

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF YATES

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In the Matter of the Application of

SIERRA CLUB, COMMITTEE TO PRESERVE  
THE FINGER LAKES by and in the name of  
PETER GAMBA, its President; COALITION TO  
PROTECT NEW YORK by and in the name of  
KATHRYN BARTHOMEW, its Treasurer; and  
SENECA LAKE GUARDIAN, A  
WATERKEEPER AFFILIATE by and in the name  
of YVONNE TAYLOR, its Vice President,

Petitioners,

Index No. 2017-0232

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

**NOTICE OF MOTION TO STRIKE**

-against-

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION, BASIL  
SEGGOS, COMMISSIONER, GREENIDGE  
GENERATION, LLC and LOCKWOOD HILLS,  
LLC,

Respondents.

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**PLEASE TAKE NOTICE** that on May 22, 2018, Respondents New York State  
Department of Environmental Conservation (DEC) and its Commissioner, Basil Seggos will  
move this Court at 415 Liberty Street, Penn Yan, NY 14527, on the affirmation of Nicholas C.  
Buttino and an accompanying memorandum of law, for an Order:

(1) Striking portions of affidavits and exhibits submitted with petitioners' April 28, 2018

reply briefing, including:

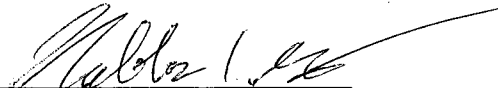
- a. The affidavits of Dr. Gregory Boyer, in their entirety, including their exhibits;
- b. Paragraphs 10-11 of the affidavit of Kathryn Bartholomew;
- c. Paragraphs 9-36 of the affidavit of Linda Bracht;

- d. Paragraphs 7-34 of the affidavit of Abi and Winton Buddington;
- e. Paragraphs 9-35 of the affidavit of Jane Crumlish;
- f. Paragraphs 9-44 of the affidavit of Linda Downs, including Exhibits D-F of that affidavit;
- g. Paragraphs 6-21 of the affidavit of Roger Downs, including Exhibit G to that affidavit;
- h. Paragraphs 14-30 of the affidavit of Peter Gamba;
- i. Paragraphs 4, 6-27 of the affidavit of Mary Anne Kowalski;
- j. Paragraphs 7-39 of the affidavit of Carolyn McAllister, including exhibit B to that affidavit;
- k. Paragraphs 9-36 of the affidavit of Eileen and John Moreland, including Exhibit B to that affidavit; and

(2) Any further relief that the Court deems just.

Dated: May 11, 2018  
Albany, New York

BARBARA UNDERWOOD  
Acting Attorney General of the  
State of New York  
*Attorney for Respondents*

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