E. First Name Primary Role: Respondent Secondary Role (if any):	Last Name First Name Firm Name 2764 Livingston Ave. Niagara Falls New York 14303 Street Address City State Zip +1 (716) 284-6118 Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	THE PRIMATE SANCTUARY, INC. Last Name First Name Primary Role: Respondent Secondary Role (if any):	Last Name First Name Firm Name 2764 Livingston Ave. Niagara Falls New York 14303 Street Address City State Zip +1 (716) 284-6118 Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 1/5/2016

1721083

ATTORNEY REGISTRATION NUMBER



SIGNATURE

Elizabeth Stein

PRINT OR TYPE NAME

Print Form



## Request for Judicial Intervention Addendum

Supreme

COURT, COUNTY OF NEW YORK

Index No: \_\_\_\_\_

For use when additional space is needed to provide party or related case information.

**PARTIES:** For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).  Last Name  First Name Primary Role:  Secondary Role (if any):	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.  Last Name First Name  Firm Name  Street Address City State Zip  Phone Fax e-mail	<input type="radio"/> YES  <input type="radio"/> NO	
<input type="checkbox"/>	Last Name  First Name Primary Role:  Secondary Role (if any):	Last Name First Name  Firm Name  Street Address City State Zip  Phone Fax e-mail	<input type="radio"/> YES  <input type="radio"/> NO	
<input type="checkbox"/>	Last Name  First Name Primary Role:  Secondary Role (if any):	Last Name First Name  Firm Name  Street Address City State Zip  Phone Fax e-mail	<input type="radio"/> YES  <input type="radio"/> NO	
<input type="checkbox"/>	Last Name  First Name Primary Role:  Secondary Role (if any):	Last Name First Name  Firm Name  Street Address City State Zip  Phone Fax e-mail	<input type="radio"/> YES  <input type="radio"/> NO	
<input type="checkbox"/>	Last Name  First Name Primary Role:  Secondary Role (if any):	Last Name First Name  Firm Name  Street Address City State Zip  Phone Fax e-mail	<input type="radio"/> YES  <input type="radio"/> NO	
<input type="checkbox"/>	Last Name  First Name Primary Role:  Secondary Role (if any):	Last Name First Name  Firm Name  Street Address City State Zip  Phone Fax e-mail	<input type="radio"/> YES  <input type="radio"/> NO	

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THE NONHUMAN RIGHTS PROJECT, INC. v. LAVERY, et al	02051	Supreme Court, Fulton County	Joseph M. Sise	common issue of law
THE NONHUMAN RIGHTS PROJECT, INC. v. STANLEY, et al	32098/13	Supreme Court, Suffolk County	W. Gerard Asher	common issue of law