

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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: **ORDER APPOINTING**
: **COUNSEL**
:
IN RE WORLD TRADE CENTER DISASTER SITE
LITIGATION : 21 MC 100 (AKH)
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ALVIN K. HELLERSTEIN, U.S.D.J.:

WHEREAS fifty-nine Plaintiffs who desired to join in the Settlement Process Agreement, As Amended (“SPA”) had previously participated in the Victim Compensation Fund established by § 401 of the Air Transportation Safety and System Stabilization Act (“ATSSSA”), 49 U.S.C. § 40101 note et seq.; and

WHEREAS § 405(c)(3)(B)(i) of the ATSSSA provides that any person who files a claim with the VCF “waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001”; and

WHEREAS these fifty-nine Plaintiffs were deemed ineligible to join in the SPA under ATSSSA § 405(c)(3)(B)(i) and were removed from the Eligible Plaintiff List despite repeated requests by many of them to be included; and

WHEREAS a question has arisen regarding the continuing status of these Plaintiffs in the ongoing litigation in the above-captioned Master Calendar, and in the 21 MC 103 Master Calendar; and

WHEREAS, consistent with this Court’s order at the status conference held October 5, 2010, that counsel independent of other Plaintiffs in this litigation should be

appointed to advise these fifty-nine Plaintiffs and represent their interests, see Agenda for Status Conference, 21 MC 100, Doc. No. 2183 (S.D.N.Y. Sept. 16, 2010); therefore

IT IS ORDERED that Noah H. Kushlefsky, Esq., of Kreindler & Kreindler LLP, is appointed counsel to these fifty-nine Plaintiffs. Mr. Kushlefsky and, to the degree he deems appropriate, members and associates of his firm, shall consult with each of these Plaintiffs and advise them of their respective rights and options with regard to continuing in this litigation. For this service, Mr. Kushlefsky may charge the same rates previously approved for the Special Counsel, see Order Appointing Special Counsel, 21 MC 100, Doc, No. 2257 (S.D.N.Y. Nov. 24, 2010), and his fees shall be paid by Plaintiffs' Liaison Counsel, Worby Groner Edelman & Napoli Bern LLP. If any of the fifty-nine Plaintiffs thereafter chooses to retain Mr. Kushlefsky or his firm as counsel for general litigation purposes, Mr. Kushlefsky may keep the Plaintiff as a client, with fees payable by the client, previously and thereafter earned. A list of the affected Plaintiffs is attached.

SO ORDERED.

Dated: February 7, 2011
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge

Plaintiffs Who Recovered From the Victim's Compensation Fund

#	Last Name	First Name	Primary Docket	MC Case #
1	Atlas	Sarah	07CV04868	MC100
2	Baumann	Christopher	07CV04300	MC100
3	Berrios	Ruben	06cv09001	MC100
4	Bigi	Donald	04CV09857	MC100
5	Boyer	Enis	06cv07355	MC100
6	Brzostek	Eric	06cv14511	MC100
7	Cali	Gary	05cv01469	MC100
8	Callaghan	Thomas	04cv09850	MC100
9	Carpio	Luis	08CV01358	MC100
10	Cascio	Raymond	07CV10873	MC100
11	Cervantes	Regina	06CV11639	MC100
12	Clarke	Thomas	07CV04902	MC100
13	Conti	Anthony	06CV08356	MC100
14	Coto	Mitchell	05cv09877	MC100
15	Cutrone	Joseph	06cv12727	MC100
16	Dadabo	John	09CV03335	MC100
17	Delano	Kevin	08CV06767	MC100
18	DeMartino, Jr.	John	06cv06762	MC100
19	Doherty	Kevin	05CV01756	MC100
20	Estreicher	Richard	06CV12046	MC100
21	Finn	Andrew	06cv11665	MC100
22	Forras	Vincent	07CV05211	MC100
23	Gallo	Anthony	06CV13616	MC100
24	Gayer	Robert	07CV09027	MC100
25	Giaramita	Frank	06cv10764	MC100
26	Guise	Steven	07CV09028	MC100
27	Hanberry	Brian	06cv09075	MC103
28	Howell	Jeffrey	06cv14732	MC100
29	Keegan	Bill	06CV08791	MC100
30	Kennedy	Donald	06CV10374	MC100
31	Lester	Suzanne	06CV10383	MC100
32	Lewis	Patricia	07CV10176	MC100
33	Libretti	Joseph	06CV12212	MC100
34	Makuch	Glenn	07CV10008	MC100
35	Marrero	Julio	06cv14833	MC100
36	Mastros	Marc	07CV10803	MC100
37	McCormick	Kenneth	05cv05601	MC100
38	McGrory	Robert	05CV01282	MC100
39	McInerney	Timothy	05CV01371	MC100
40	Miano	Henry	06cv08473	MC100
41	Morley	Timothy	06cv10144	MC100
42	Murphy	Brian	07CV10023	MC100
43	Murphy	Paul	06cv09152	MC100
44	Napoli	Joseph	07CV09154	MC100
45	O Keefe	James	06cv14931	MC100
46	Owens	Girard	06cv14065	MC100
47	Parker	Edward	05cv09829	MC100
48	Piatti	William	06cv14969	MC100
49	Reilly	Thomas	06cv12439	MC100
50	Revella	Terrence	07CV05150	MC100
51	Rivas	David	05CV01698	MC100

Plaintiffs Who Recovered From the Victim's Compensation Fund

52	Rizzi	John	07CV10831	MC100
53	Samuels	George	06cv12814	MC100
54	Spencer	Brenda	07CV05085	MC100
55	Tesieriro	Vincent	07CV10856	MC100
56	Veerapen	Sean	06cv12597	MC100
57	Viswamithra	Kodengada	07cv01725	MC103
58	Wilson	Charles	06cv08882	MC100
59	Zarr	Katherine	07CV10867	MC100