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CONTACT: Susan Oliver, JLCNY susanboliver@me.com or 703-216-4078

70,000 LANDOWNERS FILE LAWSUIT AGAINST GOVERNOR CUOMO, DEC & DOH

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The Joint Landowners Coalition of New York, on behalf of its 70,000 members, will file its lawsuit against New York State on February 14, 2014. Also included in the action are the Kark Family Trust, LADTM, LLC and Schaefer Timber & Stone, LLC, landowners whose properties were the subject of drilling permits but were unable to develop their minerals because of the State's failure to complete the SGEIS after more than a half decade. The action seeks an Order:

- (1) Compelling the DEC to finalize the SGEIS;
- (2) Determining that the DEC referral of the SGEIS to DOH was arbitrary and capricious, an abuse of discretion and an improper delegation of the DEC's SEQRA Lead Agency responsibilities;
- (3) Determining that Governor Cuomo is an *Interested Agency* for purposes of SEQRA review because of his direct intervention in the SGEIS process and ordering his records relative to the SGEIS process be opened for public scrutiny; and
- (4) Determining that Governor Cuomo is acting without jurisdiction by orchestrating the delay and interfering with the DEC's independent decision-making authority.

The JLCNY is represented by Mountain States Legal Foundation and Levene Gouldin & Thompson, LLP. Counsel has requested March 7, 2014 as the date to argue the Article 78 Petition in the Supreme Court, Albany County. Copies of the Notice of Petition, Verified Petition and Complaint and Memorandum of Law will be available for viewing on the JLCNY website at: <http://www.jlcny.org/site/index.php>

JLCNY President Dan Fitzsimmons said: “It is apparent to the world that Governor Cuomo is dragging out the SGEIS process for his political purposes instead of focusing on his upstate New York constituents, many of whom struggle to survive in the worst economic conditions in our nation. We want to see our communities thrive through the blessing of this American energy revolution.”

Mountain States Legal Foundation, created in 1977, is a nonprofit, public-interest legal foundation dedicated to individual liberty, the right to own and use property, limited and ethical government, and the free enterprise system. Its offices are in suburban Denver, Colorado.

About The Joint Landowners Coalition of New York The mission of The Joint Landowners Coalition of New York (JLCNY) is to foster, promote, advance and protect the common interest of the people as it pertains to natural gas development through education and best environmental practices.

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