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Kevin Schneider

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

At an IAS Part 5 of the Supreme Court
of the State of New York held in and for the County
of the Bronx at the Courthouse thereof located at
851 Grand Concourse Bronx, New York, on the
day of September, 2019.

Present: Hon.

ALISON Y. RITT
JUSTICE OF THE SUPREME COURT

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,

-against-

JAMES J. BREHENY, in his official capacity as the 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.: 260441/2019

**PROPOSED ORDER
TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING
ORDER**

Upon reading and filing the annexed Emergency Affirmation of Kevin Schneider, Esq.,
Executive Director of and attorney for Petitioner, the Nonhuman Rights Project, Inc., who has
appeared on behalf of Petitioner in the above-captioned matter, dated September 29, 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; and sufficient cause
being alleged therefor,

Let Respondents, JAMES J. BREHENY, in his official capacity as the 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, or their attorneys,
appear and show cause ^{IN IAS PART 5 ROOM 415} at the Courthouse located at 851 Grand Concourse, Bronx, NY 10451, on
the 21st day of October, 2019, at 9:30 AM on that date, why a temporary restraining order should
not be made and entered pursuant to CPLR 6301 and 2214(d) restraining and enjoining
Respondents, and all those persons acting in concert therewith or under their dominion and control,

from moving Happy out of the State of New York pending a hearing and determination on Petitioner's motion for preliminary injunction, which is scheduled to be heard before the Honorable Justice Allison Y. Tuitt on October 21, 2019, upon the ground that Respondents are likely to imminently move Happy out of the State of New York and thereby cause her immediate and irreparable injury, together with such further relief as the Court may deem just and proper; and it is further

AT
JSC **ORDERED** that, pending the hearing ~~and determination~~ of Petitioner's motion for a preliminary injunction, which is scheduled to be heard on October 21, 2019, Respondents, and all persons acting in concert therewith or under their dominion and control, are restrained and enjoined from moving Happy out of the State of New York; and it is further

AT
JSC **ORDERED** that, service of a copy of this Order to Show Cause with Temporary Restraining Order on Respondents by ~~email~~ *overnight delivery service* as previously agreed upon by the parties, together with the papers upon which it is granted, on or before October 7, 2019, be deemed good and sufficient service thereof. An affidavit or other proof of service shall be presented to this Court by return date fixed above.

Enter

HON *A. Y. Tuitt*
ALISON Y. TUITT
JUSTICE OF THE SUPREME COURT