



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

*Clerk's Office
Albany, New York 12207*

August 7, 2008

Latham & Watkins LLP
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885 Third Avenue
New York, NY 10022

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425 Lexington Avenue
New York, NY 10022

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Attn: David W. Rivkin, Esq.
919 Third Avenue
New York, NY 10022

Re: Golden Gate Yacht Club v Societe Nautique de Geneve, et al.

Dear Counselors:

This letter acknowledges receipt and administrative review of appellant's preliminary appeal statement.

This appeal is subject to the following briefing schedule:

Appellant's brief and record materials shall be served and filed by September 29, 2008. The brief shall include a statement showing that the Court has jurisdiction to entertain the appeal and to review the questions raised, with citations to the pages of the record or appendix where each such question has been preserved for the Court's review. Failure to comply with this due date or such due date as extended pursuant to section 500.15 of the Court of Appeals Rules of Practice shall subject the appellant to dismissal of the appeal (see section 500.16[a] of the Court's Rules of Practice). The fee required by section 500.3 of the Court's Rules is payable upon the filing of record material.

August 7, 2008

Respondent's brief shall be served and filed by November 13, 2008. Failure to comply with this due date or such due date as extended pursuant to section 500.15 of the Court's Rules of Practice shall subject the respondent to preclusion (see section 500.16[b] of the Court's Rules of Practice).

Appellant shall serve and file a reply brief, if any, by November 28, 2008.

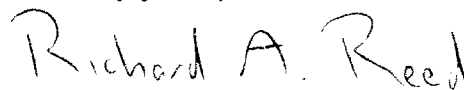
Parties are expected to comply with the service and filing dates stated above. "Filed" means received by the Clerk's office. The procedure for requesting an extension, which requires a showing of good cause, is set forth in section 500.15 of the Court of Appeals Rules of Practice. Please be aware, however, that the currency in the calendaring of appeals for argument may preclude the granting of extension requests.

A copy of the Court's calendar of upcoming argument sessions is enclosed. Pursuant to section 500.17 of the Court of Appeals Rules of Practice, counsel have a continuing duty to notify the Clerk's office of days of known or possible unavailability for oral argument during the Court's scheduled Albany sessions (indicated by the solid lines). After an argument date is set by the Court, it will not be changed absent good cause.

Pursuant to section 500.6 of the Court's Rules of Practice, the parties must keep the Clerk's office apprised of the status of ongoing proceedings, if any, at an administrative agency, Supreme Court, the Appellate Division or other court.

Questions may be directed to Susan Dautel at (518) 455-7701 or James Costello at (518) 455-7702.

Very truly yours,



Richard A. Reed
Deputy Clerk

RAR/SSD/ni
Encs.



State of New York
Court of Appeals
 20 Eagle Street
 Albany, New York 12207-1095
www.nycourts.gov/courts/appeals

Schedule of Argument Dates 2009

2009

JANUARY	FEBRUARY	MARCH
S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
APRIL	MAY	JUNE
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JULY	AUGUST	SEPTEMBER
S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
OCTOBER	NOVEMBER	DECEMBER
S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

April 25, 2008



New York State Court of Appeals

**GUIDE FOR COUNSEL
IN CASES
TO BE ARGUED
BEFORE THE
NEW YORK STATE
COURT OF APPEALS**

I. Introduction

The Court of Appeals, New York State's highest court, is composed of a Chief Judge and six Associate Judges, each appointed to a 14-year term. The Court was established to articulate Statewide principles of law in the context of deciding particular lawsuits. The courthouse, known as Court of Appeals Hall, is located at 20 Eagle Street in Albany, between Albany County Court and City Hall. The main entrance is located on Eagle Street. The entrance for individuals with physical disabilities is located on Pine Street. Directions to Court of Appeals Hall and a map showing nearby parking lots are annexed as Appendix A.

This guide is designed to assist attorneys appearing for oral argument at the Court of Appeals. Attorneys should consult the Rules of Practice of the Court of Appeals and may contact the Clerk's office for further information. The Clerk's office is open Monday through Friday, except State holidays, from 9:00 a.m. to 5:00 p.m. Pertinent Clerk's office telephone numbers are listed on the inside back cover.

