

<p>Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203</p> <p>On Appeal; 4th Judicial District El Paso County; Hon. Eric Bentley; Case Number: 2023CV31326</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<p><b>Petitioner-Appellant:</b></p> <p>THE NONHUMAN RIGHTS PROJECT, INC. on behalf of Missy, Kimba, Lucky, LouLou, and Jambo,</p> <p style="text-align: center;">v.</p> <p><b>Respondents-Appellees:</b></p> <p>CHEYENNE MOUNTAIN ZOOLOGICAL SOCIETY, and BOB CHASTAIN, in his official capacity as President and CEO of Cheyenne Mountain Zoological Society.</p>	
<p>NONHUMAN RIGHTS PROJECT, INC:</p> <p>Jacob Davis, Esq. Nonhuman Rights Project, Inc. 611 Pennsylvania Avenue SE #345 Washington, DC 20003 Phone: (513) 833-5165 Email: <a href="mailto:jdavis@nonhumanrights.org">jdavis@nonhumanrights.org</a> Bar Number: 54032</p>	<p>Case No. 2024SA21</p>
<p><b>MOTION TO ACCEPT OPENING BRIEF CONTAINING 13,637 WORDS</b></p>	

Counsel for Petitioner-Appellant respectfully requests that this Court accept an opening brief that exceeds the word count limitation prescribed in C.A.R. 28(g), and states as follows:

1. The contemporaneously filed opening brief contains 13,637 words.
2. This case, involving the applicability of the Great Writ to five African elephants confined at the Cheyenne Mountain Zoo, involves profound and highly complex issues of first impression. This appeal marks the second time in history that the highest court of an English-speaking jurisdiction will hear a habeas corpus case brought on behalf of a nonhuman animal.
3. As the District Court acknowledged: “Virtually every issue raised by this case is an issue of first impression in Colorado,” and this case “raises profound issues of ethics, justice, and public policy.” (CF, pp. 000513, 000515). These issues include the history and substantive scope of habeas corpus, the meaning of legal personhood, the evolution of Colorado common law considering science and fundamental principles, and the role and duty of Colorado courts, as well as foundational questions concerning habeas corpus jurisdiction.
4. The District Court made numerous arguments in its 27-page order dismissing Petitioner-Appellant’s 374-page petition (including exhibits).

Given the significance and complex novel issues involved, counsel submits that the additional words in the opening brief are needed to adequately and thoroughly address those arguments.

5. Counsel and his team spent many hours making every effort to make the opening brief as concise as possible.

WHEREFORE Petitioner-Appellant respectfully requests this Court to accept the contemporaneously filed opening brief comprising 13,637 words.

Dated: May 22, 2024

Respectfully submitted,

*/s/ Jake Davis*  
Jake Davis, # 54032

## CERTIFICATE OF SERVICE

I certify that on this 22nd day of May 2024, a copy of the foregoing MOTION TO ACCEPT OPENING BRIEF CONTAINING 13,637 WORDS was filed through the Colorado Courts E-Filing System, with a copy checked to be sent to counsel of record:

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