

STATE OF NEW YORK
APPELLATE DIVISION

SUPREME COURT
THIRD DEPARTMENT

In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC.,

Plaintiff-Petitioner,

for the Consent of the Supreme Court in
Appellate Division to Restrain a Violation
of Article 14 of the New York State
Constitution, Pursuant to Article 14,
Section 5 of the Constitution,

-against-

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION and ADIRONDACK PARK AGENCY,

Defendants-Respondents.

**NOTICE OF MOTION FOR
CONSENT TO MAINTAIN
SUIT PURSUANT TO
CONSTITUTION ARTICLE
14, § 5**

PLEASE TAKE NOTICE that, upon the annexed affidavit of John W. Caffry, Esq., sworn to on February 13, 2013, and on the annexed memorandum of law, the Plaintiff-Petitioner Protect the Adirondacks! Inc., by its attorneys, Caffry & Flower, will move the Appellate Division, Third Judicial Department, on the 11th day of March, 2013, for an order pursuant to Section 5 of Article 14 of the New York State Constitution, consenting that it maintain an action in Supreme Court, Albany County, to restrain the violation of Article 14 of the New York State Constitution by the Defendants-Respondents.

Pursuant to 22 NYCRR § 800.2(a), this motion shall be submitted on the papers only, and personal appearances in

opposition to the motion are neither required or permitted.

Pursuant to CPLR § 2214(b), answering affidavits, if any, are required to be served upon the undersigned at least seven days before the return date of this motion.

Dated: February 13, 2013

CAFFRY & FLOWER
Attorneys for the Plaintiff-
Petitioner
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