

STATE OF NEW YORK
SUPREME COURT

ALBANY COUNTY

In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC.,

Plaintiff-Petitioner,

for a Judgment Pursuant to
Section 5 of Article 14 of
the New York State Constitution,
and CPLR Article 78,

-against-

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

Defendants-Respondents.

**NOTICE OF
CROSS-MOTIONS**

INDEX NO. 2137-13

RJI NO.01-13-ST-4541

PLEASE TAKE NOTICE that, on July 26, 2013, at 9:30 a.m., or as soon thereafter as counsel can be heard, at the Albany County Courthouse, Columbia and Eagle Streets, Albany, New York, upon the annexed affidavit of John W. Caffry, sworn to on July 12, 2013, Plaintiff's Memorandum of Law dated July 12, 2013, the affidavit of Peter Bauer, and the Summons, Notice of Petition and Verified Complaint-Petition dated April 12, 2013, plaintiff-petitioner Protect the Adirondacks! Inc. will make cross-motions for the following relief:

A. Granting Plaintiff judgment by default on the First Cause of Action pursuant to CPLR § 3215;

B. In the alternative, granting Plaintiff a temporary restraining order, and then a preliminary injunction, enjoining Defendants from cutting or otherwise destroying trees in the Adirondack Forest Preserve for the construction of Class II

Community Connector snowmobile trails and other trails having similar characteristics, and from otherwise clearing, excavating or filling land for such trails, during the pendency of the First Cause of Action;

C. Transferring the case off the Court's Article 78 docket onto its regular docket;

D. Awarding Plaintiff the costs and disbursements of the motions and cross-motions; and

E. Granting such other and further relief as may be deemed to be just and proper by the Court.

PLEASE TAKE FURTHER NOTICE that pursuant to the stipulation between counsel for the parties, any answering papers should be served on or before July 19, 2013.

Dated: July 12, 2013

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