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VIA FIRST CLASS MAIL & FACSIMILE – (518) 471-4750

Hon. Michael J. Novack, Clerk
Supreme Court, Appellate Division
Third Department
Capitol Station
Albany, New York 12224

RE: Lewis Family Farm, Inc. v. Adirondack Park Agency
(Case Numbers 504626, 504696)

Dear Mr. Novack:

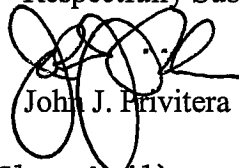
Please accept this letter in response to Appellant's "Affirmation in Further Support of Motion for a Stay or Injunction Pending Appeals", which we just received via regular mail. The return date for Appellant's motion is today.

We are compelled to ask the Court to strike Paragraph 9 of the Appellant's February 20, 2009 Affirmation as it is false and prejudicial. Exhibit A relates to an event of a decade ago, in which a contractor for Lewis Family Farm, Inc. is alleged to have performed some off-site work. This settlement does not relate to this case or the farm's development. It did not enjoin or prohibit farm development; the allegations were neither admitted by the farm, nor proven by the State of New York. This material does not further the Court's inquiry, and it is referenced only to prejudice the record. Thus, it should be stricken and disregarded.

As to all substantive matters, Respondent rests on its opposition, as the State has not met its burden for an injunction. Most notably, Appellant's papers lack any briefing in support of its likelihood of success on the merits.

Thank you for your attention to this matter.

Respectfully Submitted,



John J. Privitera

cc: Loretta Simon, Esq. (Via First Class Mail)