II. Argument

The Court hears oral arguments during sessions held throughout the year at Court of Appeals Hall. Each session normally lasts two weeks, with arguments scheduled on Tuesday through Thursday of each week.

Requests for argument time must be indicated on the cover of the party's brief. If a time request does not appear on the brief, 10 minutes will be assigned. Unless otherwise permitted by the Court upon advance written application, counsel may request no more than 30 minutes of oral argument time. The Court considers these requests in setting the actual argument times in each appeal.

Under normal circumstances, counsel of record will be advised of the scheduled argument date at least one month in advance. Approximately two weeks before the scheduled argument date, the Clerk will send to counsel of record a Notice to Counsel, the Court's day calendar with assigned argument times, information on obtaining the Court's decision in the case, and a security

notice that must be completed and submitted on the date of argument.

Prior to the date of argument, counsel must notify the Clerk's office of any changes in arguing counsel or of any needs of arguing counsel or co-counsel (e.g., accommodations for wheelchairs, requests for assisted listening devices, etc.). Should any circumstance arise that might affect counsel's ability to argue as scheduled, the Clerk's office should be notified immediately. Once the calendar has been set, the Court is reluctant to adjourn a calendared case except for compelling reasons.

On the scheduled argument date, counsel must check in with the Court's security personnel **before** 1:45 p.m. The first case is called for argument at 2:00 p.m. The Court does not hold a calendar call. Counsel traveling from out of town should allow ample time for delays, especially in winter.

Arguing counsel and co-counsel should report to security personnel with picture identification. Arguing counsel must also submit the com-

pleted security notice. All persons entering Court of Appeals Hall (including arguing counsel) will be screened by security personnel upon entering the building. Security personnel will vouch for all cameras, recording devices, legally-possessed weapons and other prohibited items, and will return these items to their owners when they leave the building.

All cell phones and pagers must be turned off before entering the Courtroom.

Topcoats, raincoats, umbrellas and hats are not permitted in the Courtroom. A cloak room is located behind the Attorneys' Library, next to the elevator. In addition to the Attorneys' Library, which contains a complete set of the official New York Reports, counsel have access to the Attorneys' Lounge. A floor plan showing all public access areas of Court of Appeals Hall is annexed as Appendix B. A Courtroom seating chart is annexed as Appendix C.

All arguing counsel and co-counsel must be seated at the appropriate counsel's table before the Court convenes at 2:00 p.m. Facing the bench, appellants are seated on the left hand side of the

courtroom and respondents are seated on the right. Counsel in the first case to be argued should be seated at the table closest to the bench. Other counsel should be seated by case order in the remaining counsel tables. Up to four counsel may be seated at each table. Seating in front of the railing is reserved for arguing counsel and co-counsel. All other spectators must be seated behind the railing.

Unless otherwise permitted by the Court upon advance written application, only one counsel is permitted to argue for a party. **If appellant wishes to reserve time for rebuttal, a verbal request to reserve a specific number of minutes should be made to the Chief Judge prior to beginning appellant's argument.** The time reserved will be subtracted from the total time assigned to that party. When counsel has one minute of argument time remaining, a white light on the podium is illuminated. When argument time has expired, a red light is illuminated. Adherence to allotted argument times is required, except that counsel may continue responding to questions from the Court.

Arguing counsel should be prepared for a "hot bench." The Court will be fully conversant with the issues in each case and will use oral argument to address any questions or concerns prompted by the briefs. Counsel should be ready for a question-and-answer exchange and should not expect to recount the facts in detail or present a prepared script of arguments.

All arguments are videotaped. Copies of videotaped arguments are available for purchase from the Government Law Center at Albany Law School, telephone (518) 445-2329.

III. Public Seating

Seating is available in the public section of the courtroom on a first-come, first-seated basis. The public section accommodates approximately 60 people. Oral arguments also can be viewed over closed circuit television in the Attorneys' Lounge and Library.

