



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
ANDREW M. CUOMO

FACSIMILE TRANSMISSION

DATE: 11/20/08

NUMBER OF PAGES: 5
(INCLUDING THIS PAGE)

TO: HON. RICHARD B. MEYER
518-873-3376

cc: Jacob F. Lamme - 426-4260

FROM: LORETTA SIMON
AAG
518-402-2724

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

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CONTACT

NAME Jill OFFICE _____
TELEPHONE NO.(518) 474-8096 FAX NO.() _____

CONFIDENTIAL

The information contained in this facsimile is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this is strictly prohibited.

*IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE. THANK YOU.*

THE CAPITOL, ALBANY, NY 12224-0341

OAG 005 (1/07)



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

November 20, 2008

BY FACSIMILE AND MAIL

fax: (518) 873-3376

Honorable Richard B. Meyer
Essex County Supreme Court
7559 Court Street
P.O. Box 247
Elizabethtown, New York 12932

Re: Lewis Family Farm, Inc. v. Adirondack Park Agency
Index No. 315-08

Adirondack Park Agency v. Lewis Family Farm, Inc.
Index No. 332-08

Dear Judge Meyer:

Today the Office of the Attorney General received a letter from Jacob Lamme, counsel to Lewis Family Farm in the above-captioned matters, enclosing a proposed Judgment pursuant to your Decision and Order dated November 19, 2008. The State objects to the language of the proposed judgment relating to the release of a \$50,000 civil penalty held in escrow in the Essex County Treasurer's Office. These escrow funds are held by the County pursuant to an Order of the Appellate Division, Third Department, dated April 28, 2008 (attached).

With all respect to this Court, any decision to release the escrow funds must be made by the Appellate Division.

Respectfully submitted,

Loretta Simon
Assistant Attorney General
(518) 402-2724

cc: (by fax and mail)
Jacob F. Lamme, Esq.
McNamee, Lochner, Titus
and Williams, P.C.
677 Broadway
Albany, New York 12207-2503
f: (518) 426-4260

PRESENT: Hon. Leslie E. Stein
Associate Justice, Appellate Division, Third Department

STATE OF NEW YORK SUPREME COURT
APPELLATE DIVISION THIRD DEPARTMENT

In the Matter of LEWIS FAMILY FARM, INC.,

Petitioner,

-against-

ORDER TO SHOW CAUSE

ADIRONDACK PARK AGENCY,

Respondent.

Index No. 315-08

Upon reading the annexed affirmation of John J. Privitera, dated April 28, 2008, the papers thereto attached and the papers therein referred to, and upon all the pleadings and proceedings had herein, it is

ORDERED, that Respondent show cause before this Court at a motion term thereof, to be held at the Justice Building, Empire State Plaza, Albany, New York, at 9:30 a.m. on May 12, 2008, or as soon thereafter as counsel can be heard, why an order should not be granted that: (1) grants Petitioner-Appellant permission to appeal the April 11, 2008 Decision and Order of the Essex County Supreme Court (Hon. Richard B. Meyer); (2) enjoins enforcement of Respondent's Enforcement Committee Decision of March 25, 2008 pending determination of a permissive appeal to this Court of Justice Meyer's decision and order; and (3) grants such other and further relief as this Court deems just and proper, and it is further

ORDERED, that pending determination by this Court on the motion brought on by this Order to Show Cause, Respondent is enjoined from enforcing its administrative determination dated March 25, 2008 as set forth in Subparagraph "6" on page 3 of the Decision and Order of Supreme Court dated April 11, 2008 on the condition that Petitioner shall pay the sum of

\$50,000 to the Essex County Treasurer's Office pursuant to CPLR 5519(a)(2) or post an undertaking therefore on or before May 5, 2008; and it is further

ORDERED, that pending determination by this Court on the motion brought on by this Order to Show Cause, Respondent is enjoined from enforcing its administrative determination dated March 25, 2008 as set forth in Subparagraph "5" on page 3 of the Decision and Order of Supreme Court dated April 11, 2008 relating to the occupancy of the dwelling known as the "Dormitory" as described in Exhibit A to the Barbara Lewis Affidavit sworn to April 7, 2008, on the condition that Petitioner shall submit to Respondent's counsel the information contained in Subparagraph "2(b)" of said April 11, 2008 Decision and Order, on or before May 5, 2008; and it is further

ORDERED, that service of a copy of this order and a copy of the papers upon which it was granted upon Respondent's counsel by personal or overnight delivery service at:

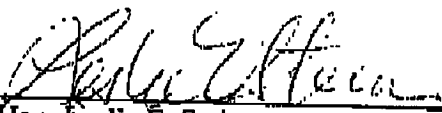
Loretta Simon, Assistant Attorney General
NYS Office of the Attorney General
Environmental Protection Bureau
146 State Street, 2nd floor
Albany, New York 12224

on or before April 29, 2008, be deemed sufficient service upon Respondent, and it is further

ORDERED that papers in opposition to this motion, if any, are to be served upon Petitioner's counsel so as to be received by May 5, 2008 and filed with this Court on the same date, and it is further

ORDERED that this motion shall be submitted and the personal appearance of the attorneys for the parties is not permitted.

Dated: April 28, 2008
Albany, New York


Hon. Leslie E. Stein
Associate Justice, Appellate Division, Third Department