

NO ORAL ARGUMENT GRANTED

At a Term of the Supreme
Court of the State of New York,
held in and for the County of Essex,
at Elizabethtown, New York
on the 18th day of
January, 2007.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ESSEX

TOWN OF ESSEX

and

JAMES Z. MORGAN, Jr., as Superintendent
of Highways of the Town of Essex,
Plaintiffs,

-Against-

LEWIS FAMILY FARM, INC.,
Defendant.

ORDER TO 000047 -07
SHOW CAUSE
INDEX #
R.J.I.# 15-1007-0014
Date Purchased:
FEE WAIVED
January 17, 2007

ASSIGNED JUDGE:
Hon. James P. Dawson, J.S.C.

PRESENT: Hon. James P. Dawson, J.S.C.

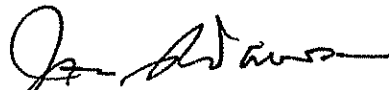
On reading and filing the Affidavit of James Z. Morgan, Jr., Highway Superintendent of the Town of Essex, dated January 12, 2007, the Affirmation of Attorney Darrell W. Harp, dated January 12, 2007, and the Summons and Verified Complaint made in the above matter, let the Defendant or its attorneys show cause before this Court, at a Term thereof, to be heard in and for the County of Essex at the courthouse located in Elizabethtown, County of Essex, State of New York, on February 16th, 2007, at 9:30 a.m. or as soon thereafter as counsel can be heard, why a Preliminary Injunction should not be granted to Plaintiffs requiring Defendant to immediately remove obstructions as set forth in Plaintiffs' papers from within the highway right of way use area of Cross Road in the Town of Essex.

AND IT IS FURTHER ORDERED that oral argument shall not be required on the return date of this Order to Show Cause.

AND IT IS FURTHER ORDERED, that service of this Order to Show Cause and the papers upon which it is based and the Summons and Verified Complaint be made by serving a copy of this order and the papers and a copy of the Summons and Verified Complaint personally on Defendant Lewis Family Farm, Inc., or its representative, and a

copy of such papers being served by mail on Joseph R. Brennan, Esq., Brennan & White, LLP, Attorneys at Law, 163 Haviland Road, Queensbury, NY 12804-8702, on or before January 31st, 2007, which service shall be good and sufficient service on defendant for the purposes of deciding the relief requested in this Order to Show Cause. Opposing papers, if any, must be served at least seven (7) days prior to the return date of this Order to Show Cause with Reply papers, if any, served at least three (3) days prior to the return date of this Order to Show Cause, pursuant to CPLR §2214(b).

Dated: January 18th, 2007
Elizabethtown, New York



Enter,
Hon. James P. Dawson, J.S.C.