

## Sierra Club Finger Lakes Group

FOR IMMEDIATE RELEASE

For More Information: Richard Lippes, 716-884-4800, [rlippes@concentric.net](mailto:rlippes@concentric.net)  
Rachel Treichler, 607-569-2114, [treichlerlaw@frontiernet.net](mailto:treichlerlaw@frontiernet.net)

### **Court Hearing in Painted Post Water Export Lawsuit, Fri., March 1, Rochester**

The first hearing in *Sierra Club et al v. Village of Painted Post, et al.*, Index No. 2012-0810, will be held before Judge Kenneth Fisher on Friday, March 1 at 1:30 pm at the Monroe County Hall of Justice, 99 Exchange Blvd. in Rochester. The Article 78 proceeding filed by the Sierra Club, the Coalition to Protect New York, People for a Healthy Environment, Inc. and five individual petitioners seeks a preliminary injunction against bulk water sales by the Village of Painted Post in Steuben County, NY, to a subsidiary of Shell Oil for use in hydrofracking in Pennsylvania. The shipments are being made by rail to Wellsboro, PA. An injunction is sought until an adequate environmental review can be performed under the State Environmental Quality Review Act (SEQRA). Four respondents are named in the petition: the Village of Painted Post, Painted Post Development LLC, SWEPI, LP (a subsidiary of Shell Oil Co.), and the Wellsboro and Corning Railroad.

After the case was filed June 25, 2012, in New York State Supreme Court in Steuben County in Bath, several judges recused themselves and the case is now before Judge Kenneth Fisher. On February 14, 2013, the Croton Watershed Clean Water Coalition filed a motion with the court seeking leave to file an amicus curiae memorandum of law.

As of this date, few water shipments have been made. Shipments began in mid-August 2012 and stopped at the end of September. The Mayor of the Village was quoted recently in the *Corning Leader* as saying that shipments may begin again soon.

Attorney Richard J. Lippes from Buffalo will represent petitioners at the hearing. The Village of Painted Post, Painted Post Development LLC and SWEPI, LP are represented by attorney Joseph D. Picciotti from Harris Beach in Pittsford, and the Wellsboro and Corning Railroad is represented by attorney John K. Fiorilla from Capehart Scatchard in Mt. Laurel, New Jersey. Many of the papers filed in the suit are posted online at <http://treichlerlawoffice.com/pp/index.html>.