

NEW YORK SUPREME COURT
SUPREME COURT : COUNTY OF ALBANY

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-

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

Defendants-Respondents.

NOTICE OF MOTION FOR
SUMMARY JUDGMENT

Index No. 2137-13
RJI No. 01-13-st-4541

Hon. Gerald W. Connolly

PLEASE TAKE NOTICE that upon the Affirmation of Loretta Simon, Assistant Attorney General, dated August 30, 2016; the affidavits submitted on behalf of the Department of Environmental Conservation including the Affidavits of Peter J. Frank sworn to August 24, 2016 with exhibit; Maxwell A. Wolckenhauer sworn to August 19, 2016 with exhibit; Joshua D. Clague sworn to August 19, 2016 with exhibits; Timothy G. Howard sworn to August 24, 2016 with exhibits; Tate Connor sworn to August 17, 2016 with exhibits; Robert Ripp sworn to August 23, 2016 with exhibits; Steven J. Guglielmi sworn to August 19, 2016 with exhibits; Benjamin C. Thomas sworn to August 18, 2016 with exhibits; Jonathan DeSantis sworn to August 22, 2016 with exhibit; Daniel M. Levy sworn to August 22, 2016 with exhibits; Keith Rivers sworn to August 19, 2016 with exhibits; James Sessions sworn to August 11, 2016 and Affidavit of Kathleen D. Regan of the Adirondack Park Agency, sworn to August 17, 2016 and all exhibits thereto; and the Memorandum of Law in support of defendants' motion for summary

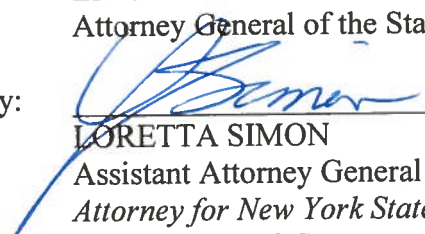
judgment, defendants will move this Court at a Special Term thereof, to be held at the Albany County Supreme Court, Albany, New York, on October 28, 2016, at 10:00 a.m. or as soon thereafter as counsel may be heard, for an order for summary judgment, pursuant to C.P.L.R. § 3212 with regard to plaintiff/petitioner's first cause of action alleging that construction of Class II Community Connector Snowmobile Trails violates article XIV, Section I of the New York State Constitution:

1. Ordering that the Combined Complaint and Petition be dismissed in its entirety;
- and
2. for any such further relief this Court may deem just and equitable.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR 2214(b), answering papers must be served at least seven (7) days before this motion is noticed to be heard.

Dated: August 31, 2016
Albany, New York

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