

STATE OF NEW YORK  
APPELLATE DIVISION

SUPREME COURT  
THIRD DEPARTMENT

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In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC., SIERRA  
CLUB, and PHYLLIS THOMPSON,

Petitioners-Appellants,

for a Judgment Pursuant to  
CPLR Article 78

-against-

ADIRONDACK PARK AGENCY, NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
PRESERVE ASSOCIATES, LLC, BIG TUPPER, LLC,  
TUPPER LAKE BOAT CLUB, LLC, OVAL WOOD DISH  
LIQUIDATING TRUST and NANCY HULL GODSHALL,  
as Trustee of OVAL WOOD DISH LIQUIDATING  
TRUST,

Respondents-Respondents.

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**NOTICE OF MOTION FOR  
LEAVE TO APPEAL TO  
THE COURT OF APPEALS**

**Appeal No. 516901**

PLEASE TAKE NOTICE that, upon the annexed affidavit of John W. Caffry, sworn to August 4, 2014, the exhibits annexed thereto, Appellants' Memorandum of Law dated August 4, 2014, the Record and Appendix herein and all other prior pleadings and papers heretofore filed herein, Appellants Protect the Adirondacks! Inc., Sierra Club, and Phyllis Thompson, will move this Court, at the Appellate Division, Third Department, Robert Abrams Building for Law and Justice, Empire State Plaza, Albany, New York, on the 18th day of August, 2014, for an order:

A. Granting Appellants leave pursuant to CPLR § 5602(a)(1)(i) and 22 NYCRR § 800.2(a) to appeal to the Court of Appeals from the Opinion and Judgment and Order of the Appellate

Division, Third Department, dated and entered July 3, 2014, which dismissed Appellants' transferred Article 78 proceeding, and which denied their appeal of the order of Supreme Court which denied them leave to conduct discovery under CPLR § 408, on the questions set forth in the annexed Affidavit and Memorandum of Law; and

B. Granting such other and further relief as the Court deems just and proper.

THE MOTION WILL BE SUBMITTED ON THE PAPERS AND PERSONAL APPEARANCES IN OPPOSITION THERETO ARE NEITHER REQUIRED NOR PERMITTED. PURSUANT TO RULE 800.2(a), PAPERS IN OPPOSITION TO THE MOTION MUST BE FILED NO LATER THAN 11:00 A..M. ON FRIDAY, AUGUST 15, 2014.

Dated: August 4, 2014

/s/ John W. Caffry  
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