

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

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 response to the Record submitted by the Adirondack Park Agency (hereafter "Agency") pursuant to CPLR 7804.

3. On March 7, 2008, I received permission from Barbara Rottier, Associate Counsel to the Agency, to have the Agency's Enforcement Committee hearing on March 13, 2008 video recorded. A copy of Ms. Rottier's letter is attached as **Exhibit "A"**.

4. Ms. Rottier indicated to me that the video recording was being allowed upon the condition that the Agency promptly received a copy for the record.

5. I am informed that Mirror Image Video, Inc., the company who video recorded the hearing, sent a copy of the video directly to Ms. Rottier.

6. On May 30, 2008, Jacob Lamme, Esq., an associate in my firm, wrote a letter to Assistant Attorney General Loretta Simon making sure that she would include the video in the record for this Article 78 proceeding. A copy of Mr. Lamme's letter is attached as **Exhibit "B"**.

7. My firm never received a written response to Mr. Lamme's May 30, 2008 letter.

8. Accordingly, I have attached a DVD copy of the Agency's March 13, 2008 Enforcement Hearing as **Exhibit "C"**.

9. Based on the reasons set forth in the Lewis Family Farm's Memorandums of Law dated June 3, 2008 and June 17, 2008, the Lewis Family Farm respectfully asks this Court to enter an order annulling and vacating the Agency's March 25, 2008 Determination, dismissing the Agency's duplicative enforcement action, denying the Agency's motion to dismiss the Article 78 Petition, and granting such other and further relief as the Court deems just and proper.

I hereby swear and affirm the above under penalty of perjury this 17th day of June, 2008.

/s/ John J. Privitera

John J. Privitera