

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Petitioner-Respondent-Appellant,

- against -

NEW YORK STATE ADIRONDACK
PARK AGENCY,

Respondent-Appellant-Respondent.

ADIRONDACK PARK AGENCY,

Plaintiff-Appellant-Respondent,

- against -

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

Defendants-Respondents-Appellants.

STIPULATION OF
SETTLEMENT AND
DISCONTINUANCE OF
APPEALS AND CROSS
APPEALS

Essex Co. Index
No. 315-08

Essex Co. Index
No. 332-08

ENTERED AND FILED
ESSEX COUNTY CLERK
11 JUN -9 PM 3:53
ELIZABETHTOWN, N.Y. 12932

WHEREAS, Supreme Court, Essex County (Meyer, J.S.C. [Acting]), rendered a Decision and Order in the above referenced actions and proceedings dated and entered February 3, 2010, holding that Lewis Family Farm, Inc. was entitled under the New York State Equal Access to Justice Act ("EAJA") (C.P.L.R. Article 86) to an award for fees and expenses incurred in the proceeding entitled *Lewis Family Farm, Inc. v. Adirondack Park Agency*, Essex Co. Index No. 315-08; and

WHEREAS, the Adirondack Park Agency timely appealed from the February 3, 2010 order, and Lewis Family Farm, Inc. timely cross-appealed from that order; and

WHEREAS, Supreme Court, Essex County (Meyer, J.S.C. [Acting]), rendered a Supplemental Decision and Order dated and entered November 17, 2010, awarding Lewis Family Farm, Inc. attorney's fees and expenses under the EAJA totaling \$71,690.28; and

WHEREAS, Final Judgment awarding Lewis Family Farm, Inc. the sum of \$71,690.28 in accordance with the November 17, 2010 order was entered in the Office of the Essex County Clerk on November 30, 2010 (a copy of which is attached to this Stipulation); and

WHEREAS, Lewis Family Farm, Inc. timely appealed from the Final Judgment to the Appellate Division, Third Department, and the Adirondack Park Agency timely cross-appealed from the Final Judgment to the Appellate Division, Third Department; and

WHEREAS, after negotiations, respective counsel obtained appropriate authorization and approval from their clients to settle and compromise the judgment and pending appeals and cross appeals without further court intervention, but subject to the approval of the New York State Office of the Comptroller; and

WHEREAS, no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party hereto has any interest in the subject matter of these proceedings and actions;

NOW, THEREFORE, IN FULL SETTLEMENT OF THESE PROCEEDINGS AND ACTIONS, IT IS HEREBY STIPULATED AND AGREED between the undersigned attorneys on behalf of the parties to these proceedings and actions as follows:

1. Lewis Family Farm, Inc. and the Adirondack Park Agency agree to withdraw and discontinue their appeals and cross appeals in these proceedings and actions with prejudice and without costs, interest or attorney's fees, after the filing of an executed original of this Stipulation with the Essex County Clerk's office; and

2. Lewis Family Farm, Inc. agrees to accept, and the Adirondack Park Agency agrees to pay Lewis Family Farm, Inc., the exact sum of Seventy-One Thousand Six Hundred Ninety and 28/100 Dollars (\$71,690.28), in full satisfaction of the judgment; and

3. Lewis Family Farm, Inc. hereby agrees to forever discharge and release the Adirondack Park Agency, the State of New York, its agents, officers and employees and the heirs, executors, administrators and assigns of all of them, and the Adirondack Park Agency hereby agrees to forever discharge and release Lewis Family Farm, Inc., its agents, officers and employees and the heirs, executors, administrators and assigns of all of them, from any and all claims, demands, judgments, contracts, causes or rights of action, whether in law or equity, which either party may have arising out of the construction of the three farm worker

dwellings at issue in these actions and proceedings; and

4. This settlement does not constitute an admission by any party to the merits of their respective positions with respect to the appeals and cross appeals that will be withdrawn and discontinued; and

5. The parties agree to act in good faith to promptly effectuate this settlement; and

6. The foregoing constitutes the entire agreement of the parties.

Dated: Albany, New York
June __, 2011

McNAMEE, LOCHNER, TITUS &
WILLIAMS, P.C.
Attorneys for Lewis Family Farm, Inc.
677 Broadway
Albany, New York 12207
(518) 447-3200

By: _____
John J. Privitera, Esq.

Dated: Albany, New York
June __, 2011

LEWIS FAMILY FARM, INC.

By: _____
Salim B. Lewis, President

Dated: Albany, New York
June 9, 2011

ERIC T. SCHNEIDERMAN
Attorney General of the State
of New York
Attorney for Adirondack Park Agency
The Capitol
Albany, New York 12224
(518) 486-5355

By: Julie M. Sheridan
Julie M. Sheridan, Esq.

Dated: Ray Brook, New York
June 8, 2011

ADIRONDACK PARK AGENCY

By: Curtis F. Stiles
Curtis F. Stiles, Chairman

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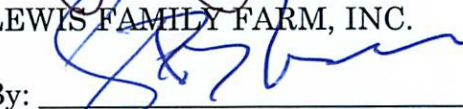
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Dated: ALBANY, New York
June 8, 2011

McNAMEE, LOCHNER, TITUS &
WILLIAMS, P.C.
Attorneys for Lewis Family Farm, Inc.
677 Broadway
Albany, New York 12207
(518) 447-3200

By: 
John J. Privitera, Esq.

Dated: ELIZABETH, New York
June 9, 2011

LEWIS FAMILY FARM, INC.
By: 
Salim B. Lewis, President

Dated: _____, New York
June __, 2011

ERIC T. SCHNEIDERMAN
Attorney General of the State
of New York
Attorney for Adirondack Park Agency
The Capitol
Albany, New York 12224
(518) 486-5355

By: _____
Julie M. Sheridan, Esq.

Dated: Ray Brook, New York
June __, 2011

ADIRONDACK PARK AGENCY
By: _____
Curtis F. Stiles, Chairman

State of New York

A

REMITTANCE ADVICE for CHECK NO. 80262583

NOTICE: To access remittance information on any one of your NYS payments, visit <https://www1.osc.state.ny.us/pay>

Agency Code and Description	Tele Inquiry No	Voucher No	Payee Reference/Invoice No	Ref/Inv Date	Payment Amount
01300 ADIRONDACK PARK AGENCY	518-891-4050	1	JUDGMENT NO.10001197	11/17/10	71,690.28

GOV'T ENTITIES, VENDORS, NOT-FOR-PROFITS:

Go to <http://www.osc.state.ny.us/epay/index.htm> for Electronic Payments Information

Non-Negotiable

Check Total

\$71,690.28

DETACH HERE BEFORE CASHING ↓

PLEASE CASH WITHIN 180 DAYS

12338301

State of New York

Check No. 80262583

\$71,690.28

DEPARTMENT OF TAXATION AND FINANCE
DIVISION OF THE TREASURY

29-55
213

A

MAY 27, 2011

01300

KNOW YOUR ENDORSER

Pay to the Order of: **LEWIS FAMILY FARM, INC.**

\$71,690.28

Thomas P. DiNapoli
Thomas P. DiNapoli
State Comptroller

KeyBank N.A.

Thomas H. Mattox
Thomas H. Mattox
Commissioner, Dept. of Taxation and Finance

⑈80262583⑈ ⑆021300556⑆ 320993202706⑈

GENERAL CHECKING ACCOUNT ***