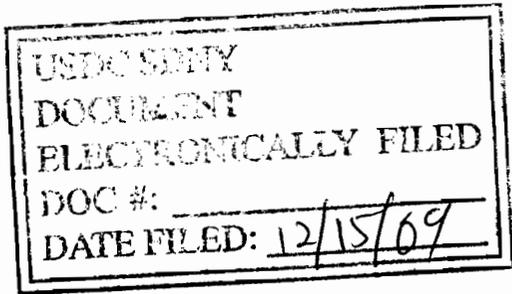


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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IN RE WORLD TRADE CENTER DISASTER :
SITE LITIGATION :
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**ORDER DENYING MOTION IN
SUPPORT OF TRIAL PLAN**

21 MC 100 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

By motion dated December 1, 2009, Defendants set out, and ask me to adopt, a procedure to identify and rank the cases that will begin to be tried on May 17, 2009. See In re World Trade Center Disaster Site Litigation, 598 F. Supp. 2d 498, 504 (S.D.N.Y. 2009). The motion is denied. The time is not yet ripe, and the procedure of a motion is too inflexible.

As of November 27, 2009, less than three weeks ago, the parties completed their responses to the 368 questions constituting the detailed database for all the 3,125 cases identified for intensive discovery, including the 30 cases that have been selected for trial – 10 selected by plaintiffs; 10 by defendants, and 10 by the court. See id. at 503-05. There has not yet been time for more than a preliminary analysis of the information comprising the database. Discovery of the 3,125 cases continues, and is not to be completed until February 9, 2010. Substantive motions are to be filed on February 14, 2010 and are to be argued on March 16, 2010.

It is not yet time to identify the cases to be tried, or to set a ranking among them. The data first should be analyzed, commonalities observed, and priorities reassessed, and a conference would be appropriate to discuss how the data might be evaluated. The strengths of the several motions that the parties plan to file also should be considered, for

the dispositions of such motions might affect the duration of various trials, and the effects of rulings and verdicts on other cases.

Probably, a conference will be the most appropriate way to identify the procedures and proceedings that best should be followed. The court also should be advised of whatever settlement discussions have taken place, and the prospects for settling some or all the cases. A previous date for conference was canceled at the request of the parties, and should now be re-set.

Accordingly, the court will meet with counsel on January 19, 2010, at 4:00 p.m. Liaison counsel shall meet in advance of that date, and submit a proposed agenda to the court by noon, January 12, 2010.

The Clerk shall mark the motion (Doc. No. 1647) as terminated.

SO ORDERED.

Dated: December 14, 2009
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge