

**ADIRONDACK COUNCIL CALLS ON SUPREME COURT JUSTICE TO DISMISS LAWSUIT
DESIGNED TO SILENCE ORGANIZATION'S ADVOCACY**
***Landowner Angry over Park Agency Enforcement of Wetlands Laws Accused
Environmental Org. of "Tortious Interference with Contract" for Blowing Whistle***

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ELIZABETHTOWN, N.Y. – The Adirondack Council's attorney today called on Essex County Supreme Court Justice Richard B. Meyer to dismiss a lawsuit brought against the Adirondack Council last year by Silver Lake property owner LeRoy Douglas and his Douglas Corporation, contending that the Council "tortiously interfered" with a contract by complaining to the APA that Douglas Corp. had violated the Wetlands Act and the APA Act.

After hearing oral arguments from both sides in the case, Justice Meyer reserved any formal decision until he has time to review the matter more carefully.

"We would have preferred to see Justice Meyer dismiss the case immediately, but we understand his desire to be as thorough as possible," said Adirondack Council Executive Director Brian L. Houseal, following the hearing on the Council's motion to dismiss the charges. "We believe we made a strong case for dismissal. We hope he agrees. We know these charges are unfounded, and that the suit is a violation of the organization's First Amendment right to petition the government."

In addition to defending itself against the charges, the Adirondack Council is also seeking to preserve its rights -- and the rights of ordinary citizens -- to anonymously report violations of state land-use laws to the government.

Houseal said the Adirondack Council would seek sanctions against the plaintiff for threatening the organization with a \$3.1-million legal action that amounted to a Strategic Lawsuit Against Public Participation, or SLAPP suit, which are illegal in New York.

"These charges were brought, using an obscure and inappropriate statute that applies to business transactions, in an effort to prevent us from doing our jobs as advocates for clean air, pure water and unspoiled wildlife habitat," Houseal said. "The mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park. An important aspect of our work is to monitor the Adirondack Park Agency and proposed development projects in the Park. It is our Constitutional right to report apparent violations of the Adirondack Park Agency Act or the Freshwater Wetlands Act to the proper authorities.

"By law, enforcement complaints to the APA are required to remain anonymous," Houseal explained. "This is intended to protect citizens from retribution. We strongly believe that citizens have a right to report violations without fearing intimidation and harassment from disappointed permit-seekers."

The Adirondack Council acknowledges that it made inquiries to the APA about Douglas's apparent land-use and wetlands violations. The motion further explains that the Adirondack Council has every right to make such inquiries and points out that the plaintiff's suit never suggested that the Adirondack Council's assertions were false.

Houseal said that the \$3.1-million lawsuit filed against the Adirondack Council last year by Silver

Lake property owner LeRoy Douglas and his Douglas Corporation of Silver Lake, contends that the Council complained to the APA that Douglas Corp. had violated the Wetlands Act and the APA Act. Matt Norfolk, Douglas legal counsel, contends 'tortious interference with contract' but has not demonstrated that there was a contract or that the Council acted with malicious intention.

We have a First Amendment right to make inquiries about possible violations of the law," said Houseal. "It is unlawful to use baseless lawsuits to silence our right to free speech and our right to petition the government. There are specific protections in state and federal law that prohibit anyone from using the courts to intimidate advocacy groups and whistle-blowers into silence."

Houseal noted that the Adirondack Council has faced similar lawsuits in the past. In the early 1990s, the Council and others were sued for \$50 million by Don Gerdts, Carol LaGrasse and Keith VanBuskirk, who claimed the organization had undue influence over the Adirondack Park Agency. The suit was dismissed in state supreme court and rejected again by the Appellate Division.

Founded in 1975, the Adirondack Council is the leading environmental advocacy organization in the Park with members in all 50 United States. Its mission is to ensure the wild character and ecological integrity of New York's 9,300-square-mile Adirondack Park. The Council is privately funded. It neither solicits nor accepts donations from government agencies or any other taxpayer-supported sources.