At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2018.

PRESENT: Hon. Dianne T. Renwick,

Justice Presiding,

M-6068

150149/16

Sallie Manzanet-Daniels Angela M. Mazzarelli

Troy K. Webber,

Justices.

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In re Nonhuman Rights Project, Inc.,

on behalf of Tommy,

Petitioner-Appellant,

-against-

Patrick C. Lavery, etc., et al., Respondents-Respondents.

Justin Marceau, Samuel R. Wiseman, Index Nos. 162358/15 Lawrence H. Tribe and Richard L. Cupp, Jr., Amici Curiae.

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In re Nonhuman Rights Project, Inc., on behalf of Kiko,

Petitioner-Appellant,

-against-

Carmen Presti, etc., et al., Respondents.

Justin Marceau, Samuel R. Wiseman and Laurence H. Tribe, Amici Curiae.

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Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 8, 2017 (Appeal Nos. 3648-3649),

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

It is ordered that the motion is denied.

ENTERED: