

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 ACCEPTING FINAL
PAYMENT REPORTS FILED BY
ALLOCATION NEUTRAL**

21 MC 100 (AKH)

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

This order accepts two final reports of the Allocation Neutral, Matthew Garretson and the Garretson Resolution Group, Inc. (collectively, "Garretson"), substantially completing the administrations of the mass settlements approved by this court. I order that the two final reports be filed, and posted with this order on the Court web page. The details follow:

1. The Settlement ("SPA") with New York City and the contractors engaged by the City, effective January 5, 2011:¹ The base amount of the settlement was \$625 million (plus an additional \$3.5 million towards administrative expenses). The base amount does not include Bonus payments and Contingent Payments, also provided by the settlement agreement but which are the subjects of dispute and have not been paid.²
2. The settlement with the contractors of the Freshkills landfill—Phillips and Jordan, Inc., Evans Environmental and Geological Science and Management, and Taylor Recycling Facility LLC, effective January 5, 2011 and June 21,

¹ See Order, In re World Trade Ctr. Disaster Site Litig., 762 F. Supp. 2d 631 (S.D.N.Y. 2010) (approving settlement as fair and reasonable).

² See Order, In re World Trade Ctr. Disaster Site Litig., ___ F. Supp. 2d ___, 2011 U.S. Dist. LEXIS 147754 (S.D.N.Y. Dec. 20, 2011) (ordering WTC Captive Insurance Company to pay Bonus Payments in the amount of \$55 million, based on the proportion of settling plaintiffs to the total number filed and pending as of April 12, 2010). Defendants' appeal to the U.S. Court of Appeals for the Second Circuit is pending. An Opinion and Order soon will be forthcoming relating to Contingent Payments, based on the number of cases filed after April 12, 2010 and which remained pending as of the dates provided in the settlement agreement.

- 2011: The amount of the settlement was \$24.3 million, of which \$300,000 was allocated for administrative expenses.³
3. The settlement with Survivair Respirators, Inc., effective April 5, 2011: The amount of the settlement was \$4.1 million.⁴
 4. The settlement with insurers associated with Lloyd's of London, insurers of Weeks Marine, Inc., effective May 4, 2011, relating to the shipments by barge of debris of the World Trade Center from Manhattan to Fresh Kills, Staten Island: This settlement was for the aggregate amount of \$28 million.⁵
 5. The settlement with the Port Authority of New York and New Jersey, Inc. effective May 4, 2011: This settlement was for the aggregate amount of \$47.5 million, of which amount \$509,901 was allocated for administrative costs.⁶

The aggregate amount of all these settlements is \$720.8 million, exclusive of adjustment, bonus increases, and contingent payment increases, discussed later.⁷ And the settling defendants agreed to pay an additional \$4,309,901 towards administrative expenses.

The administration of these settlements, and the remittance of funds to the settling plaintiffs under each of the settlements substantially has been completed, in compressed time, transparently, without appreciable rancor or dispute, and to the satisfaction of those benefiting from the settlements. The Final Reports of the Allocation Neutral are attached to this order and shall be posted on the court's website.

³ See Order, In re World Trade Ctr. Disaster Site Litig., Doc. No. 2248 (S.D.N.Y. Nov. 15, 2010); Order, In re World Trade Ctr. Disaster Site Litig., 2011 U.S. Dist. LEXIS 71501 (S.D.N.Y. June 21, 2011) (approving settlements as fair and reasonable).

⁴ See Order, In re World Trade Ctr. Disaster Site Litig., Doc. No. 2248 (S.D.N.Y. Nov. 15, 2010) (approving settlement as fair and reasonable).

⁵ See Order, In re World Trade Ctr. Disaster Site Litig., Doc. No. 2248 (S.D.N.Y. Nov. 15, 2010) (approving settlement as fair and reasonable).

⁶ See Order, In re World Trade Ctr. Disaster Site Litig., Doc. No. 2213 (S.D.N.Y. Oct. 14, 2010) (approving settlement as fair and reasonable).

⁷ See Order, In re World Trade Ctr. Disaster Site Litig., Doc. No. 2248 (S.D.N.Y. Nov. 15, 2010) (approving the ancillary settlements in their separate and aggregate amounts).

As to the City of New York and the contractors it engaged to clear the World Trade Center debris arising from the terrorist-related crashes of September 11, 2001 and as reflected in the Allocation Neutral's Final Report, the Allocation Neutral processed a total of 10,112 claims against these defendants, and disbursed a total of \$612,561,759.69 paid by the WTC Captive.⁸ This sum, less plaintiffs' counsel's fee and expenses, has been paid to the settling plaintiffs.⁹ The Final Reports relating to the settlements with the other defendants described above add to this amount. In all, approximately \$710,000,000 cash¹⁰ has been disbursed:

- \$12,878,444 to Tier I plaintiffs (the plaintiffs proving the least category of injury) (\$7,646,949 of which is from the SPA, and the balance from the settlements with other defendants¹¹);
- \$19,100,078 to Tier II plaintiffs (\$13,461,462 from the SPA, and the balance from the settlements with other defendants);
- \$12,092,183 to Tier III plaintiffs (\$8,901,754 from the SPA, and the balance from the settlements with other defendants); and
- \$661,550,817 to Tier IV plaintiffs, the plaintiffs proving the severest injuries relating to the toxins at the World Trade Center worksite (\$605,457,158 from the SPA, and the balance from the settlements with other defendants).

As I found when I approved it, the settlement with New York City and its contractors, although not perfect, is fair and reasonable.¹² The settlements with the other

⁸ An additional amount, \$27,550,754.22 was paid as premiums for the Cancer Insurance Policies, distributed to the settling plaintiffs. Many of the settling plaintiffs also participated in the settlement with other defendants. See discussion, *infra*.

⁹ A certain number of plaintiffs have not yet been paid. These await resolutions of disputes by probate courts and various contestants to the funds held by plaintiffs' counsel.

¹⁰ This figure does not include the \$27,550,754.22 for Cancer Insurance Premiums.

¹¹ These breakdowns by Tier do not include amounts paid in the \$4.1 million Survivair Respirators settlement, because such a breakdown for that settlement was not available.

defendants are consistent, and I approved them as fair and reasonable as well.¹³ The settlements emphasize payments to the Tier IV plaintiffs, the plaintiffs and their families who were most severely injured by their work at the World Trade Center. Indeed, Tier IV plaintiffs received approximately 94 percent of the entire settlement distribution—a feature of the settlements that was most important in my determinations of fairness and reasonableness. By limiting attorneys' contingent fees to 25 percent and minimizing the effects of liens and transactions costs, the settlements net to even greater significance.¹⁴

The Tier IV plaintiffs also will be eligible under the settlement agreement for Bonus Payments because of the very high percentage of plaintiffs who approved, and participated in, the settlement. By my order of December 20, 2011, I ordered these to be paid, in the amount of \$55 million.¹⁵ An appeal by the WTC Captive and the City of New York and related defendants is pending. In addition, the Tier IV plaintiffs also will be eligible under the settlement agreement for Contingent Payments, payable each year for five years on the anniversary dates following the Settlement Effective Date of January 5, 2011, up to \$5 million each year, depending on the number of New Debris Removal claims filed as of that date, and depending upon the amount of money having been paid by defendants to settle with opt-out plaintiffs and indemnify defendants with respect to new claims.¹⁶

These settlements and their administrations reflect the skill, energy and resourcefulness of the attorneys, for plaintiffs, defendants and the WTC Captive. This last chapter of administration reflects the diligence, fairness and efficiency of the Allocation Neutral

¹² See Order, In re World Trade Ctr. Disaster Site Litig., 762 F. Supp. 2d 631 (S.D.N.Y. 2010).

¹³ See Order, In re World Trade Ctr. Disaster Site Litig., Doc. No. 2248 (S.D.N.Y. Nov. 15, 2010).

¹⁴ See, Order, In re World Trade Ctr. Disaster Site Litig., 2011 U.S. Dist. LEXIS 147754 at *51-*52 (S.D.N.Y. Dec. 20, 2011)

¹⁵ See Order, In re World Trade Ctr. Disaster Site Litig., 2011 U.S. Dist. LEXIS 147754 (S.D.N.Y. Dec. 20, 2011).

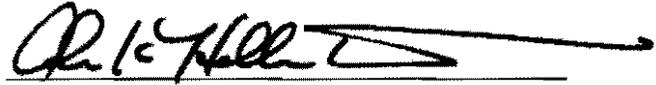
¹⁶ My opinion and order so ruling, and rejecting defendants' objections, will be issued soon.

complaint about this administration came to the court. All involved in these settlement proceedings merit great approbation.

SO ORDERED.

Dated:

May 16, 2012
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER DISASTER	:	21 MC 100 (AKH)
LITIGATION	:	21 MC 102 (AKH)
	:	21 MC 103 (AKH)
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IN RE LOWER MANHATTAN DISASTER SITE	:	
LITIGATION	:	
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IN RE COMBINED WORLD TRADE CENTER AND	:	
LOWER MANHATTAN DISASTER SITE LITIGATION	:	

FINAL PAYMENT REPORT FROM THE ALLOCATION NEUTRAL

The Allocation Neutral respectfully submits this final report regarding payments made pursuant to the World Trade Center Litigation Settlement Process Agreement, As Amended (“Settlement Process Agreement”). Exhibit 1 summarizes the payment information contained in this report. The Exhibit was originally submitted in the “PAYMENT STATUS REPORT FROM THE ALLOCATION NEUTRAL” dated March 9, 2011 (“March 9th Report”), and was subsequently updated and submitted to the Court in April, May, July, August, and November 2011, as well as January 2012. This narrative supplements Exhibit 1 and all previous reports. For the Court’s convenience, capitalized terms not defined herein shall have the meaning ascribed to them in the Settlement Process Agreement.

The Allocation Neutral is pleased to inform the Court that the Allocation Process is complete. Through the tireless effort of all involved, the objective was accomplished: to execute a “state-of-the-art” settlement program and to complete Final Distributions within approximately one year of the Final Settlement Agreement Effective Date.

Perhaps more significant than the speed in which this program was completed is the volume of work processed over the course of the past 10 months since the conclusion of the claims submission deadline:

- 10,112 Claim Forms
- Over 15,000 work verification documents
- Over 160,000 medical record files
- Over 1,000 Medicaid liens resolved (waived or adjudicated)
- Over 1,000 Workers' Compensation Liens reported (waived or adjudicated)
- Over 2,200 Deficiency Notices issued
- Over 1,800 Deficiency Cures
- 1,123 Reconsideration Requests
- 342 Appeals
- 455 Expense Audits (randomly selected per the Settlement Process Agreement)
- Over 350 sets of estate and personal representative documents
- Over 300 Random Audits of medical records (per the Settlement Process Agreement)
- 49 Payment Instruction Reports
 - Initial Payments (all Tiers) to 15,404 Primary and Derivative Plaintiffs
 - Accelerated Final Payments (Tiers 2 & 3) to 3,567 Primary and Derivative Plaintiffs
 - Interim Payments (Tier 4) to 8,611 Primary and Derivative Plaintiffs
 - Permanent Disability Fund Awards to 1,339 Primary Plaintiffs
 - Mixed Orthopedic Injury Payments to 68 Primary Plaintiffs
 - 286 Qualifying Surgery Payments to Primary Plaintiffs
 - 1,306 Marine Payments to Primary Plaintiffs
 - Final Distributions (Tier 4) to 8,798 Primary and Derivative Plaintiffs
- Monetary distribution by Tier and payment type as follows:

Tier 1

• Initial	\$7,133,750.00
• Permanent Disability	\$83,199.22
• Marine	\$430,000.00
Total	\$7,646,949.22

Tier 2

• Initial	\$5,353,920.00
• Accelerated	\$6,551,281.70
• Mixed Orthopedic	\$66,500.00
• Permanent Disability	\$721,059.91
• Marine	\$768,700.00
Total	\$13,461,461.61

Tier 3	
• Initial	\$2,315,430.00
• Accelerated	\$5,088,020.63
• Mixed Orthopedic	\$18,500.00
• Permanent Disability	\$1,017,803.77
• Marine	\$462,000.00
Total	\$8,901,754.40

Tier 4	
• Initial	\$18,301,107.50
• Interim	\$201,267,855.93
• Mixed Orthopedic	\$448,000.00
• Qualifying Surgery	\$6,090,000.00
• Permanent Disability	\$62,078,648.63
• Marine	\$25,860,947.64
• Final Distribution	\$291,345,651.54
Total	\$605,457,157.93

GRAND TOTAL \$635,402,376.47

Moreover, this work was completed in a transparent, objective manner consistent with the Settlement Process Agreement.

Status of Payments

Initial Payments: Initial Payments were made to each Plaintiff who opted in to the Settlement Process Agreement (as determined pursuant to Section IX.A of the Agreement) and for whom the Allocation Neutral determined the payment eligibility requirements were satisfied (as set forth in Section VII of the Agreement).

The Allocation Neutral issued the first Initial Payment Instruction Report to the WTC Captive on January 27, 2011. Further Initial Payment Instructions were issued in 45 subsequent Payment Instruction Reports through January 27, 2012. From January 27, 2011 through January

27, 2012, 10,007 Primary Plaintiffs and 5,397 Derivative Plaintiffs appeared on Payment Instruction Reports issued by the Allocation Neutral to the WTC Captive.

Tier 2 and 3 Accelerated Final Payments: The Allocation Neutral issued the first Accelerated Final Payment Instruction Report on March 30, 2011, and continued issuing such reports through January 27, 2012. A Plaintiff's placement on a Payment Instruction Report was subject to certain conditions precedent, including resolution of any associated deficiency cures, and, if applicable, Reconsideration Request and Appeal. In total, the Payment Instruction Reports for Accelerated Final Payments included 1,618 Tier 2 Primary Plaintiffs, 875 Tier 2 Derivative Plaintiffs, 695 Tier 3 Primary Plaintiffs, and 379 Tier 3 Derivative Plaintiffs.

Tier 4 Interim Payments and Final Distributions: The Allocation Neutral issued the first Interim Payment Instruction Report on June 30, 2011 for Tier 4 Plaintiffs and thereafter issued an additional 24 such Payment Instruction Reports through December 20, 2011. A Plaintiff's placement on a Payment Instruction Report was subject to certain conditions precedent, including resolution of any associated deficiency cures, and, if applicable, Reconsideration Request and Appeal. In total, the Payment Instruction Reports included Tier 4 Interim Payments to 5,492 Primary Plaintiffs and 3,119 Derivative Plaintiffs. Final Distributions for all Master Dockets were completed for over 99% of plaintiffs on January 19, 2012. Plaintiffs who planned to structure their Final Distributions were included on payment instructions between January 27, 2012 and April 2, 2012.

Throughout the payment process, the WTC Captive was diligent and exceptionally prompt in processing Payment Instruction Reports from the Allocation Neutral.

Status of Other Elements of Recovery

Permanent Disability Fund Awards: The Allocation Neutral issued 1,339 Permanent Disability Payment Instructions. These awards were made pursuant to Section XVI of the Settlement Progress Agreement.

Mixed Orthopedic Injury Payments: The Allocation Neutral issued Payment Instructions for 68 Mixed Orthopedic Injuries occurring during work or volunteer service at the WTC site or related locations at which the respective Plaintiff alleged exposure.

Qualifying Surgery Payments: The Allocation Neutral issued instructions for 287 Qualifying Surgery payments subject to procedures listed in Exhibit D to the Settlement Process Agreement.

London Marine insurance settlement: Pursuant to the separate settlement with the London Marine insurers, the London Marine Insurers deposited \$28 million into the Separate Account on June 9, 2011. Shortly after that deposit, initial marine payments began being issued to settling Primary Plaintiffs eligible to participate in the London Marine insurance settlement. Overall, Marine Payments were made to 1,306 Primary Plaintiffs, the last of which were made on February 2, 2012.

Expense Audits

The Allocation Neutral completed pre-payment expense audits on 455 randomly selected Plaintiffs as required by the Settlement Process Agreement (*See* March 9th Report at 7-8).

Random Audits

As noted in the previous Status Reports to the Court, the Allocation Neutral completed Random Audits (reviewing the medical records of more than 300 randomly selected Plaintiffs).

Based on the results of the Random Audit process, the Allocation Neutral did not conduct Targeted Audits.¹

Appeals

A total of 342 Appeals were submitted to the Claims Appeal Neutral. The Claims Appeal Neutral's determination with respect to all Appeals was final, binding and not subject to further appeal. The Claims Appeal Neutral completed the review and resolution of Appeals thoroughly and extremely promptly. Once the Claims Appeal Neutral rendered a decision, the Allocation Neutral processed payment due, if any, accordingly.

Remaining Items/Issues

As expected in any settlement program of this magnitude, there are a few remaining items that will require the Allocation Neutral's assistance to conclude, including ensuring availability of the WTC Web Portal for the uploading of structured settlement documents, completing reconciliation,² resolving any remaining Workers' Compensation liens and distributing residual interest remaining in the Separate Account. All of these items could not be completed until Final Distribution amounts were known and/or distributed. The Allocation Neutral does not expect that these few remaining items will present any issues.³

¹ "Targeted Audits" would only have been required if more than 10% of Tier 3 and/or Tier 4 claims selected for Random Audits result in findings by the Allocation Neutral of material misrepresentation, material omission or material concealment of the type described in Section XI.M of the Settlement Process Agreement.

² The Allocation Neutral shall reconcile total disbursement dollars to ensure "zero balance", that is the total net proceeds to claimants (contained on the payment instruction reports) equals the total amount of all checks written from plaintiff counsel's bank account.

³ The Allocation Neutral is aware of the Parties' dispute regarding additional Section VI.E "bonus" money and stands ready to assist the Parties with the distribution of such additional funds, if any, pending resolution of this issue by the U.S. Court of Appeals for the Second Circuit. In addition, the Allocation Neutral stands ready to assist the Parties with the future distribution of Contingent Payments, should any become due.

Conclusion

Finally, the Allocation Neutral would like to thank all those involved in the process and procedures outlined herein: the heroic first responders to the 9/11 tragedies and the other settling plaintiffs, the City and contractors that managed the rescue, recovery and debris-removal effort, the WTC Captive Insurance Company, the parties' attorneys, the participating government agencies and other healthcare agencies that waived their reimbursement interests ("liens") related to payments made to the plaintiffs, the Claims Appeal Neutral and certainly this honorable Court. Without the collective support, diligence and dedication of all involved, these results would not have been possible. It has been a terrific honor to serve the people and the process.

Respectfully submitted,



Matthew L. Garretson, Esq.
Garretson Resolution Group, Inc.
Allocation Neutral

April 23, 2012

Exhibit 1 - WTC Operational Metrics Dashboard
4/23/2012

PAYMENT INFORMATION	Issue Date	Primary Benefits	Disability Payments
		Payments Made	Payments Made
Initial Payments	Issue Date		
Wave 1	1/27/2011	1,548	625
Wave 2	2/2/2011	1,638	926
Wave 3	2/14/2011	1,739	959
Wave 4	3/8/2011	1,799	1,006
Wave 5	3/10/2011	1,102	590
Wave 6	3/16/2011	614	321
Wave 7	3/23/2011	588	350
Wave 8	3/30/2011	466	256
Wave 9	4/6/2011	129	65
Wave 10	4/13/2011	52	25
Wave 11	4/20/2011	59	41
Wave 12	4/27/2011	32	17
Wave 13	5/4/2011	90	79
Wave 14	5/11/2011	40	47
Wave 15	5/18/2011	22	26
Wave 16	5/25/2011	1	2
Wave 17	6/1/2011	6	2
Wave 18	6/8/2011	1	0
Wave 19	6/15/2011	0	3
Wave 20	6/22/2011	2	1
Wave 21	6/30/2011	0	0
Wave 22	7/6/2011	0	0
Wave 23	7/14/2011	2	2
Wave 24	7/22/2011	2	1
Wave 25	7/27/2011	1	1
Wave 26	8/3/2011	1	0
Wave 27	8/10/2011	1	1
Wave 28	8/17/2011	1	0
Wave 29	8/24/2011	4	3
Wave 30	9/1/2011	0	0
Wave 31	9/7/2011	5	3
Wave 32	9/14/2011	0	0
Wave 33	9/21/2011	1	2
Wave 34	9/28/2011	1	1
Wave 35	10/5/2011	1	1
Wave 36	10/13/2011	0	0
Wave 37	10/19/2011	0	0
Wave 38	10/27/2011	1	1
Wave 39	11/2/2011	1	1
Wave 40	11/9/2011	4	2
Wave 41	11/16/2011	10	7
Wave 42	11/23/2011	5	3
Wave 43	11/30/2011	4	3
Wave 44	12/7/2011	6	8
Wave 45	12/20/2011	27	16
Wave 46	1/27/2012	1	0
**** Totals To Date		10,007	5,397

Exhibit 1 - WTC Operational Metrics Dashboard
4/23/2012

PAYMENT INFORMATION		Primary Plaintiffs	Derivative Plaintiffs
		Payments Made	Payments Made
Tier 2 - Accelerated Final Payments	Issue Date		
Wave 8	3/30/2011	125	75
Wave 9	4/6/2011	546	321
Wave 10	4/13/2011	116	58
Wave 11	4/20/2011	286	152
Wave 12	4/27/2011	312	164
Wave 13	5/4/2011	23	10
Wave 14	5/11/2011	18	6
Wave 15	5/18/2011	15	8
Wave 16	5/25/2011	14	4
Wave 17	6/1/2011	10	5
Wave 18	6/8/2011	4	0
Wave 19	6/15/2011	3	1
Wave 20	6/22/2011	7	4
Wave 21	6/30/2011	1	1
Wave 22	7/6/2011	1	1
Wave 23	7/14/2011	2	2
Wave 24	7/22/2011	2	1
Wave 25	7/27/2011	7	5
Wave 26	8/3/2011	1	0
Wave 27	8/10/2011	1	1
Wave 28	8/17/2011	7	4
Wave 29	8/24/2011	6	1
Wave 30	9/1/2011	4	2
Wave 31	9/7/2011	2	1
Wave 32	9/14/2011	2	2
Wave 33	9/21/2011	0	0
Wave 34	9/28/2011	6	4
Wave 35	10/5/2011	13	6
Wave 36	10/13/2011	2	0
Wave 37	10/19/2011	5	2
Wave 38	10/27/2011	8	6
Wave 39	11/2/2011	12	5
Wave 40	11/9/2011	8	2
Wave 41	11/16/2011	10	5
Wave 42	11/23/2011	5	1
Wave 43	11/30/2011	6	1
Wave 44	12/7/2011	4	2
Wave 45	12/20/2011	23	12
Wave 46	1/27/2012	1	0
*** Totals To Date		1,618	875
Tier 3 - Accelerated Final Payments	Issue Date		
Wave 8	3/30/2011	42	22
Wave 9	4/6/2011	123	75
Wave 10	4/13/2011	37	20
Wave 11	4/20/2011	145	88
Wave 12	4/27/2011	168	82
Wave 13	5/4/2011	8	3
Wave 14	5/11/2011	8	5
Wave 15	5/18/2011	2	1
Wave 16	5/25/2011	5	2
Wave 17	6/1/2011	5	2
Wave 18	6/8/2011	13	7
Wave 19	6/15/2011	2	1
Wave 20	6/22/2011	5	1
Wave 21	6/30/2011	0	0
Wave 22	7/6/2011	3	1
Wave 23	7/14/2011	7	4
Wave 24	7/22/2011	13	6
Wave 25	7/27/2011	19	9
Wave 26	8/3/2011	1	1
Wave 27	8/10/2011	2	1
Wave 28	8/17/2011	10	2
Wave 29	8/24/2011	12	6
Wave 30	9/1/2011	5	3
Wave 31	9/7/2011	3	2
Wave 32	9/14/2011	1	0
Wave 33	9/21/2011	3	2
Wave 34	9/28/2011	13	7
Wave 35	10/5/2011	5	3
Wave 36	10/13/2011	2	1

Exhibit 1 - WTC Operational Metrics Dashboard

4/23/2012

PAYMENT INFORMATION		Primary Plaintiffs Payments Made	Co-Defendant Plaintiffs Payments Made
Tier 3 - Accelerated Final Payments (cont.)	Issue Date		
Wave 37	10/19/2011	3	2
Wave 38	10/27/2011	8	3
Wave 39	11/2/2011	1	1
Wave 40	11/9/2011	1	0
Wave 41	11/16/2011	3	2
Wave 42	11/23/2011	3	3
Wave 43	11/30/2011	7	6
Wave 44	12/7/2011	3	3
Wave 45	12/20/2011	4	2
**** Totals To Date		695	379
Tier 4 - Interim Payments	Issue Date		
Wave 21	6/30/2011	2,115	1,219
Wave 22	7/6/2011	46	28
Wave 23	7/14/2011	293	163
Wave 24	7/22/2011	395	226
Wave 25	7/27/2011	69	34
Wave 26	8/3/2011	41	17
Wave 27	8/10/2011	183	92
Wave 28	8/17/2011	300	177
Wave 29	8/24/2011	482	278
Wave 30	9/1/2011	51	23
Wave 31	9/7/2011	217	126
Wave 32	9/14/2011	50	26
Wave 33	9/21/2011	139	91
Wave 34	9/28/2011	184	98
Wave 35	10/5/2011	221	106
Wave 36	10/13/2011	79	49
Wave 37	10/19/2011	67	38
Wave 38	10/27/2011	69	38
Wave 39	11/2/2011	50	31
Wave 40	11/9/2011	50	26
Wave 41	11/16/2011	88	58
Wave 42	11/23/2011	41	24
Wave 43	11/30/2011	94	55
Wave 44	12/7/2011	61	37
Wave 45	12/20/2011	107	59
**** Totals To Date		5,492	3,119

Exhibit 1 - WTC Operational Metrics Dashboard
4/23/2012

PAYMENT INFORMATION		Primary Plaintiffs	Derivative Plaintiffs
		Payments Made	Payments Made
Tier 4 - Final Distribution Payments	Issue Date		
21mc100 Plaintiffs (Final)	1/19/2012	5,124	2,993
21mc102 Plaintiffs (Final)	1/19/2012	137	47
21mc103 Plaintiffs (Final)	1/19/2012	311	155
21mc100 Plaintiffs (Wave 46)	1/27/2012	1	0
21mc100 Plaintiffs (Wave 47)	2/15/2012	19	0
21mc100 Plaintiffs (Wave 48)	2/28/2012	3	0
21mc100 Plaintiffs (Wave 49)	4/2/2012	8	0
**** Totals To Date		5,603	3,195
Other Elements of Recovery		Primary Plaintiffs	Derivative Plaintiffs
		Payments Made	Payments Made
Permanent Disability Fund Awards	Issue Date		
Single Payment Wave (Wave 46)	1/3/2012	1,339	N/A
Wave Orthopedic Injury Payments	Issue Date		
Wave 45	12/20/2011	68	N/A
Qualifying Surgery Payments	Issue Date		
Wave 15	5/18/2011	8	N/A
Wave 16	5/25/2011	9	N/A
Wave 17	6/1/2011	5	N/A
Wave 18	6/8/2011	1	N/A
Wave 21	6/30/2011	7	N/A
Wave 22	7/6/2011	14	N/A
Wave 23	7/14/2011	4	N/A
Wave 24	7/22/2011	31	N/A
Wave 25	7/27/2011	1	N/A
Wave 26	8/3/2011	2	N/A
Wave 27	8/10/2011	9	N/A
Wave 28	8/17/2011	11	N/A
Wave 29	8/24/2011	24	N/A
Wave 30	9/1/2011	4	N/A
Wave 31	9/7/2011	20	N/A
Wave 32	9/14/2011	11	N/A
Wave 33	9/21/2011	6	N/A
Wave 34	9/28/2011	15	N/A
Wave 35	10/5/2011	8	N/A
Wave 36	10/13/2011	10	N/A
Wave 37	10/19/2011	13	N/A
Wave 38	10/27/2011	3	N/A
Wave 39	11/2/2011	4	N/A
Wave 40	11/9/2011	5	N/A
Wave 41	11/16/2011	3	N/A
Wave 42	11/23/2011	3	N/A
Wave 43	11/30/2011	15	N/A
Wave 44	12/7/2011	2	N/A
Wave 45	12/20/2011	38	N/A
Wave 46	1/27/2012	1	N/A
** Totals Qualifying Surgeries **		287	N/A
**** Totals To Date (All Other Elements of Recovery)		1,694	N/A

