

At the Supreme Court of the State of New York, Supreme Court Complex, 235 Griffing Avenue, Riverhead, NY on the 2 day of December 2013

Present:  
Honorable \_\_\_\_\_

STATE OF NEW YORK  
SUPREME COURT COUNTY OF SUFFOLK

\_\_\_\_\_  
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 HERCULES and LEO,

Petitioners,

v.

SAMUEL L. STANLEY JR., M.D., as President  
of State University of New York at Stony Brook  
a/k/a Stony Brook University and STATE  
UNIVERSITY OF NEW YORK AT STONY  
BROOK a/k/a STONY BROOK UNIVERSITY,

Respondents.  
\_\_\_\_\_

**MOTION/CROSS/OSC  
FEE PAID**  
W Judith A. Pascale  
Suffolk County Clerk

**ORDER TO SHOW CAUSE &  
WRIT OF HABEAS CORPUS**

Index No.: 13-32098

TO THE ABOVE NAMED RESPONDENTS:

PLEASE TAKE NOTICE, That upon the annexed Verified Petition of Elizabeth Stein, Esq. and Steven M. Wise, Esq. (subject to *pro hac vice* admission), with Exhibits and Memorandum of Law, dated December 2, 2013, and upon all pleadings and proceedings herein, the Respondents SAMUEL L. STANLEY JR., M.D., as President of State University of New York at Stony Brook a/k/a Stony Brook University., and STATE UNIVERSITY OF NEW YORK AT STONY BROOK a/k/a STONY BROOK UNIVERSITY, or their attorneys, are hereby ORDERED to SHOW CAUSE before this Court located at ~~235 Griffing Avenue~~ <sup>ONE COURT STREET</sup>, Riverhead, NY

12/19 11901, on the \_\_\_\_ day of December, 2013 at \_\_\_\_ o'clock in the \_\_\_\_ noon of that day, or as soon thereafter as counsel can be heard, why an Order should not be entered granting Petitioners The Nonhuman Rights Project, Inc. ("NhRP") and Hercules and Leo the following relief:

A. An Order that Petitioners Hercules and Leo are being illegally detained and ordering their release and transfer forthwith to the primate sanctuary selected by the North American Primate Sanctuary Alliance.

It is THEREFORE:

ORDERED THAT, Sufficient cause appearing therefor, let service of a copy of this Order and the papers upon which it is based upon SAMUEL L. STANLEY JR., M.D., as President of State University of New York at Stony Brook a/k/a Stony Brook University., and STATE UNIVERSITY OF NEW YORK AT STONY BROOK a/k/a STONY BROOK UNIVERSITY, and upon ERIC T. SCHNEIDERMAN, Attorney General of the State of New York, by personal delivery, on or before \_\_\_\_ on December \_\_\_\_, 2013, be deemed good and sufficient.

IT IS FURTHER ORDERED, that answering affidavits, if any, must be received by Elizabeth Stein, Esq., 5 Dunhill Road, New Hyde Park, New York 11040, no later than \_\_\_\_ on the \_\_\_\_ day of December, 2013. Reply papers, if any, must be served on or before the \_\_\_\_ day of December, 2013.

Dated: December 5, 2013  
Riverhead, New York

ENTER:

~~NOT SIGNED.~~  
Hon.

The Court finds that pursuant to § 2214(d) of the CPLR there is no reason for this matter to be brought by means of an OTC. No TRO or stay is requested. Petitioners have adequate remedy at law. Further, Art 70 of the CPLR (2002) applies to persons, therefore Habeas Corpus relief does not lie.  
W. Gerard Arhel  
JSC  
12/5/13

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human  
?

2/12

?

XPHV/ASHER  
OSINT

STATE OF NEW YORK  
SUPREME COURT COUNTY OF SUFFOLK

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 HERCULES and LEO,

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v.

SAMUEL L. STANLEY JR., M.D., as  
President of State University of New York at  
Stony Brook a/k/a Stony Brook University and  
STATE UNIVERSITY OF NEW YORK AT  
STONY BROOK a/k/a STONY BROOK  
UNIVERSITY,

Respondents.

ORDER

Index No.: 13-32098

MOTION/CROSS/OSC  
WM FEE PAID  
Judith A. Pascale  
Suffolk County Clerk

THIS MATTER having been presented to the Court by ELIZABETH STEIN, ESQ.,  
attorney for the Petitioners, upon application for an Order pursuant to 22 NYCRR § 805.3(a)  
granting *pro hac vice* admission to Steven M. Wise, Esq., and the Court having considered the  
submissions of Petitioners and the certificate of good standing having been reviewed and  
considered and due deliberation having been had thereon, it is

ORDERED, that Steven M. Wise, be admitted to practice in this department *pro hac vice*,  
to participate in any and all proceedings relative to the above captioned matter, for a time period  
of until the matter has been completely resolved, in this Court and any and all New York State  
Supreme Courts as this matter may be transferred to.

Dated: December \_\_\_\_, 2013

~~\_\_\_\_\_  
Hon. Not Signed~~

ENTER: