



Custody battle for Ikea monkey resumes in Oshawa courtroom

Yasmin Nakhuda, Durham animal sanctuary both looking to keep Darwin

Chris Hall|

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DURHAM -- The lawyer representing a woman whose pet monkey escaped from a parked vehicle at Ikea last year and is now residing at a Durham animal sanctuary has scoffed at claims that the primate was abused by his client.

There is no proof that Yasmin Nakhuda or her family ever intentionally hurt Darwin, a young macaque monkey, while he was in their care, Theodore Charney told Superior Court Justice Michael Brown on Thursday.

"She doesn't go around smacking the monkey, she never has," said Mr. Charney, the Nakhuda family's lawyer. "She has a warm, caring relationship with him."

Darwin made headlines in December after he was spotted roaming around a Toronto Ikea store parking lot wearing a faux fur coat and diapers. The monkey escaped from the Nakhuda vehicle and was eventually captured by Toronto Animal Services.

The pint-sized primate was later shuffled to the Story Book Farm Primate Sanctuary in Sunderland. After the monkey arrived, sanctuary officials alleged Darwin was mistreated by the Nakhudas.

The two sides were in an Oshawa courtroom on Thursday to contest who would have custody of the monkey until a lawsuit between the parties goes to trial later this year.

In response to the abuse claims, Mr. Charney explained the allegations arose out of a couple of e-mails Ms. Nakhuda had written to Lisa Whiteaker, a Las Vegas-based monkey expert, that were misinterpreted.

Ms. Nakhuda had sought Ms. Whiteaker's help after she had difficulties calming and training the young primate. Court heard that Ms. Nakhuda once waited 36 hours to change Darwin's diaper because she was afraid of his biting. It was also alleged that Ms. Nakhuda beat the monkey with a wooden spoon and strangled him.

"I don't know what sentence, word or paragraph in each e-mail that is supposedly supporting those allegations," said Mr. Charney.

In one e-mail, Ms. Whiteaker told Ms. Nakhuda that she had lots to learn about raising a monkey and warned that an untrained Darwin was "a time bomb" that could attack family members or co-workers.

Also at the centre of the dispute was whether Ms. Nakhuda was coerced into signing over ownership of Darwin to Toronto Animal Services after he was seized at the North York furniture store.

Mr. Charney argued that animal services officials "basically tricked her (into signing a surrender form) through threats and duress" after she showed up at a shelter to claim Darwin.

"It's out of the ordinary for people to sign a surrender form when they come to pick up a pet," said Mr. Charney.

However, Kevin Toyne, representing the Durham primate sanctuary, said that Ms. Nakhuda, as a lawyer for nearly 20 years, should have realized what she was signing.

"She knew what she was doing and she did it voluntarily," said Mr. Toyne. "There was no gun to Ms. Nakhuda's head that day."

Mr. Charney told the court that if Darwin is temporarily returned to his client, she will move to the City of Kawartha Lakes where Darwin is not a prohibited animal, as well as ensure he has an appropriate enclosure and access to vet care and training.

He also suggested the two sides could be ready to go to trial in about three months.

Justice Brown hinted that he would deliver his ruling on Friday.