



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Civil Appeals Settlement Program
P.O. Box 7349, Capitol Station
Albany, NY 12224-0349

Robert D. Mayberger
Clerk of the Court

(518) 471-4833
fax: (518)-471-4758
<http://www.nycourts.gov/ad3/casp>

Timothy P. O'Keefe
CASP Administrator

Fax No.: (518) 471-4758

Notice of RESCHEDULED Conference

Jacob Lamme, Esq.
John J. Privitera, Esq.
McNamee Lochner Titus & Williams
677 Broadway, PO Box 459
Albany, NY 12207-2503

Loretta Simon, Esq.
New York State Attorney General's Office
The Capitol
Albany, NY 12224

Re: CASP # 009580 Lewis Family Farm Inc v Adirondack Park Agency & 3rd Party Action

A Civil Appeals Settlement Program conference on the above referenced matter is scheduled as follows:

New Settlement Officer: **Robert K. Ruslander, Esq.**

Location: Appellate Division
Empire State Plaza, Justice Bldg.
State Street, West End, Platform Level
Albany, New York 12223

New Date & New Time: **Tuesday, April 26, 2011 at 10:00 AM**

- ① Attorneys must be fully prepared. Client attendance is mandated.
- ② Adjournment procedure is strictly enforced.
- ③ Submission of a case statement is highly recommended.
- ④ If you no longer represent the party, immediately inform CASP.

Read Instructions to Counsel

March 1, 2011

**CIVIL APPEALS SETTLEMENT PROGRAM
SUPREME COURT, APPELLATE DIVISION, THIRD JUDICIAL DEPARTMENT
INSTRUCTIONS TO COUNSEL**

Please note that the enclosed Notice of Conference directs you to appear at a conference as part of this Court's Civil Appeals Settlement Program (CASP). The purpose of the conference is to facilitate settlement of the appeal, to limit the issues, or to resolve the entire action or proceeding (see 22 NYCRR 800.24-b, subd. [a]).

Your attention is called to the following instructions.

① **Appearance of Counsel and Attendance of Client:** All counsel must appear with the client even if the client will not be affected by the appeal, since the conference will explore settlement of all aspects of the litigation. **Only attorneys fully familiar with the facts and issues of the case are to attend the conference.** Client participation in the negotiations is essential to maximize the possibility of a comprehensive resolution of the matter. Please examine, in good faith, the objectives of the action and all reasonable compromises and settlement possibilities. Attendance of a client is excused only upon extraordinary grounds, and applications for same must be promptly made to the CASP Administrator. Requests to excuse the presence of the client are not considered approved unless specifically granted. If the client's presence is excused, counsel must obtain authority to settle the matter. If a party is defended and indemnified by insurance, please see separate instructions relative to attendance of insurance adjusters.

② **Adjournments:** Adjournments may be granted only by permission of the Court. A written request, specifying the reason, must be made not more than eight days subsequent to receipt of the Notice of Conference and shall be directed to the CASP Administrator at the following address:

Timothy P. O'Keefe, Esq., CASP Administrator, Civil Appeals Settlement Program
P.O. Box 7349, Capitol Station, Albany, New York 12224
Telephone: (518) 471-4833, Fax: 518-471-4758

Last minute requests for adjournments, except for emergencies, will not be considered. Emergency requests must be promptly made by telephone or fax directly to the CASP Administrator.

③ **Case Statement:** To facilitate settlement discussions, it is highly recommended that counsel submit a case statement describing the action and its merits, providing counsel's assessment of the relevant issues and facts, including appellate issues, and providing any other information which would assist in resolution of all or part of the action. Submission should be promptly made **(at least 10 days prior to the conference)** and sent directly to the CASP office; a copy must be sent to opposing counsel. While not mandated, **case statements are strongly encouraged.** Case statements may be faxed.

④ **Representation:** If you have received a Notice of Conference and no longer represent a party, you must inform the CASP Administrator immediately; you must also provide CASP with a current address at which the party may be contacted and an indication that you have forwarded the notice to the party. If you are aware that an attorney properly part of the action subject to the appeal has not been noticed for the conference, please advise the CASP office.

⑤ **Confidential Nature of Conference:** The progress of and communications in matters in CASP will not be shared with the court as part of the appeal and play no role in the court's resolution of an appeal. The communications and opinions expressed at a CASP conference are confidential and will not be communicated to the court as part of the merits of an appeal.

All communications are to be directed to the CASP Administrator, and not to the Settlement Officer.

The consideration of an appellate matter by CASP does not excuse compliance with any Third Department rule concerning the timely perfection of the appeal.