IV. The Court's Decision In Your Case

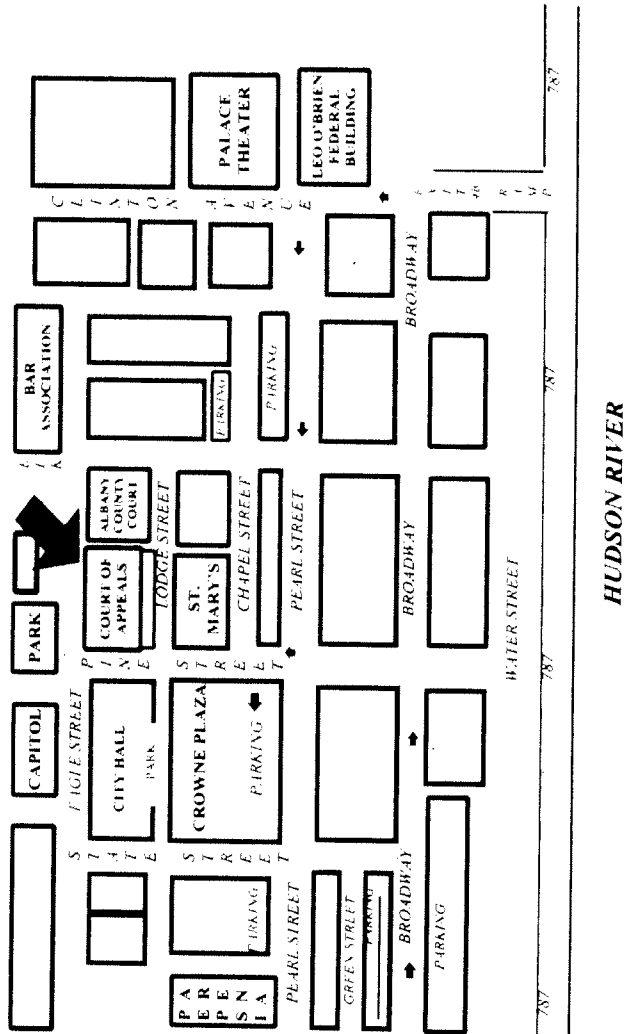
The Court normally decides cases within thirty to sixty days after the oral argument date. The Court's decisions are available the day on which they are issued on the Court's Internet web site: www.courts.state.ny.us/ctapps. In addition, counsel of record are notified by phone of the decision in their case and provided copies of the Court's decision by regular mail. Decisions usually are mailed on the day they are released.

If you wish the Court to send you, via overnight delivery service at your expense, a copy of the decision in your case on the day it is released, you must provide a pre-addressed airbill containing your account number, telephone number and the name (and number, if known) of your case, as well as an envelope acceptable to the carrier, no later than the day you appear for oral argument. Airbills and envelopes may be mailed to the Court's Public Information Office or left with security personnel at the front desk. If you have not provided a pre-addressed airbill, we may not be able to honor a telephone request made on the day

your case is decided for an overnight copy of the
decision. Decisions will not be faxed or e-mailed.

APPENDICES

DRIVING DIRECTIONS TO COURT OF APPEALS HALL



From the West or North:

Take Thruway Exit 24 or the Northway. Proceed east on Interstate 90 to Interstate 787 South. Take I-787 South to Exit 4B (9 North/Clinton Ave.) At the end of exit ramp go straight. Turn left at the second traffic light (Palace Theater is on the opposite corner) on to North Pearl Street. Turn right at the second traffic light on to Pine Street. Proceed up the hill on Pine Street two blocks until St. Mary's Church is on your right and the entrance to the Crowne Plaza Parking Garage is on your left. This is the closest public parking area to the Court. Other parking areas are noted on the map.

From the East:

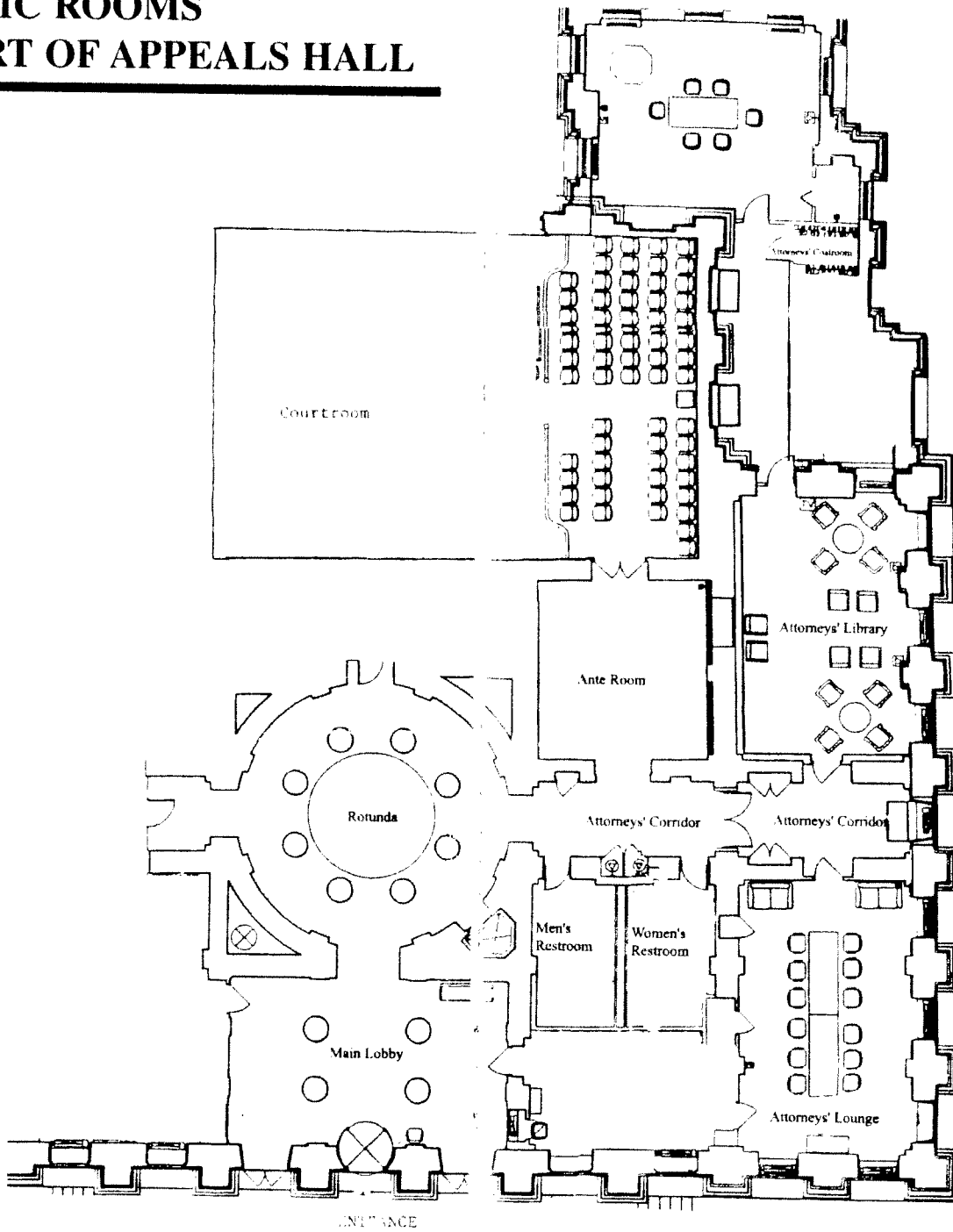
Take I-90 West to the Albany Exit, which will put you on I-787 South. Take I-787 to Exit 4B and follow the directions above.

From the South:

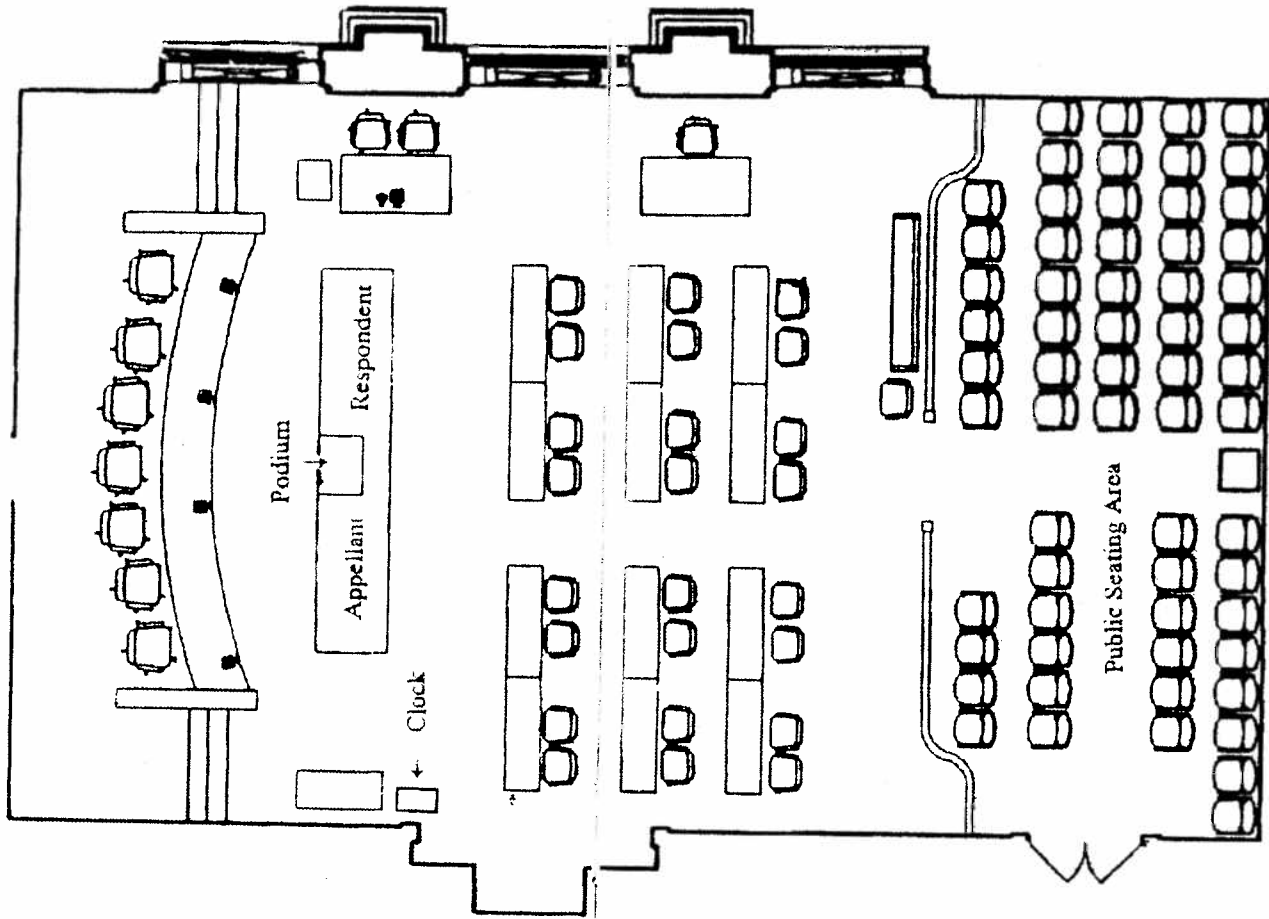
Take Thruway to Exit 23; proceed straight through the toll booths; follow sign "I-787 Downtown Albany". Take I-787 to Exit 4 (9/20). Follow the road along the river, following signs "9 North/Clinton Avenue". At the end of the ramp, go to the second traffic light and turn left on to North Pearl Street, turn right on to Pine Street. Proceed up the hill on Pine Street two blocks until St. Mary's Church is on your right and the entrance to the Crowne Plaza parking garage is on your left. This is the closest public parking area to the Court. Other parking areas are noted on the map.

Bus, rail and air service are available. The bus terminal is approximately seven blocks away from Court of Appeals Hall. Taxis are available for transportation between the rail station or airport and downtown Albany.

PUBLIC ROOMS COURT OF APPEALS HALL



COURTROOM SEATING CHART



**PERTINENT CLERK'S OFFICE
TELEPHONE NUMBERS**

**Clerk's Office
New York State Court of Appeals
20 Eagle Street
Albany, NY 12207-1095**

Court of Appeals Switchboard:

(518) 455-7700

Questions Concerning Motions:

Heather Davis, Esq. (518) 455-7705

Questions Concerning Criminal Leave Applications:

Cynthia Byrne (518) 455-7784

Questions Concerning Civil & Criminal Appeals:

Susan Dautel, Esq. (518) 455-7701

James Costello, Esq. (518) 455-7702

Questions Concerning Attorney Admission & Discipline:

Hope Engel, Esq. (518) 455-7758

*Attorneys' requests for certificates of good standing
should be addressed to the Appellate Division
Department of admission.*

General Information and Building Tours:

Gary Spencer, Public Information Officer

(518) 455-7711