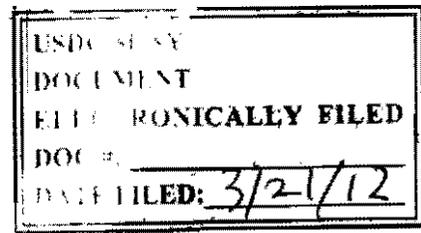


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- X  
: **ORDER SUMMARIZING STATUS**  
: **CONFERENCE OF 3/20/12 AND**  
IN RE WORLD TRADE CENTER DISASTER : **SETTING DISCOVERY AND**  
SITE LITIGATION : **NEXT CONFERENCE DATES**  
:   
: 21 MC 100 (AKH)  
:   
----- X

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

This order summarizes the status conference held March 20, 2012.

**I. Report on the Status of Settlement Administration**

- A. The WTC Captive made final payments to Plaintiffs' counsel in February. Only minimal payments remain, for some plaintiffs who have structured settlements (per Margaret Warner, counsel for the WTC Captive). All settlements, including those with the Port Authority, London marine insurers, the Freshkills contractors, etc., are almost completed.
- B. Paul Napoli from Worby Groner Napoli Bern ("WGNB") reported that his firm has made final payments to all but approximately 300 of its Plaintiffs. The complications of probate proceedings, bankruptcy proceedings, and regulating of liens have held up payments to the Plaintiffs thus affected. WGNB shall prepare a detailed report as to those cases whose final payments are still pending.
- C. The Garretson Firm will manage the Freshkills and Port Authority settlements. WGNB reported these settlements should be completed within the next two weeks.

## **II. The Opt-Out Plaintiffs**

- A. Of the 85 Plaintiffs who chose not to settle their cases (“opt-out cases”), as of March 20, 2012, ten cases remain. (The others stipulated to the voluntary dismissal of their cases.)
- B. Of the eight opt-out cases that were chosen to move to trial, two remain. Both require more discovery. They are:
1. Richard Prager, 07 Civ. 5041: This case is a mixed orthopedic/respiratory case, and is subject to a motion to dismiss by the City because of the statute of limitations, and a motion for summary judgment by the Port Authority for failing to comply with jurisdictional preconditions to filing suit.
  2. Michele Schor (Administrator of the Estate of Rober Schor), 05 Civ. 1618: Robert Schor worked in a City morgue. Defendants intend to move to dismiss because his work was not at the WTC site, and did not involve contractors. Michele Schor’s counsel should review the complaint to remove unnecessary defendants.
- C. Discovery on all remaining opt-out cases shall be completed by June 30, 2012. The Court will hold a status conference to discuss the progress of this discovery and next steps (including possible Daubert motions) for these cases on May 14, 2012, at 4:00 p.m., in Courtroom 14D.

## **III. Suits Filed Against the City After the April 12, 2010 Eligibility Date Provided by the Settlement Process Agreement, As Amended**

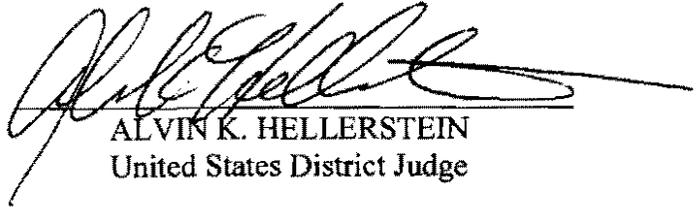
- A. Thirty-Nine cases remain outstanding. All of these Plaintiffs have provided answers to the court-ordered interrogatories, which are contained in the TCDI database.

- B. By April 23, 2012, these Plaintiffs shall provide Defendants' Liaison Counsel with personally-signed HIPAA Medical Record Authorization forms.
- C. Discovery for these cases shall be completed by August 31, 2012.
- D. The Court will hold a status conference to discuss the progress of discovery and next steps for these cases on July 24, 2012, at 2:30 p.m., in Courtroom 14D.

SO ORDERED.

Dated:

March 21, 2012  
New York, New York



ALVIN K. HELLERSTEIN  
United States District Judge