State of New York Supreme Court, Appellate Division Third Judicial Department

Decided and Entered: January 15, 2009

Case # 504626 504696

In the Matter of LEWIS FAMILY FARM, INC., Appellant,

DECISION AND ORDER ON MOTION

NEW YORK STATE ADIRONDACK PARK AGENCY, Respondent. (Case No. 1.)

In the Matter of LEWIS FAMILY FARM, INC., Respondent,

ADIRONDACK PARK AGENCY,
Appellant.

(Case No. 2.)

ADIRONDACK PARK AGENCY,
Appellant,

LEWIS FAMILY FARM, INC., et al., Respondents.

(Case No. 3.)

Motion, pursuant to 22 NYCRR 800.9 (e), to designate Adirondack Park Agency as appellant, to consolidate appeals, and for extension of time to perfect appeal taken by Lewis Family Farm, Inc.

Upon the papers filed in support of the motion and the papers filed in opposition and in response thereto, it is

ORDERED that the motion to designate Adirondack Park Agency as appellant is granted, without costs, and it is further

ORDERED that the motion to consolidate is granted, without costs, to the extent that the appeals shall be heard together and may be perfected upon a joint record on appeal, and it is further

ORDERED that the motion for an extension of time to perfect the appeal is granted, without costs. Adirondack Park Agency shall perfect the appeals in case Nos. 2 and 3 on or before March 2, 2009. The responding brief of Lewis Family Farms, Salim B. Lewis and Barbara Lewis, which shall also contain the points of argument on the appeal in case No. 1, shall be filed and served on or before April 1, 2009. The reply brief, if any in case Nos. 2 and 3, and the responding brief in case No. 1 of Adirondack

Park Agency, shall be filed and served on or before April 28, 2009. The reply brief, if any, in case No. 1, shall be filed and served on or before May 8, 2009.

CARDONA, P.J., MERCURE, ROSE, LAHTINEN and KANE, JJ., concur.

ENTER:

Michael J. Novack Clerk of the Court