

**Supreme Court of the State of New York
County of New York**

**Robin Mittasch, as Trustee of “The
Companion Animal Trust for the
Benefit of Jake” and Ex Rel
a certain dog named “Jake”,**

Petitioner,

against

**The City of New York, The New York
City Department of Health & Mental
Hygiene and New York City Animal
Care and Control, Inc.**

Respondents.

Affirmation of Emergency

Index No. 101514/2013

State of New York:

ss.:

County of New York :

Susan Chana Lask, an attorney duly admitted to practice before the Courts of the State of New York, under penalties of perjury affirms:

1. I am the attorney of-counsel with Richard Bruce Rosenthal, Esq. as general counsel. WE represent the Petitioner. I make this emergency affirmation seeking an order barring, enjoining and restraining the Respondents from harming or killing Jake (A0983791), a dog about four years old, who is the subject of the instant proceeding. The Petitioner is the owner/guardian of Jake.
2. Upon information and belief, “Jake” is being illegally and improperly held and subject to execution at any time by Respondents without due cause and without complying with prior notice according to the statutory requirements and safeguards required by Law (see Petition filed herewith).
3. As a result of the Respondents’ planned killing of Jake the dog without notice, there is insufficient time to commence the instant proceeding by regular Notice to obtain the stay necessary to prevent the execution of Jake.
4. Primarily the irreparable harm here is that Jake would lose his life if this brief stay is not granted and Jake’s life far outweighs any parties’ interest here. Considering those consequences, Petitioner as Jake’s trustee has a duty to protect his life and will

suffer irreparable harm if Jake were executed by the Respondents without following the procedural requirements of the Law. The trust established for Jake mandates the Petitioner's, as trustee, rights and duties under the trust agreement to protect Jake from harm and death which would be defeated in violation of law and in contravention of N.Y. EPTL § 7-8.1 if Respondents harm or kill him.

5. The granting of the temporary restraining orders requested herein as a brief stay until this matter is heard will not prejudice Respondents in any way as preventing an execution for a few days to spare a life and prevent injustice far outweighs the irreparable death that will occur.
6. Notice of the instant application and an opportunity to appear and be heard was given. Today at 9:00 am, I called the Office of the Corporation Counsel, the attorney for the Respondent City of New York at 212-788-0303 I informed the Case Information department that the instant order to show cause including the temporary restraining order seeking to stay the execution of Jake pending a hearing will be presented on an emergency basis at the Ex Parte Clerk's Office at the Supreme Courthouse located at 60 Centre Street, NY, NY at 2:30 p.m. today. I also called the NYC Animal Care & Control, Inc. at 212-788-4000 and provided the same information.
7. This morning I had faxed notice of this order to show cause to the Administrative Law Division of the Corporation Counsel's office at (212) 356-2019 and the NYCAC&C at (212) 722-3580.
8. No previous application for the relief sought herein has been made to any Court of competent jurisdiction.

Wherefore, your affirmant respectfully requests the Court grant the within order to show cause on an emergency basis and issue a restraining order barring, enjoining and restraining the Respondent from harming or killing Jake to allow time for a hearing to determine whether Jake should be executed.

Dated: New York, NY
November 18, 2013

LAW OFFICES OF SUSAN CHANA LASK

/s Susan Chana Lask

**By: Susan Chana Lask, Esq.
As-Counsel for Petitioner
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