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October 26, 2009

VIA FACSIMILE – (518) 873-3376

Hon. Richard B. Meyer
Essex County Courthouse
7559 Court Street
Elizabethtown, New York 12932

RE: Lewis Family Farm v. Adirondack Park Agency
(Index No. 315-08/332-08)

Dear Judge Meyer:

Thank you for providing counsel with an opportunity to settle the record on Petitioner's pending application for counsel fees.

We ask that the following documents be included:

As to number 1: Exhibit "A" and Exhibit "B" [1(d) and 1(e)] are actually exhibits to my affirmation, not to the Affidavit of SB Lewis.

As to number 3: (Reply papers by LFF), the following Affirmations should be added:

Affirmation of Ronald Briggs submitted September 23, 2009;
Affidavit of Jorge Valero dated September 17, 2009; and
Affidavit of Howard Aubin dated September 21, 2009.

As to number 4: I would add:

Responding Brief of APA, dated October 21, 2009.

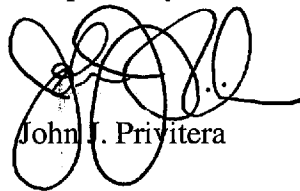
Petitioner did not include Volume III of the Record on Appeal in Opposition to the Cross Motion; rather this was provided by the APA as part of the cross-motion to strike, Number 5.

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Technically, number 6 should state "Petitioner's Opposition to Cross Motion", not "Plaintiff's Reply to Cross Motion."

I believe the APA assumes the right to "reply" on their pending Motion to Strike on October 28, 2009, which may add to the record.

Respectfully,

A handwritten signature in black ink, appearing to read "John J. Privitera". The signature is stylized with large, overlapping loops and a long horizontal stroke extending to the right.

John J. Privitera

cc: Loretta Simon, Esq. (via facsimile to 518-473-2534)
Cynthia Feathers, Esq. (via facsimile to 518-587-0128)