

STATE OF NEW YORK
SUPREME COURT COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Petitioner,

-against-

ADIRONDACK PARK AGENCY,

Respondent.

AFFIRMATION

Index No. 315-08

Hon. Richard B. Meyer

ADIRONDACK PARK AGENCY,

Plaintiff,

-against-

LEWIS FAMILY FARM, INC., SALIM B. LEWIS
and BARBARA LEWIS,

Defendants.

COUNTERCLAIM

Index No.: 332-08

Hon. Richard B. Meyer

AFFIRMATION OF MICHAEL J. CUNNINGHAM

MICHAEL J. CUNNINGHAM, under penalty of perjury, hereby affirms as follows:

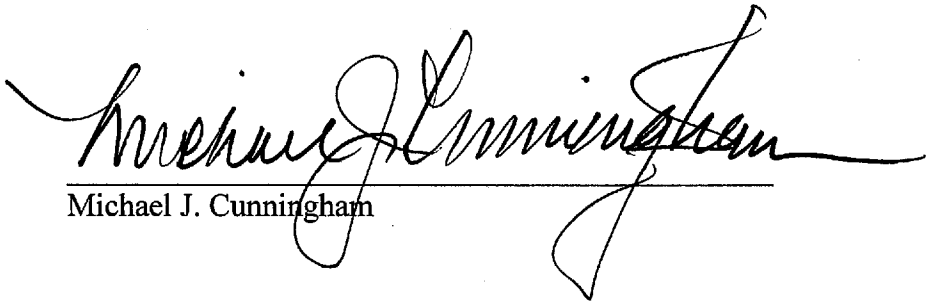
1. I am duly licensed and admitted to practice law in the State of New York.
2. I make this Affirmation at the request of petitioner's counsel in support of the Lewis Family Farm's application for attorney's fees.
3. I have been practicing law in upstate New York for 36 years and I am a partner in the law firm of Iseman, Cunningham, Riester & Hyde, in its Albany, New York office.
4. I concentrate my practice in commercial and personal injury litigation, and have handled a wide variety of complex cases, including cases presenting issues of environmental law.

5. I and my firm are regularly involved in litigation matters (including environmental matters) throughout upstate New York, including the Fourth Judicial District, for which we charge hourly rates. The hourly rate for my time has exceeded \$300.00 per hour for the past six years (2004-2009). The range of my firm's hourly rates for associates has exceeded \$175.00 per hour for the past six years. These rates are applicable to representations in the Fourth Judicial District.

6. During the past six years I have personally handled several matters in the Fourth Judicial District for which my billing rate has exceeded \$300.00 per hour.

7. The foregoing information is provided without identifying specific clients or matters. I am not authorized to waive the confidentiality (pursuant to the attorney/client privilege or otherwise) of such information, and I hereby expressly reserve such confidentiality and all applicable privileges.

8. I hereby swear and affirm the above under penalty of perjury this 26th day of February, 2010.



Michael J. Cunningham