



Ikea Monkey to stay at sanctuary while ownership is decided

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OSHAWA - An Ontario Superior Court judge says Darwin the Ikea Monkey will not be returned to his owner, at least for now.

Justice Michael Brown dismissed Yasmin Nakhuda's motion to regain possession of her beloved pet before her civil suit against the Story Book Farm Sanctuary is heard this spring. Brown said he was not convinced that "irreparable harm" would come to the rhesus macaque monkey or his bond to Nakhuda.

"It must be remembered Darwin is not a human being," Brown said, adding that as such the rules of custody that would apply to a child, for example, do not apply to him.

Darwin shot to global fame after he broke free from a crate in Nakhuda's SUV and went for a stroll in an Ikea store parking lot in December. He was clad in a fashion-forward shearling coat and eventually caught by animal services officers.

Brown said to succeed in the motion, Nakhuda's legal team had to convince him that there was a "high degree" of certainty they would be successful with the up-coming civil suit. But with a large amount of conflicting evidence, Brown said he could not be certain of Nakhuda's success at trial.

Brown dismissed Nakhuda's motion, which means Darwin will stay at the sanctuary. After lingering inside the courtroom for nearly an hour, Nakhuda emerged visibly upset.

"You've just learned that loving is not enough to win a motion," Nakhuda told a crush of media as she tried to leave the courthouse. "I will keep loving him."

Her lawyer, Ted Charney, told reporters Nakhuda was disappointed by the verdict but was going to keep fighting to get him back.

"We consider this to be a bump in the road and we're looking forward to going to trial on this case as soon as reasonably possible," Charney said.

When asked about her mindset, Charney's reply was brief and sharp.

"Her mindset is she can't even speak she's so upset," he said.

Sherry Delaney, the founder of the Story Book Animal Sanctuary, said she was relieved by the decision.

“I would like everyone to know that Darwin is thriving,” Delaney said. “He is doing very well. My team will continue on to provide the best care possible, not only for Darwin, but for all of our residents at the sanctuary.”

The case could go to the trial as soon as May.