

STATE OF NEW YORK
SUPREME COURT COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Petitioner,

-against-

ADIRONDACK PARK AGENCY,

Respondent.

AFFIDAVIT

ACTION NO. 1

Index No. 315-08
RJI No.: 15-1-2008-0109
Hon. Richard B. Meyer

ADIRONDACK PARK AGENCY,

Plaintiff,

-against-

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

Defendants.

ACTION NO. 2 /
COUNTERCLAIM

Index No.: 332-08
RJI No.: 15-1-2008-0117
Hon. Richard B. Meyer

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

SALIM B. LEWIS, being sworn, deposes and says:

1. I am an officer and shareholder of Lewis Family Farm, Inc, ("Lewis Family Farm"), and I submit this affidavit in opposition to the Respondent's Motion to Strike the Lewis Family Farm's reply papers concerning the Farm's pending motion for attorney's fees and expenses.

2. Nobody at the McNamee Law Firm provided any of the content on the website <http://www.sblewis.com> related to statements by me; the firm does not maintain the website and the firm did not establish the website, design it or build it. Rather, the content of the website is

under my authorship and the website was built by and is maintained by an independent company unrelated to the McNamee Law Firm or the Lewis Family Farm. All the McNamee firm did was scan and e-mail official court documents to me, most of which was done by clerical staff. McNamee assisted only in e-mailing the documents to me so that I could read them and stay informed. In addition, I decided to work, on my own, with a contractor in uploading them to the website.

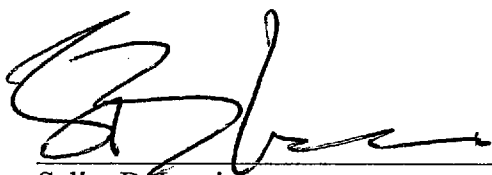
3. I trust I have the First Amendment right to express my views concerning the persecution of the Lewis Family Farm by the Adirondack Park Agency. It is my personal view that the quality of government is improved by the exercise of First Amendment rights, a fundamental precept of our constitutional form of government, from its earliest days. John Milton's pioneering treatise condemning taxation of expression and censorship, *Aeropagetica* (1644), is the foundation of our First Amendment. We embrace Milton's teachings as much as we defend the right to develop farm land as guaranteed by our Constitution. The Right to Farm and Freedom of Speech must remain unimpaired.

4. I asked Howard Aubin to provide an affidavit in this case because he contacted me last year and relayed his extensive experience in dealing with the Adirondack Park Agency's unwarranted prosecutions of landowners. I believe it is material for this Court to know, as Mr. Aubin attests, that the population of counsel willing to litigate against the Adirondack Park Agency in the North Country is very, very limited. Mr. Aubin has considerable experience in this area, some of which is revealed on my website, <http://www.sblewis.com>, "Other APA Cases."

5. Respondent claims that Mr. Ronald Briggs is not a disinterested party in providing an expert affidavit, which states that experienced North Country counsel maintain

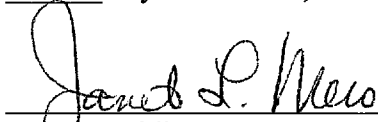
customary hourly rates in excess of \$300 per hour. This is not the case. Mr. Briggs engaged in a very small amount of real estate work for the Lewis Family Farm, Inc., some 16 to 20 years ago. The Lewis Family Farm has not had an attorney/client relationship with him since then and neither the Lewis Family Farm nor any of its principals have any other business dealings or political dealings with Mr. Briggs.

6. Respondent again endeavors to smear my integrity by pointing out that my website, <http://www.sblewis.com>, contains "an apparently unauthorized audio recording of the Appellate Court argument in these cases" suggesting that either I or my counsel intentionally broke some kind of rule in this area. This is a false innuendo. The text of the audio recording of the Appellate Division argument in these cases does not purport to be either an official version or a transcript. The McNamee Firm had nothing to do with it, nor did Petitioner or I. Rather, the audio recording of the argument was provided to me by a member of an international news service who attended the argument. It was volunteered to me, after the fact. I trust that, in the United States of America, the journalist had a right to make the recording and I have a right to post it.



Salim B. Lewis

Sworn to before me this
21st day of October, 2009.



Notary Public

JANET L. MERO
NOTARY PUBLIC STATE OF NEW YORK
NO. 2865400
QUALIFIED IN ESSEX COUNTY 9/30/2013
COMM. EXPIRES