



---

IN THE MATTER OF LEROY DOUGLAS AND THE  
DOUGLAS CORPORATION OF SILVER LAKE,

Claimants,

-against-

**Notice of Intention to  
File Claims**

ADIRONDACK PARK AGENCY, ADIRONDACK PARK  
AGENCY ENFORCEMENT COMMITTEE, STATE OF NEW  
YORK, PAUL VAN COTT, Individually and as an employee  
of Adirondack Park Agency, DOUGLAS MILLER, Individually  
and as an employee of Adirondack Park Agency, MARKS  
ROOKS, Individually and as an employee of Adirondack  
Park Agency, CECIL WRAY, Individually and as a Commis-  
sioner of Adirondack Park Agency, CURT STILES, Individu-  
ally and as a Commissioner of Adirondack Park Agency, and  
JOHN BANTA, Individually and as an employee of Adiron-  
dack Park Agency,

Respondents.

---

**PLEASE TAKE NOTICE** that LEROY DOUGLAS and THE DOUGLAS CORPO-  
RATION OF SILVER LAKE make intend to file claims against ADIRONDACK PARK  
AGENCY, ADIRONDACK PARK AGENCY ENFORCEMENT COMMITTEE, STATE OF  
NEW YORK, PAUL VAN COTT, Individually and as an employee of Adirondack Park  
Agency, DOUGLAS MILLER, Individually and as an employee of Adirondack Park  
Agency, MARKS ROOKS, Individually and as an employee of Adirondack Park Agency,  
CECIL WRAY, Individually and as a Commissioner of Adirondack Park Agency, CURT  
STILES, Individually and as a Commissioner of Adirondack Park Agency, and JOHN  
BANTA, Individually and as an employee of Adirondack Park Agency, and state as fol-  
lows:

1. The post office address of the claimants is 18 Douglas Lane, AuSable Forks, New York 12912.

2. The name of the attorneys for the claimants is Briggs Norfolk LLP, with Matthew D. Norfolk, Esq. of counsel, and the post office address of the claimants' attorneys, Briggs Norfolk LLP, is 2296 Saranac Avenue, Lake Placid, New York 12946, and their telephone number is 518.523.5555.

3. Claimants intend to file claims against respondents for (1) violating claimants' federal and state constitutional rights; (2) violating claimants' civil rights and liberties; (3) outrageous conduct/intentional infliction of emotional distress; (4) negligent conduct/negligent infliction of emotional distress; (5) unlawful, malicious prosecution under 42 U.S.C. §§1983 and 1985; (6) unlawful, malicious prosecution under New York law; (7) abuse of process under 42 U.S.C. §§1983 and 1985; (8) abuse of process under New York law; (9) failure to intervene to protect the civil and constitutional rights of claimants under 42 U.S.C. §§1983 and 1985 and New York law; (10) conspiracy to deprive civil liberties or rights of claimants under 42 U.S.C. §§1983 and 1985 and New York law; (11) defamation; (12) intentional and reckless supervisory misconduct under 42 U.S.C. §§1983 and 1985 and New York law; (13) unlawful, selective enforcement under 42 U.S.C. §§1983 and 1985 and New York law; and, (14) breach of contract, that arise out of the commencement and/or prosecution of Adirondack Park Agency ("APA") enforcement proceeding bearing APA file number E2007-47 against claimants, and the breach of a settlement agreement entered into by claimants and APA relating to APA enforcement proceeding bearing APA file number E2005-200.

4. The time when the claim arose and the injuries and damages were sustained was on November 18, 2009, when the APA enforcement proceeding bearing APA No. E2007-47 was discontinued with prejudice.

5. The place where the injuries and damages were sustained was in the Town of Black Brook, County of Clinton, State of New York.

6. The injuries and damages for which the claims are made arose in the following manner:

- Respondents unlawfully commenced and prosecuted claimants through APA administrative enforcement proceeding bearing APA file number E2007-47.

- Said APA enforcement proceeding was unjustified, arbitrary and capricious, not supported by law or the facts, and was driven by vindictive, illegitimate and improper motives, and respondents' desire to lend favor to private third-party citizens and environmental groups.

- In the fall of 2009, the aforementioned proceeding was discontinued with prejudice when claimants filed a motion alleging violations of Public Officers Law §74 and applicable ex parte rules and alleging collusion between the APA and Mr. Brian Ruder and The Adk Council, Inc. in the prosecution of claimants for the alleged violations.

- Respondents breached the settlement agreement or procured the breach of the settlement agreement entered into between APA and claimants to resolve APA administrative enforcement proceeding bearing APA file number E2005-200, which resolved the same alleged APA violations contained in the E2007-47 APA enforcement proceeding.

7. Based upon the foregoing, claimants were subject to abuse of process and an unlawful, malicious and illegitimate prosecution of APA offenses by respondents, which claimants did not commit, and other tortious conduct of respondents, and the consequential breach of the settlement agreement put in place in APA enforcement proceeding bearing APA file number E2005-200.

