

STATE OF NEW YORK
SUPREME COURT COUNTY OF STEUBEN

In the Matter of the Application of the SIERRA CLUB;
PEOPLE FOR A HEALTHY ENVIRONMENT, INC.;
COALITION TO PROTECT NEW YORK; JOHN MARVIN;
THERESE FINNERAN; MICHAEL FINNERAN; VIRGINIA
HAUFF; and JEAN WOSINSKI,

NOTICE OF APPEAL

Index No. 2012-0810

Petitioners,

For a Judgment Pursuant to Article 78
Of the Civil Practice Law and Rules

-against-

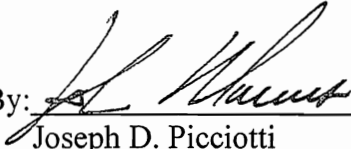
THE VILLAGE OF PAINTED POST; PAINTED POST
DEVELOPMENT, LLC; SWEPI, LP; and the WELLSBORO
AND CORNING RAILROAD, LLC,

Respondents.

PLEASE TAKE NOTICE that the Respondents The Village of Painted Post, Painted Post Development, LLC and SWEPI, LP (collectively "Respondents"), hereby appeal to the Appellate Division of the Supreme Court, Fourth Judicial Department, from the Decision and Order of the Supreme Court, Steuben County, Hon. Kenneth R. Fisher, Supreme Court Justice Presiding, dated March 25, 2013, entered in the Steuben County Clerk's Office on April 8, 2013, with Notice of Entry served by mail upon Petitioners' counsel on April 12, 2013. A copy of the Decision and Order is attached hereto as Exhibit "A" and Respondents hereby appeal from each and every part of the Decision and Order, except that part of the Decision and Order which dismissed the Second and Third Causes of Action of the Verified Petition.

Dated: April 22, 2013

HARRIS BEACH PLLC

By: 

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