

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed  
by the Court of Appeals Clerk's Office

**October 5, 2012 through October 11, 2012**

Each week, the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

**The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.**

KANE v GALTIERI:

Supreme Court, Richmond County order of 9/7/12; sua sponte examination whether the order finally determines the action within the meaning of the Constitution and whether a direct appeal lies pursuant to CPLR 5601(b)(2);

EMPLOYMENT RELATIONSHIPS - RETIREMENT AND PENSION BENEFITS - WHETHER NEW YORK CITY POLICE DEPARTMENT ACCIDENTAL DISABILITY PENSION MAY BE SUBJECT TO SEIZURE UNDER EXECUTIVE LAW § 632-a ("SON OF SAM LAW");

Supreme Court, among other things, denied defendant Galtieri's motion to vacate plaintiffs' attachment of the proceeds of his pension pursuant to Executive Law § 632-a.

KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP v READE et al.:

1<sup>ST</sup> Dept. App. Div. order of 8/7/12; affirmance with dissents;

Rule 500.11 review pending;

ATTORNEY AND CLIENT - COMPENSATION - SCOPE OF CONTINGENCY FEE  
AGREEMENT - WHETHER MATERIAL ISSUES OF FACT EXIST WITH RESPECT TO  
WHETHER "SUCCESS FEE" APPLIED ONLY TO THE MONETARY RECOVERY FROM  
THE SETTLEMENT OF A PARTICULAR LITIGATION REGARDING AN ATM  
PLACEMENT CONTRACT OR ALSO ENCOMPASSED INCREASED REVENUES FROM A  
NEW ATM PLACEMENT CONTRACT; SUMMARY JUDGMENT;

Supreme Court, New York County judgment dismissing the complaint;  
App. Div. affirmed.