8. So far as can be determined, the injuries (or damages) sustained by the claimants for which the claims are made consist of the following: psychological harm and injury, mental distress, emotional trauma, humiliation, embarrassment, stress, fear, anxiety, deprivation of civil and constitutional liberties and rights, loss of wages, and injury and harm to reputation, substantial professional services fees and attorneys' fees and other costs and expenses incurred to defend against the frivolous E2007-47 APA administrative enforcement proceeding, loss of enjoyment and use of the real property at issue in the enforcement proceeding (hereinafter referred to as the "Premises"), a substantial loss or diminution of the fair market value of the Premises, and a substantial loss of future profits or income to be derived from the Premises as claimants' plans to subdivide and sell portions of the Premises were thwarted or impeded due to the pending E2007-047 APA administrative enforcement and the allegations made therein.

**PLEASE TAKE FURTHER NOTICE** that by reason of the above, Claimants intend to seek monetary damages for the deprivation and interference to his civil and State and Federal constitutional rights, including the recovery of compensatory damages, actual damages and exemplary, treble and/or punitive damages allowable under law, together with attorneys' fees, costs and disbursements.

**PLEASE TAKE FURTHER NOTICE** that Claimants intend to demand judgment against the State of New York and the State agencies or departments and officers or employees named in the caption above in an amount to be determined upon the trial of the claims noticed herein.

Dated: Lake Placid, New York  
February 5, 2010

Briggs Norfolk LLP

By: 

Matthew D. Norfolk, Esq.  
2296 Saranac Avenue  
Lake Placid, New York 12946  
518.523.5555  
Attorneys for Claimants

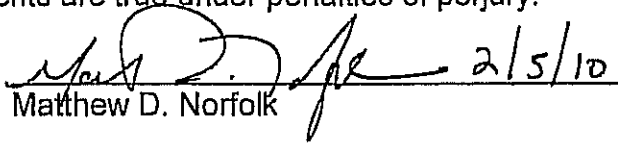
ATTORNEY VERIFICATION

STATE OF NEW YORK    )  
                                  ) SS.:  
COUNTY OF ESSEX     )

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and say that I am the attorney of record, or of counsel with the attorney(s) of record, for claimants, I have read the annexed Notice of Intention to File Claims, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: A review of the file maintained by my law firm in connection with this matter, and conversations and meetings with claimants or their representatives.

The reason I make this affirmation instead of claimants is because claimants do not reside and are not present in the county where the undersigned's law office is located.

I affirm that the foregoing statements are true under penalties of perjury.

 2/5/10  
Matthew D. Norfolk



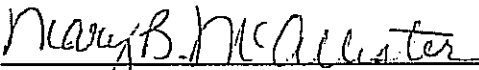


Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

- by delivering the same personally to the persons and at the addresses indicated below:
- by transmitting the papers by electronic means to the telephone number listed below, which number was designated by the attorney for such purpose. I received a signal from the equipment of the attorney served indicating that the transmission was received. I also deposited a true copy of the papers, by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:
- by depositing a true copy thereof, enclosed in a wrapper addressed as shown below, into the custody of  
for overnight delivery, prior to the latest time designated by that service for overnight delivery.

To: Andrew M. Cuomo, Attorney General  
Department of Law  
The Capitol  
Albany, New York 12224-0341

Robert C. Glennon, A.A.G.  
43 Durkee Street  
Plattsburgh, New York 12901

  
\_\_\_\_\_  
Mary B. McAllister

Sworn to before me this  
5<sup>th</sup> day of February, 2010.

  
\_\_\_\_\_  
Notary Public

JENIFER R. BRIGGS  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02BR6100574  
QUALIFIED IN ESSEX COUNTY  
COMMISSION EXPIRES OCTOBER 20, 11

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Andrew M. Cuomo, Atty Gen.  
Department of Law  
The Capitol  
Albany, NY 12224-0341*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature RECEIVED

NY'S OFFICE OF THE ATTORNEY GENERAL

B. Received by / Printed Name

FEB 8 - 2010

C. Date of Delivery

D. Is delivery address different from item 1?

YES  No

ALBANY, NEW YORK 12224

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 111 111 7008 1300 0001 7753 0619

(Transfer from service label) PS Form 3811, February 2004 Domestic Return Receipt 10295-02-11-15

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$ 1.61

Confidential Fee 3.80

Return Receipt Fee (Endorsement Required) 2.30

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$5.71

Postmark LAKE PLACID NY 12946

Postage Paid 5

Postmark 2010

13000 0001 7753 0619

Signature Andrew M. Cuomo, Atty Gen.

City Albany, NY

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert C. Glendon, AAG  
 43 DuVeele Street  
 Plattsburgh, NY 12901

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 X *Carol Plummer*  Address  
 B. Received by (Printed Name)  Date of Delivery  
 Carol Plummer 2/8/04  
 C. Is delivery address different from item 1?  Yes  No  
 D. Is delivery address below:  Yes  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label)

7008 1300 0001 7753-0602

PS Form 3811, February 2004

Domestic Return Receipt

10295-02-01-15

**U.S. Postal Service<sup>SM</sup>**  
**CERTIFIED MAIL<sup>SM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	5.65	Douglas v RPA
Certified Fee	\$	2.88	
Return Parcel Fee (endorsement required)	\$	2.50	
Restricted Delivery Fee (endorsement required)	\$		
Total Postage & Fees	\$	5.71	

2090 7008 1300 0001 7753 0602

Sent To  
 Street C. Glendon, A. AG  
 43 DuVeele St.  
 Plattsburgh, NY 12901

