

# McNamee, Lochner, Titus & Williams, P.C.

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November 21, 2008

**VIA FACSIMILE – (518) 873-3376**

Hon. Richard B. Meyer  
Essex County Courthouse  
7559 Court Street  
Elizabethtown, New York 12932

**RE: Lewis Family Farm v. Adirondack Park Agency (Index No. 315-08/332-08)**

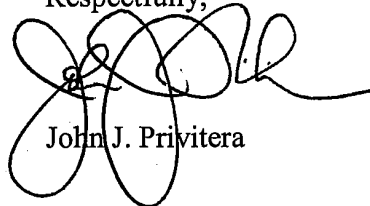
Dear Judge Meyer:

Most respectfully, Petitioner Lewis Family Farm, Inc. is compelled to inform Your Honor that we do, indeed, need a directive from this Court that clarifies your Order and allows release of the escrowed funds held by the County. We are obliged to inform you of the attached correspondence from Daniel T. Manning refusing to release the funds.

Your Honor retains jurisdiction and plenary power to effect Your Honor's Decision and Order; this is clearly not an Appellate matter until Your Honor has ruled.

For all of the reasons stated in our letter of last evening, we respectfully request a directive from Your Honor.

Respectfully,



John J. Privitera

Enclosures

cc: Loretta Simon, Esq. (via facsimile to 518-473-2534)  
Cynthia Feathers, Esq. (also enclosing Mr. Manning's correspondence)  
(via facsimile to 518-587-0128)

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**County Attorney**

Daniel T. Manning

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November 21, 2008

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**VIA FAX AND MAIL**

ATTN: John J. Privitara, Esq.  
McNamee, Lochner, Titus & Williams, P.C.  
677 Broadway  
Albany, New York 12207-2503

ATTN: Loretta Simon, Esq.  
New York State Attorney General  
The Capitol  
Albany, New York 12224

**Re: Lewis Family Farm, Inc. v. Adirondack Park Agency**

Dear Ms. Simon and Mr. Privitara:

I have received correspondence from both of you relative to the Essex County Treasurer's release of the \$50,000 currently held by him in this matter.

It is my understanding that this money was ordered to be deposited with the Essex County Treasurer pursuant to CPLR 5519(a)(2) by order of Hon. Leslie E. Stein, Justice, Appellate Division, Third Department which order was dated April 28, 2008.

Because the deposit of this money is contained in the above order, it is my opinion that I will need an order from the appellate division or from the Essex County Supreme Court directing the County Treasurer to release these monies.

I wanted to get my Decision to you as soon as possible so that you could bring an Order to Show Cause in the proper court without prejudice to you.

Upon receipt of an Order directing the payment of the monies, these monies will be immediately paid and delivered.

Thank you.

Very truly yours,

Daniel T. Manning  
**Signed in absence of  
writer to avoid delay**

DTM:smz  
cc: Board of Supervisors  
Daniel L. Palmer, County Manager  
Michael Diskin, County Treasurer