

**ADIRONDACK COUNCIL FILES MOTION 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 has filed a motion to dismiss a lawsuit brought against the organization in State Supreme Court here, stating not only that the charges were unfounded, but that the suit was a violation of the organization's First Amendment right to petition the government.

The Adirondack Council is also seeking to preserve the right of ordinary citizens to anonymously report violations of state land-use laws to the government.

The organization said it was seeking sanctions against the plaintiff and his attorney 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.

"The mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park," said Brian L. Houseal, the group's executive director. "One 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."

Houseal said that, for the purposes of the motion to dismiss, the Adirondack Council acknowledges that it made inquiries to the APA about the plaintiff'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. The suit contends that the Council communicated to the APA that Douglas Corp. had violated the Wetlands Act and the APA Act, and that this communication constitutes 'tortious interference with contract.'

"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.