

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 \_\_\_ day  
of January, 2019.

PRESENT: HON. \_\_\_\_\_  
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

-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**  
**ORDER TO SHOW**  
**CAUSE**

**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 \_\_\_\_\_ day of January, 2019, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ 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

\_\_\_\_\_, 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 \_\_\_\_\_, 2019.

Dated: Albion, New York  
January \_\_\_\_, 2019

HON. \_\_\_\_\_  
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.

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 112<sup>th</sup> 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