

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ESSEX

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LEWIS FAMILY FARM, INC.,

Petitioner,

-against-

ADIRONDACK PARK AGENCY,

Respondent.

**AFFIRMATION**

**ACTION NO. 1**

Index No. 315-08

Hon. Richard B. Meyer

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ESSEX

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ADIRONDACK PARK AGENCY,

Plaintiff,

-against-

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

Defendants.

**ACTION NO. 2 /  
COUNTERCLAIM**

Index No.: 332-08

Hon. Richard B. Meyer

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**AFFIRMATION IN SUPPORT OF LEWIS FAMILY FARM'S MOTION  
TO RECOVER FEES AND EXPENSES PURSUANT TO CPLR ARTICLE 86**

RONALD J. BRIGGS, hereby affirms as follows:

1. I am an attorney at law licensed to practice in the State of New York. I have been a member of the Bar of this Court for over thirty years. I am currently a principal in Briggs Norfolk LLP, a law firm in Lake Placid, New York. Before co-founding Briggs Norfolk LLP, I was the District Attorney for Essex County, New York from 1994 to 2005, a Member of the Executive Committee for the New York State District Attorney's Association, and a Member of the Essex County Task Force Against Domestic Violence. In 1978, I founded the law firm of Briggs and Dwyer in Lake Placid,

which became Briggs, Dwyer and Smith PC in 1981. I have served as part-time Assistant District Attorney for Essex County, counsel for countless private individuals and companies in the North Country as well as many municipalities. I was the Village Attorney for the Village of Lake Placid from 1978 to 1993.

2. My practice areas include general and commercial litigation, land use regulation and other matters of general practice.

3. In the past, I provided real estate advice to Lewis Family Farm, Inc. I am not currently counsel to the Farm. I am familiar with the Farm, Sandy Lewis and Barbara Lewis. I am also quite familiar with the dispute between the Lewis Family Farm, Inc. and the Adirondack Park Agency which provides the background for the motion before the Court. I hereby support the motion of the Lewis Family Farm, Inc. for a full award of attorney's fees and expenses.

4. In the course of my over thirty years engaged in the practice of law in the North Country of New York and given my experience both in private practice and on behalf of local governments, I have come to know most of the lawyers in the region and certainly the experienced, qualified litigators. I know that John Privitera, counsel for the Lewis Family Farm in this matter, is rated at the highest level by Martindale-Hubbell, the best known and most reliable peer review rating system provided for buyers of legal services. This allows buyers of legal services to benefit from candid and objective lawyer peer-to-peer feedback on the quality of attorneys. Based on the extensive research and feedback from the legal community provided to Martindale-Hubbell, they have rated John Privitera as "AV Preeminent" based upon his extensive legal knowledge, analytical capabilities, judgment, communication ability, legal experience and very high general ethical standards. This is the highest rating provided by Martindale-Hubbell.

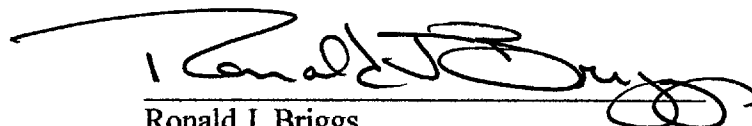
5. I am informed and believe that there cannot be more than a handful of lawyers in the North Country that have this rating.

6. I also know, based on my experience, that there are few if any experienced, highly rated lawyers in the North Country who are ready, willing and able to engage in contentious, long-term litigation with the Adirondack Park Agency, as this case has been. Certainly, I can attest that I could not have done this case.

7. The reason that there are few, if any, highly rated, experienced litigators in the North Country willing to litigate against the APA is that lawyers inside the Adirondack Park generally fear that such litigation will impair their effectiveness on behalf of other clients in pending and future negotiations with the APA over land use permits and jurisdictional determinations.

8. Based on my experience, I also hereby attest that Mr. Privitera's hourly rate of \$300 per hour is not only more than reasonable; there are certainly any number of experienced lawyers in the North Country who charge \$300 and upward per hour for their professional work. Indeed, I would have expected Mr. Privitera's hourly rate to be higher than \$300 per hour.

9. For all of these reasons, it was reasonable for the Lewis Family Farm to engage Mr. Privitera and his firm for the legal services he has provided to the Farm in this litigation and the amount of the award he requests in his application to this Court is reasonable.

  
Ronald J. Briggs