

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/27/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
	:	<u>ORDER GRANTING MOTION</u>
IN RE WORLD TRADE CENTER DISASTER	:	<u>FOR ENLARGEMENT OF</u>
SITE LITIGATION	:	<u>EXPIRATION DATE IN</u>
-----	:	<u>PARAGRAPH 8 OF CASE</u>
	:	<u>MANAGEMENT ORDER 10,</u>
IN RE LOWER MANHATTAN DISASTER	:	<u>GRANTING MOTION TO</u>
SITE LITIGATION	:	<u>ENLARGE DEADLINE IN</u>
-----	:	<u>PARAGRAPH 4, AND SETTING</u>
	:	<u>STATUS CONFERENCE</u>
	:	21 MC 100 (AKH)
IN RE COMBINED WORLD TRADE CENTER	:	21 MC 102
AND LOWER MANHATTAN DISASTER SITE	:	21 MC 103
LITIGATION	:	
-----	x	

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

The City of New York moves to enlarge the expiration date of Case Management Order 10 (“CMO 10”), provided in Paragraph 8 of that Order. Plaintiffs do not contest the motion, but move to enlarge another deadline in CMO 10, provided in Paragraph 4. I rule as follows.

The Settlement Process Agreement (“SPA”) originally set the opt-in date for settling plaintiffs as September 8, 2010. That date has since been enlarged to November 8, 2010. Paragraph 8 of CMO 10 provides that eligible plaintiffs who opt in are to enter into final settlement agreements by October 21, 2010. That date should have been, but was not, enlarged when the opt-in date was enlarged. The City moves to do that now, to December 21, 2010. Plaintiffs do not oppose the motion. I grant the motion.

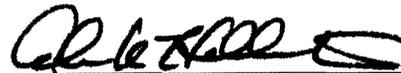
Plaintiffs ask to enlarge the deadline in Paragraph 4 of CMO 10 by which those who are continuing with the cases, whether because they did not opt in or because they became

plaintiffs after the SPA's bar date of April 12, 2010, are required to file expert reports. I grant the request. Even though the deadline under Paragraph 4 is not tied to the opt-in date for settlement, the same lawyers are likely to be involved and, practically, they may not be able to attend to all the obligations they have to perform. Thus, I enlarge the period provided in Paragraph 4 to January 21, 2011.

It is important for counsel and the Court to evaluate this docket, and related dockets, to understand the nature and number of the cases that will be continuing. A status conference for that purpose is appropriate. All parties, through counsel, shall attend such a conference, to be held February 2, 2011, in Courtroom 14D at 500 Pearl Street, New York, New York, 10007, at 2:15 p.m. The conference will be public.

SO ORDERED.

Dated: October 22, 2010
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge