

STATE OF NEW YORK
SUPREME COURT COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Petitioner,

-against-

ADIRONDACK PARK AGENCY,

Respondent.

AFFIDAVIT

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

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

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

JORGE VALERO, being sworn, deposes and says:

1. I am the law firm Administrator for McNamee, Lochner, Titus & Williams, P.C. As the full time Administrator for a law firm consisting of 32 attorneys, I am responsible for the day-to-day operation of the firm. I have been a law firm Administrator for nearly 20 years.

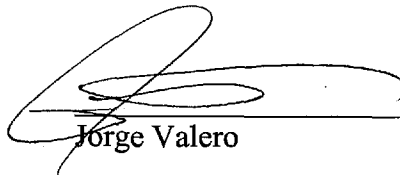
2. I make this supplemental affidavit in support of the motion of Plaintiff, Lewis Family Farm, Inc., for an Award of Attorney's Fees and Expenses.

3. As an experienced law firm Administrator, I understand that law firms in the City of Albany and the greater "Capital Region" (which includes surrounding counties such as Saratoga, Schenectady and Rensselaer) routinely practice in the geographic area that makes up the Northern District of New York in the federal court system. This includes the entire Fourth Judicial District.

4. In my previous Affidavit, I reference the fact that McNamee, Lochner, Titus & Williams, P.C. is one of the oldest firms in the "Capital Region" and direct the Court's attention to a survey demonstrating that the range of hourly rates for partners/shareholders in the "Capital Region" is \$190 to \$850. (See Affidavit of Jorge Valero, sworn to September 17, 2009, ¶¶ 4, 7). By this statement and reference to the "Capital Region", I intended only to describe lawyers that work in the general area. The survey I referenced speaks to where attorney offices are located, not where the client is located, where the work is performed, or where any particular dispute is venued. The survey data, which shows the billing rates for law firms maintaining offices in Albany, certainly includes rates that apply to Albany attorneys who work in the Fourth Judicial District, like John J. Privitera and Jacob F. Lamme.


5. In addition to our main office in Albany, the McNamee law firm maintains an office in Saratoga County, which is in the Fourth Judicial District. We strategically have an office in Saratoga County because a vast majority of the attorneys at the McNamee law firm either work with clients that are headquartered in, reside in, or have cases venued in the Fourth Judicial District. A significant portion of the firm's legal work is performed in the Fourth Judicial District.

6. Based on the foregoing reasons, it is appropriate to include billing rates and fees charged by law firms in Albany when determining the prevailing market rate in the Fourth Judicial District.



Jorge Valero

Sworn to before me this 1st day of
March, 2010



Notary Public

JACOB F. LAMME
Notary Public, State of New York
Qualified in Albany County
No. 02LA6150759
Commission Expires Aug. 7, 2010