



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

July 9, 2008

BY FACSIMILE AND MAIL

Honorable Richard B. Meyer
Supreme Court
Essex County Courthouse
7559 Court Street, P.O. Box 217
Elizabethtown, New York 12932

Re: Lewis Family Farm, Inc. v. New York State
Adirondack Park Agency
Index No. 315-08
Adirondack Park Agency v. Lewis Family Farm, Inc.
Index No. 332-08

Dear Justice Meyer:

I respectfully request an extension of time for the State to answer the remaining seven causes of action in the above-captioned petition to August 15th, 2008. Your Decision and Order dated July 2, 2008, requires the State to submit its answer on July 22. As indicated below, I have a number of conflicts in the coming weeks and request the extension so that I am able to both answer and prepare a memorandum of law on the important jurisdictional issues and other matters still remaining in the case. I had requested that counsel to Lewis Farm agree to this extension and he declined.

On July 3, 2008 at approximately 4:00pm, the Office of the Attorney General was served with a Notice of Motion by Lewis Farm's counsel, in the first Lewis Farm action against the State. I am required to prepare a response to the Appellate Division, Third Department by Friday July 11, 2008. I am scheduled to be away on a family vacation July 19-26, 2008. In addition, I have an unrelated case for which a full record, answer and memo of law

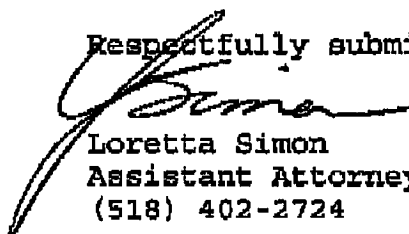
is also due the week of July 21st, with oral argument the following week. Finally, I am scheduled to be in Syracuse on another case August 5, and I will be out of town again on August 11.

As indicated, I consulted with counsel to Lewis Farm, Jacob Lamme, to see if we could reach accommodation on extensions of time (Lewis Farm is currently requesting an extension of time to perfect their appeal of Lewis Farm I in the Appellate Division). I explained to Mr. Lamme my belief that a short extension of time granted to the State would not adversely affect his client, as they already have permission from the Appellate Division to occupy one of the houses being litigated herein. Mr. Lamme informed me he was unable to agree to our request for additional time.

As the Court is aware, I previously extended the courtesy of agreement to an extension of the original return date in this proceeding to counsel for Lewis Farm, as I was told that Mr. Privitera was not available on that date, a date which they had chosen. Moreover, I have not asked for any extensions of the schedule since this matter was commenced in April, 2008.

Due to the above noted circumstances, I respectfully request an extension of time to August 15, 2008. Thank you for your consideration of my request.

Respectfully submitted,



Loretta Simon
Assistant Attorney General
(518) 402-2724

cc: Jacob Lamme (By facsimile)
Paul Van Cott (By facsimile)

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

ATTORNEYS AT LAW

JACOB F. LAMME

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July 9, 2008

VIA FIRST-CLASS MAIL
& FACSIMILE – (518) 873-3376

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

RE: Lewis Family Farm, Inc. v. Adirondack Park Agency
Index No. 315-08
Adirondack Park Agency v. Lewis Family Farm, Inc., et al
Index No. 332-08
(Hon. Richard B. Meyer)

Dear Justice Meyer:

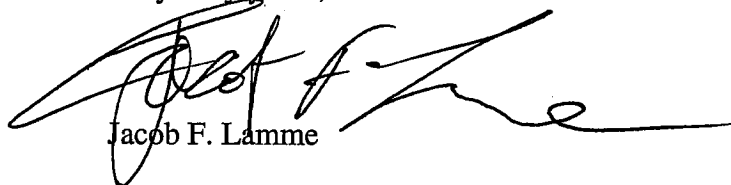
I am writing in response to Assistant Attorney General Loretta Simon's letter to Your Honor dated July 9, 2008, which I just received via fax moments ago.

I enclose a copy of a letter that I sent to Ms. Simon yesterday evening.

Upon receiving Your Honor's July 2, 2008 Decision and Order, we expeditiously served Notice of Entry on July 3, 2008 so that we can move forward with this matter. The Lewis Family Farm has already lost the ability to use its farm worker housing during the 2008 growing season. It simply cannot afford any more delays.

Thank you for Your Honor's attention to this matter.

Very truly yours,



Jacob F. Lamme

Enclosures

cc: Loretta Simon, Esq. (via facsimile – 518-473-2534)

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July 8, 2008

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**RE: Lewis Family Farm, Inc. v. Adirondack Park Agency
(Appellate Division, Third Department Case # 504696)**

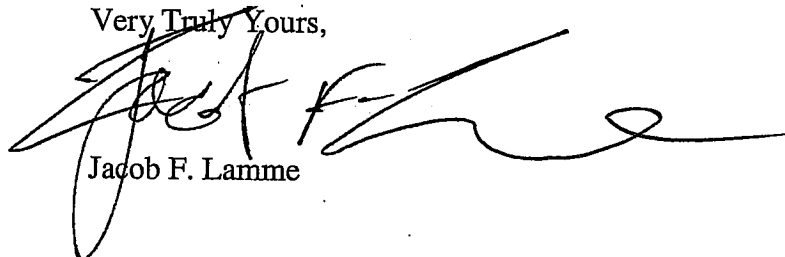
**Lewis Family Farm, Inc. v. Adirondack Park Agency (Index No. 315-08)
APA v. Lewis Family Farm, Inc., et al. (Index No. 332-08)**

Dear Ms. Simon:

I am writing in response to your phone call of this afternoon in which you offered to consent to the Lewis Family Farm's motion to extend the time in which to perfect the appeal in Appellate Division, Third Department Case No. 504969 in exchange for our consent to a 24-day extension of the dates set forth in Judge Meyer's July 2, 2008 Decision and Order in the two pending actions in Essex County Supreme Court.

After consulting my client, I am unable to consent. The Lewis Family Farm continues to be severely and adversely impacted by the inability to fully utilize its farm worker housing. It must receive a prompt resolution of this matter. As such, unless ordered otherwise, we are proceeding with the answering date being July 22, 2008 and the motion for summary judgment deadline being August 1, 2008, according to Judge Meyer's July 2, 2008 Decision and Order.

Very Truly Yours,



Jacob F. Lamme

(M0170273.1)