

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

In the Matter of the Application of PROTECT
THE ADIRONDACKS! INC.,

Plaintiff,

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.

JUDGMENT

**Index No. 2137-13
RJI No. 01-13-ST-4541**

**HON. GERALD W. CONNOLLY,
A.J.S.C.,
ASSIGNED JUSTICE**

WHEREAS, Plaintiff Protect the Adirondacks! Inc. (“Protect!” or “Plaintiff”) having commenced this action pursuant to Sections 1 and 5 of Article 14 of the New York State Constitution by a Combined Complaint and Petition dated February 13, 2013 (“Complaint”) and defendants New York State Department of Environmental Conservation (“DEC”) and Adirondack Park Agency (“APA”) (collectively “Defendants”) having appeared herein on September 25, 2013;

WHEREAS, Plaintiff’s first cause of action pursuant to Article 14 of the Constitution sought, *inter alia*, a declaration that Defendants’ construction in the Adirondack Forest Preserve of Class II Community Connector snowmobile trails violates Article XIV, § 1 of the New York State Constitution;

WHEREAS, on a motion by Defendants, the second and third causes of action herein, which were brought pursuant to CPLR Article 78, were dismissed by a Decision and Order of this Court dated December 12, 2014;

WHEREAS, a trial on the first cause of action was held at Albany, New York in March and April of 2017, following which this Court issued a Decision and Order dated December 1, 2017, a copy of which is attached hereto, which dismissed the first cause of action;

WHEREAS, the table on pages 8 to 9 of this Court's December 1, 2017 Decision and Order contains a list of the trails at issue, which were in varied stages of tree cutting and construction, that were planned and approved as of October 15, 2014;

WHEREAS, upon an appeal by Plaintiff, that Decision and Order was reversed by the Appellate Division, Third Department by an Opinion and Order dated July 3, 2019, a copy of which is attached hereto;

WHEREAS, the Court of Appeals affirmed the Appellate Division's Opinion and Order by an Opinion dated May 4, 2021, a copy of which is attached hereto;

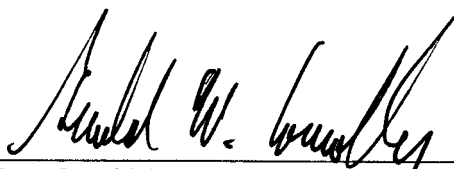
NOW, THEREFORE, based upon the submissions of Braymer Law, PLLC, and Caffry & Flower, attorneys for Plaintiff, and based on the decisions attached hereto, it is hereby:

ORDERED, ADJUDGED AND DECREED, that Plaintiff's first cause of action is granted to the extent that it is declared that Defendants' construction in the Forest Preserve of the Class II Community Connector trails that were planned and approved as of October 15, 2014 violates NY Constitution, article XIV, § 1; and it is further

ORDERED, ADJUDGED AND DECREED, that Pursuant to CPLR Section 8101, Plaintiff is hereby awarded its costs and disbursements in this action, and its costs and disbursements on appeal to the Appellate Division pursuant to the Opinion and Order of the Appellate Division dated July 3, 2019, and may recover them from the Defendants, jointly and severally, in the amount of \$32,000.00, as agreed upon by the parties.

ENTER.

Dated: 9/29, 2023
Albany, New York



Hon. Gerald W. Connolly
Acting Supreme Court Justice