

PAID ~~2/18/19~~ ✓ RFI

The Supreme Court of
the State of New York,
held in and for the County
of Orleans, at the
Courthouse thereof, 1
South Main Street, Suite 3,
Albion, NY on the 11th day
of January, 2019.

PRESENT: HON. Tracey A Bannister
Justice of the Supreme Court

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

Index No.: 18-45164

**ORDER TO SHOW
CAUSE**

-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.

PLEASE TAKE NOTICE, that upon the annexed affirmation of Elizabeth
Stein, Esq., an attorney of record for Petitioner, THE NONHUMAN RIGHTS

PROJECT, INC., dated January 8, 2019, Petitioner's Memorandum of Law in Support of granting the Order to Show Cause, dated January 8, 2019, and all other affidavits, exhibits, and attachments filed therewith, and all prior petitions, pleadings, memoranda, demands, affidavits, exhibits, and attachments filed in this matter, the Respondents, JAMES J. BREHENY and WILDLIFE CONSERVATION SOCIETY, or their attorneys, are hereby, **ORDERED TO SHOW CAUSE** at the Courthouse located at Courthouse Square, 1 South Main Street, Suite 3, Albion, NY 14411, on the 1st day of February, 2019, at 11³⁰ o'clock in the forenoon of that date, why an order should not be made and entered pursuant to New York Civil Practice Law and Rules ("CPLR") Rule 2201 and Rule 2214(d) staying the transfer of the above-captioned proceeding from the County of Orleans to the County of the Bronx upon entry of this Court's order to transfer venue so that the Petitioner may file a motion seeking leave to reargue this Court's order to transfer venue within the time permitted under CPLR Rule 2221(d)(3), until final resolution of said motion by this Court, together with such further relief as the Court may deem just and proper.

It is **THEREFORE**:

ORDERED that, sufficient cause appearing therefore, service of a copy of this Order to Show Cause, and the papers upon which it was granted, upon Respondents' attorneys by email, as previously agreed upon by the parties, on or before January

18, 2019 shall be deemed sufficient service thereof. An affidavit or other proof of service shall be presented to this Court on the return date fixed above.

IT IS FURTHER ORDERED that opposition papers, if any, must be served upon Elizabeth Stein, Esq. and Steven M. Wise, Esq. by email at the addresses listed below no later than January 25th, 2019.

Dated: Albion, New York
January 11th, 2019

HON. Tracey A. Bannister
Justice of the Supreme Court

ENTER:

NOTICE TO:

Karen Lake-Maynard
County Clerk, Orleans County
3 South Main St.
Albion, NY 14411
Email: Karen.Lake-Maynard@orleanscountyny.gov
By overnight mail

Supreme & County Court, Orleans County
Kristin E. Nicholson, Chief Clerk
1 South Main St.
Albion, NY 14411
Phone: (585) 283-6657
By email to knichols@nycourts.gov

Elizabeth Stein, Esq.

GRANTED
January 14, 2019
Kristin E. Nicholson
KRISTIN E. NICHOLSON
Chief Clerk

Attorney for Petitioner The Nonhuman Rights Project, Inc. on behalf of Happy
5 Dunhill Road
New Hyde Park, New York 11040
Tel: (516) 747-4726
By email to lizsteinlaw@gmail.com

Steven M. Wise, Esq.
Attorney for Petitioner The Nonhuman Rights Project, Inc. on behalf of Happy
5195 NW 112th Terrace
Coral Springs, FL 33076
Tel: (954) 648-9864
By email to wiseboston@aol.com

PHILLIPS LYTLE LLP
Kenneth A. Manning, Esq.
Joanna J. Chen, Esq.
Attorneys for Respondents James J. Breheny and Wildlife Conservation Society
One Canalside
125 Main Street
Buffalo, New York 14203-2887
Tel: (716) 847-8400
By email to kmanning@phillipslytle.com, jchen@phillipslytle.com