

**BAILEY, KELLEHER & JOHNSON, P. C.**

ATTORNEYS AT LAW  
PINE WEST PLAZA 5, SUITE 507  
WASHINGTON AVENUE EXTENSION  
ALBANY, NEW YORK 12205  
TELEPHONE: (518) 456-0082  
FACSIMILE: (518) 456-4767  
[www.bkjlaw.com](http://www.bkjlaw.com)

John W. Bailey  
Nannette R. Kelleher  
Thomas J. Johnson

Karen E. McGrory Mease  
Vincent J. DeLeonardis  
Andrew T. Marciniszyn  
Crystal R. Mennillo  
Catherine P. Ham  
Dinna Eskin-Colon  
Heather M. Gray

July 2, 2009

**Via Electronic Filing**

Lawrence K. Baerman, Clerk  
United States District Court  
Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, NY 12207-2974

**Re: Rivendell Winery, LLC v. County of Ulster, et al.**  
**Civil Case No.: 1:09-cv-0547**  
**Our File No.: 902-TR20**

Dear Mr. Baerman:

On behalf of defendants, County of Ulster and Susan Zimet, enclosed herein please find a Notice of Motion, Attorney Declaration of John W. Bailey and supporting Memorandum of Law with regard to the above-referenced matter. Kindly forward the within motion to Hon. David N. Hurd prior to the return date of July 28, 2009.

Thank you for your courtesies with regard to this matter.

Very truly yours,

S/  
John W. Bailey  
Bar Roll No.: 101069  
[JWBailey@bkjlaw.com](mailto:JWBailey@bkjlaw.com)

/elp

Lawrence K. Baerman, Clerk  
July 2, 2009  
Page 2

cc: Via Electronic Filing  
Mr. David A. Antwork Esq.  
Attorneys for Plaintiffs  
129 Front Street  
Mineola, New York 11501

Via Electronic Filing  
Terry Rice, Esq.  
Rice & Amon  
Attorneys for Defendants, Town of New Paltz, Zoning Board of  
Appeals of the Town of New Paltz, Linda Donovan, individually,  
Patricia Schwartz, individually, Robert Hughes, individually,  
Jeffrey Clock, individually, Thomas Wiacek, individually,  
Rodney Watrous, individually  
Four Executive Boulevard, Suite 100  
Suffern, NY 10901

Via Electronic Filing  
John J. Henry, Esq.  
Whiteman Osterman & Hanna LLP  
Attorneys for Defendant, Kevin C. Harp  
One Commerce Plaza  
Albany, NY 12260

Lawrence K. Baerman, Clerk  
July 2, 2009  
Page 3

bcc: Via E-mail: [mvillasana@tridentinsurance.net](mailto:mvillasana@tridentinsurance.net)

Ms. Marianne Villasana  
Trident Insurance Co.  
10101 Reunion Place  
Suite 450  
San Antonio, TX 78216

Via E-mail: [bhav@co.ulster.ny.us](mailto:bhav@co.ulster.ny.us)

Beatrice Havranek, Esq.  
County of Ulster Attorney