

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

AFFIRMATION

Petitioner,

ACTION NO. 1

-against-

ADIRONDACK PARK AGENCY,

Index No. 315-08

Respondent.

Hon. Richard B. Meyer

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

ADIRONDACK PARK AGENCY,

Plaintiff,

ACTION NO. 2

-against-

LEWIS FAMILY FARM, INC., SALIM B. LEWIS
and BARBARA LEWIS,

Index No.: 332-08

Defendants.

Hon. Richard B. Meyer

AFFIRMATION IN SUPPORT OF THE MOTION TO DISMISS

JOHN J. PRIVITERA, an attorney at law duly admitted to practice in the courts of the State of New York, swears and affirms under penalty of perjury as follows:

1. I am duly licensed and admitted to practice law in the State of New York, and I am a principal with the law firm of McNamee, Lochner, Titus & Williams, P.C., attorneys for defendants Lewis Family Farm, Inc., Salim B. "Sandy" Lewis and Barbara A. Lewis (collectively "Defendants"). As such, I am fully familiar with the pleadings and proceedings had in this action, and with the matters set forth herein.

2. I make this affirmation in support of the Defendants' motion to dismiss the purported enforcement action commenced by the Adirondack Park Agency (hereafter "Agency") (Index No. 332-08).

3. This enforcement action should be dismissed because it is wholly duplicative of the Agency's administrative enforcement proceeding, which culminated in the March 25, 2008 Determination of the Agency's Enforcement Committee (hereafter "Determination").

4. Indeed, this action was commenced before the timeframe for Agency's directives in Determination had expired, and it seeks no greater relief than the Determination itself.

5. Moreover, the Agency has named Salim B. "Sandy" Lewis and Barbara A. Lewis as individual defendants in this action. As demonstrated in the accompanying memorandum of law, the Agency lacks any basis whatsoever to pursue a claim against these individuals. Thus, this action serves no purpose other than to harass the Lewis Family Farm and its officers, who were not parties to the administrative enforcement proceeding.

6. Based on the foregoing, and on the reasons set forth in the accompanying memorandum of law, the Lewis Family Farm respectfully asks this Court to enter an order dismissing the Agency's duplicative enforcement action, and grant such other and further relief as the Court deems just and proper.

I hereby swear and affirm the above under penalty of perjury this 3rd day of June, 2008.

/s/ John J. Privitera

John J. Privitera