

At an IAS Part 25 of the  
Supreme Court of the State of  
New York located at 60  
Centre Street New York, NY  
on the            day of August,  
2004.

P R E S E N T :

HON. LELAND DeGRASSE, JUSTICE

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CAMPAIGN FOR FISCAL EQUITY, INC. *et al.*,

Plaintiffs,

-against-

Index N. 111070/93

THE STATE OF NEW YORK, *et al.*,

Defendants.

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**DeGrasse, J.:**

The order of the Court of Appeals dated June 26, 2003 (100 NY2d 893) requires the defendants to (1) ascertain the actual cost of providing a sound basic education in New York City; (2) ensure that every school in New York City has the resources necessary for providing the opportunity for a sound basic education; and (3) ensure a system of accountability to measure whether the implemented reforms actually provide the opportunity for a sound basic education. The court gave defendants until July 30, 2004 to implement the necessary measures.

Pursuant to CPLR 4320 the court appoints three referees to hear and report with recommendations on what measures defendants have taken to follow the foregoing directives and bring this State's school funding mechanism into constitutional compliance insofar as it affects the New York City School System. The referees shall also identify the areas, if any, in

which such compliance is lacking. The report of the special referees shall address but shall not be limited to inputs such as teacher quality, school facilities and classrooms and the instrumentalities of learning. The referees hereby appointed are:

John D. Feerick  
c/o Fordham University School of Law  
140 West 62<sup>nd</sup> Street  
New York, NY 10023-7485

E. Leo Milonas  
c/o Pillsbury Winthrop LLP  
1540 Broadway  
New York, NY 10036-4039

William C. Thompson  
c/o Ross & Hill  
16 Court Street Suite 2403  
Brooklyn, NY 11241-1024

The referees are distinguished members of the bar. Mr. Feerick is the former Dean of the Fordham University School of Law. Messrs. Milonas and Thompson are former Associate Justices of the Appellate Division of the Supreme Court of the State of New York for the First and Second Judicial Departments respectively.

Subject to the approval of the Office of Court Administration, the courthouse facilities shall be made available for proceedings before the referees. The referees' fees and reasonable expenses shall be paid by defendants as costs. The imposition of such costs is appropriate inasmuch as this reference was occasioned by defendants' failure, in the first instance, to provide the New York City public schools pupils with the opportunity to obtain a sound basic education. The amount of the referees' fees shall be determined at the conclusion of their duties (*see e. g. H & Y Realty Co. v Baron*, 193 AD2d 429 [1993]). The referees' report shall be filed on or before November 30, 2004. Pending receipt of the report and a CPLR 4403 motion final determination

of the matter shall be held in abeyance. The parties shall appear at the law offices of Pillsbury Winthrop LLP on August 5, 2004 at 9:00 a. m. for a conference with the referees. The referees take the oaths required by CPLR 4315 prior thereto.

E N T E R

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J . S . C.