

Caffry & Flower

ATTORNEYS AT LAW

100 BAY STREET
GLENS FALLS, NEW YORK 12801
(518) 792-1582 • FAX: 793-0541

JOHN W. CAFFRY

KRISTINE K. FLOWER

CLAUDIA K. BRAYMER

MELISSA L. BAKER, Paralegal

June 18, 2012

Lawrence A. Rappoport
Assistant Attorney General
Attorney General's Office of
the State of New York
The Capitol
Albany, New York 12224
(Via Overnight Courier)

Thomas A. Ulasewicz
Fitzgerald Morris Baker
Firth, P.C.
16 Pearl Street
Glens Falls, New York
12801 (Hand Delivered)

Re: Protect the Adirondacks!, et al. v. APA, et al.
Albany County Index No. 1682-12

Dear Counsel:

Enclosed please find Petitioners' Amended Petition.

The only change is the addition of the Thirtieth Cause of Action at the end. Therefore, the numbering of the other paragraphs has not changed. I assume that when you serve your Amended Answers, you will only be adding new paragraphs at the end. If you do make any other changes, please identify them for us.

I do not think that this will affect the current schedule at all. I calculate the new timetable as follows:

Petitioners' deadline to amend Petition: service of State's
Answer on 5/25 + 5 days for mailing (CPLR § 2103(b)(2)) + 20
days (CPLR § 3025(a)) = 6/19

Service of Amended Petition = 6/18

State to produce FOIL Documents - 7/6

State's deadline to serve Amended Answer: service of Amended
Petition on State on 6/18 + 1 day for overnight service
(CPLR § 2103(b)(6)) + 20 days (CPLR § 3025(d)) = 7/9

ACR's deadline to serve Amended Answer: service of Amended
Petition on ACR - 6/18 + 20 days (CPLR § 3025(d)) + 1 day
(General Construction Law § 25-a) = 7/9

Petitioners' current deadline for service of Reply = 7/17.

Petitioners' statutory deadline for service of Reply to Amended
Answers: 7/9 + 20 days (CPLR § 3025(d) + 1 day (General
Construction Law § 25-a) = 7/30 (or later, depending on
method of service of Amended Answers). However, so long as
the changes contained in the Amended Answers are limited to
answering the new Cause of Action, and the preceding
paragraphs are not renumbered, we would waive the additional
13 (or more) days and serve the Reply on 7/17.

Return Date = 7/20

If you have any questions, please let me know.

Sincerely,

John W. Caffry
jcaffry@caffrylawoffice.com

JWC/ljs
enc.

cc: Diane Hook, Special Term Clerk
Robert L. Sweeney, Esq.
Robert C. Glennon, Esq.
Ellen Egan George, Esq.
Clients
(all w/enc.)