

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF TOMPKINS

In the Matter of

Index No.: 2013-0151

JENNY STEIN,

Petitioner,

-vs-

**VERIFIED  
ANSWER**

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF  
CAYUGA HEIGHTS,

Respondent.



Index #: 2013-0151 CI2013-05862

03/13/2013 04:13:11 PM

VERIFIED ANSWER

Aurora R. Valenti, Tompkins County Clerk

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

John Alden Stevens, Esq., as attorney for the Village of Cayuga Heights, answers the petitioner as follows:

1. The respondent admits paragraphs "2", "4", "8", "11", "12", "13" and "15".
2. The respondent denies knowledge sufficient to form a belief as to paragraphs "3", "5", "6", "7", "9", "14", "16", "17", "18", "19", "21", "22", "23", "24", "25", "26" and "27".
3. The respondent denies the allegation in paragraphs "1" and "20".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. The Village of Cayuga Heights deer culling program has been controversial. Many people and government officials associated with the program have received death threats and/or threats of physical harm See Affidavit of Kathryn Supron submitted with this Verified Answer.

5. After the filing of the Article 78 petition, I wrote to Mr. DeSane, the petitioner's affidavit, offering redacted copies of the documents request by the petitioner. Annexed hereto as Exhibit "A" is a copy of my letter.

6. Mr. DeSane responded and forwarded to me an agreement requiring the disclosure of those documents by March 21, 2013, which did not provide enough time. In addition, the proposed agreement would subject the Village of Cayuga Heights to responsibility for attorney's fees and specific relief not contemplated in Article 78.

7. As a result, the Village has answered the petition, although the attempts to resolve this matter caused it to be delayed.

8. The Village will agree to provide redacted copies of the Landowner Consent Forms by April 15, 2013. The redactions will be limited to the names, addresses, phone numbers, email addresses and any other information which would identify or allow for the identification of the person submitting the form.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

9. The petition is prima facie insufficient in that a majority of the petition is based upon information and belief and not upon personal knowledge.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

10. The information sought is protected by Public Officers Law §87(2)(f).

WHEREFORE, the respondent respectfully requests that the petition be dismissed, together with such other and further relief as this court deems just.

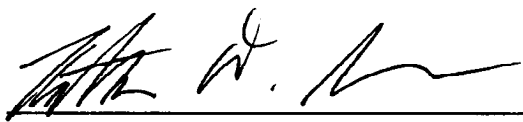


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INDIVIDUAL VERIFICATION

STATE OF NEW YORK )  
COUNTY OF TOMPKINS ) SS.:

Kathryn Supron, being duly sworn, deposes and says that deponent is the Respondent in the within action; that deponent has read the foregoing Answer and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

  
\_\_\_\_\_  
Kathryn Supron

Sworn to before me this  
13 day of March, 2013

  
\_\_\_\_\_  
Notary Public

JOHN ALDEN STEVENS  
Notary Public, State of New York  
No. 4714947  
Certified in Tompkins County  
Term Expires August 31, 20 14

# EXHIBIT "A"

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FREDERICK B. BRYANT  
COUNSEL  
(1911-1991)

February 25, 2013

Trevor J. DeSane, Esq.  
10 River Road, Unit 15G  
New York, New York 10044

Re: Freedom of Information Request of Jenny Stein

Dear Mr. DeSane:

We have been retained to represent the Village of Cayuga Heights in Stein v. Village Board of Trustees of the Village of Cayuga Heights.

In an effort to resolve this issue, we will provide Ms. Stein with redacted copies of the Landowner Consent Agreement. Because of previous death threats, threats of physical harm made to village officials, and proponents of the deer remediation, we will redact the names, addresses, property locations, or any other parts or details of the said agreement that might identify the landowner or person responding from the Landowner Consent Agreement. Additionally, such unredacted disclosure would constitute an unwarranted invasion of personal privacy.

Please let me know if this satisfactory by March 4, 2013.

Very truly yours,



John Alden Stevens

JAS:jec