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**VIA FACSIMILE – (518) 873-3376**

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

**RE: Lewis Family Farm v. Adirondack Park Agency (Index No. 315-08/332-08)**

Dear Justice Meyer:

Please accept this letter on behalf of the Lewis Family Farm, Inc. and in response to Respondent's letter to you of this afternoon, which we just received a few moments ago.

There is no ambiguity in Your Honor's Decision and Order of yesterday. Specifically, in the decretal paragraphs Your Honor:

(a) annulled the March 25, 2008 Administrative Determination which had directed the payment of a \$50,000 fine. An annulment renders the matter null and void and therefore, there is no directive upon which to require or hold the penalty; and

(b) vacated the April 11, 2008 stay, which had been slightly modified by the Appellate Division, as moot. Thus, Your Honor found that since the underlying Administrative Determination no longer existed, the stay Order, which included the escrow arrangement, was rendered moot because there is nothing to stay.

For these reasons, there is no legal basis whatsoever upon which to continue to hold the trust funds in escrow and they should be released immediately.

There is no basis upon which to grant the affirmative relief that Respondent now seeks on behalf of the Agency that would effectively reverse Your Honor's Order of annulment and thereby revive the force and directive of the now annulled Determination. Essentially, the Respondent seeks a stay of Your Honor's Order without having met the test for such affirmative relief. In addition, the Respondent's suggestion that Your Honor lacks *de novo* control of Your

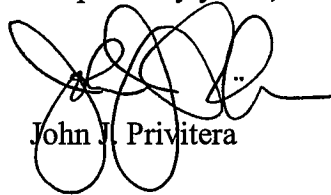
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Order of yesterday is incorrect as a matter of fundamental, orderly jurisprudence. It is impossible to fathom Respondent's procedural suggestion that Petitioner, having prevailed, is now obliged either to seek further relief or to litigate the impact of Your Honor's annulment and Order to Vacate *ab initio* in the Appellate Division. Petitioner has no more burden. The Appellate Division has nothing to consider on this matter because the stay is vacated. Further, Justice Stein's April 28, 2008 Temporary Order was rendered moot by the Appellate Division's May 19, 2008 modification of Your Honor's April 11 stay Order.

For all of these reasons, we respectfully pray that justice be completed here such that all parties clearly understand the legal consequence of Your Honor's Decision and Order.

We stand ready, tomorrow, if Your Honor wishes counsel to be heard on this matter or as to the final Judgment.

Respectfully yours,

A handwritten signature in black ink, appearing to read "John J. Privitera". The signature is highly stylized with several loops and a long horizontal tail.

John J. Privitera

Enclosures

cc: Loretta Simon, Esq. (via facsimile to 518-473-2534)  
Cynthia Feathers, Esq. (also enclosing Ms. Simon's correspondence)  
(via facsimile to 518-587-0128)