

ORIGINAL

At a term of the Supreme Court of the State of New York, held in and for the County of Essex at the Courthouse, Elizabethtown, New York, on the 17<sup>th</sup> day of July, 2007.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Plaintiff,

v.

NEW YORK STATE ADIRONDACK  
ADIRONDACK PARK AGENCY,

Defendant.

**AMENDED ORDER TO SHOW  
CAUSE AND TEMPORARY  
RESTRAINING ORDER**

Index No.: 000498-07

2007-0153

07 JUL -3 AM 10:36  
ENTERED AND FILED  
ESSEX COUNTY CLERK  
ELIZABETHTOWN, NY 12932

This matter having been brought before the Court upon plaintiff's application for the issuance of an Order to Show Cause with a Temporary Restraining Order upon the Summons and Amended Complaint and the exhibit annexed thereto, the Amended Affidavit of Barbara Lewis, sworn to July 3, 2007, the Amended Affidavit of Mark McKenna, sworn to July 3, 2007, the Affirmation of Joseph R. Brennan and the exhibit annexed thereto, and the Amended Memorandum of Law included with the papers, and it appearing that plaintiff has a likelihood of success on the merits and will suffer immediate and irreparable harm before a final hearing can be had and good, just and equitable cause having been shown;

**IT IS HEREBY ORDERED**, that:

Defendant, or its attorneys, shall show cause before this Court at the Essex County Courthouse, 7559 Court Street, Elizabethtown, New York 12932 at 1:30 o'clock in the

*after* noon on the *8th* day of ~~July~~ *August*, 2007 before the Honorable Judges of the Supreme Court of New York, Essex County,

**WHY** an Order should not be entered herein granting the following relief:

**ENJOINING** and **RESTRAINING**, preliminarily and permanently, defendant, its agents, affiliates, successors and assigns, and all those in active concert or participation with it, from interfering with the housing construction project at the Lewis Family Farm for which a Town of Essex permit has already issued (the "Housing Project") including:

- (a) issuing any stop work order or consent decree purporting to interfere with the Housing Project;
- (b) attempting to impose any penalty on plaintiff for the Housing Project; and
- (c) attempting to assert jurisdiction over the Housing Project.

~~**IT IS FURTHER ORDERED**, that pending the hearing of this motion, defendant, its agents, affiliates, successors and assigns, and all those in active concert or participation with it, are hereby restrained and enjoined from taking any action which would interfere with the Housing Project including:~~

- YXR*
- (a) issuing any stop work order or consent decree purporting to interfere with the Housing Project;
  - (b) attempting to impose any penalty on plaintiff for the Housing Project; and
  - (c) attempting to assert jurisdiction over the Housing Project; and

**IT IS FURTHER ORDERED** that answering papers, if any, shall be filed and served on counsel for plaintiff, Brennan & White, LLP, 163 Haviland Road, Queensbury, New York 12801, so as to be received no later than three (3) days prior to the return date of this motion. The failure of any party to file an answer or otherwise move within the time above will subject such party to entry of default judgment, if appropriate. Plaintiff shall file and serve their reply

papers, if any, so as to be received no later than 12:00 p.m. on the date immediately preceding the return date of this motion;

**ORAL ARGUMENT** and personal appearance shall be required on the return date of this motion; and

**IT IS FURTHER ORDERED**, that, sufficient reason appearing therefore, let a copy of this Order to Show Cause, together with the papers upon which it is based, be served by overnight mail upon defendant New York State Adirondack Park Agency, 1133 NYS Route 86, Ray Brook, New York 12977 on or before July 26 2007 and said service shall be deemed good and sufficient service thereof.

ENTER

Dated: 07/13/07  
PLATTSBURGH, NY

James H. Nya  
R. J.S.C.

ENTERED AND FILED  
ESSEX COUNTY CLERK  
07 JUL 20 PM 12:29  
ELIZABETH TOWN, NY 12932