Exhibit 1 - WTC Operational Metrics Dashboard
4/23/2012

PAYMENT INFORMATION	Issue Date	Primary Plaintiffs	Derivative Plaintiffs
		Payments Made	Payments Made
Marine Injuries - Payments			
Wave 19	6/15/2011	478	N/A
Wave 20	6/22/2011	2	N/A
Wave 23	7/14/2011	2	N/A
Wave 24	7/22/2011	1	N/A
Wave 25	7/27/2011	4	N/A
Wave 26	8/3/2011	1	N/A
Wave 28	8/17/2011	4	N/A
Wave 29	8/24/2011	2	N/A
Wave 32	9/14/2011	1	N/A
Wave 34	9/28/2011	3	N/A
Wave 35	10/5/2011	2	N/A
Wave 36	10/13/2011	1	N/A
Wave 37	10/19/2011	0	N/A
Wave 38	10/27/2011	3	N/A
Wave 39	11/2/2011	0	N/A
Wave 40	11/9/2011	5	N/A
Wave 41	11/16/2011	3	N/A
Wave 42	11/23/2011	2	N/A
Wave 43	11/30/2011	0	N/A
Wave 44	12/7/2011	0	N/A
Wave 45	12/20/2011	10	N/A
Tier 4 Marine	2/1/2012	782	N/A
**** Totals To Date		1,306	N/A
**** Grand Totals To Date		26,415	12,965

EXPENSE AUDIT INFORMATION	
No. of firms in settlement	26
No. of claimants selected for random audit	455
No. of audits completed	455
% of completion	100%

RANDOM AUDIT (Medical Records)	
No. of firms in settlement	26
No. of Tier 3 claimants selected for random audit	36
No. of Tier 3 cases with all medical records reviewed	36
% of T3 complete (case complete and RA complete)	100%
No. of Tier 4 claimants selected for random audit	282
No. of Tier 4 cases with all medical records reviewed	282
% of T4 complete (case complete and RA complete)	100%

LIENS	# Claimants Entitlement Status Verified	# Claimants Entitled To Medicaid	# Liens Waived or completed at \$0	# Liens Pending
Medicare ** obtained full waiver from Medicare**	N/A	Full Waiver	N/A	N/A
Medicaid	9,146	1,056	1,056	0
	# Liens Reported	# Liens Waived or Discharged	# Liens Resolved	# Liens Pending ****
Workers' Comp	1,074	626	357	91
**** Remaining Workers' Comp Liens are in the process of being resolved now that gross awards are known				

MEDICAL RECORD REVIEW	Determination Notices Issued	Deficiencies Issued*
Tier-2	1,659	139
Tier-3	717	106
Tier-4	5,571	1,965

* Deficiencies are reported at an injury level

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER DISASTER	:	21 MC 100 (AKH)
LITIGATION	:	21 MC 102 (AKH)
	:	21 MC 103 (AKH)

IN RE LOWER MANHATTAN DISASTER SITE	:	
LITIGATION	:	

IN RE COMBINED WORLD TRADE CENTER AND	:	
LOWER MANHATTAN DISASTER SITE LITIGATION	:	

**FRESH KILLS AND PORT AUTHORITY PAYMENT FINAL STATUS REPORT
FROM THE ALLOCATION NEUTRAL**

As supplement to the Final Payment Report regarding payments made pursuant to the World Trade Center Litigation Settlement Process Agreement, As Amended, (“Settlement Process Agreement”) the Allocation Neutral submits this final status report regarding payments made in the Fresh Kills and Port Authority Settlements.

Fresh Kills Final Settlement Status

The defendants participating in the Fresh Kills settlement include Philips and Jordan, Inc., Evans Environmental and Geological Science and Management, and Taylor Recycling Facility LLC.

1,859 plaintiffs opted-in to the Fresh Kills settlement and completed the claims submission process. (See Exhibit I).

The Allocation Neutral completed all Claim submission, Work Verification and Medical reviews in accordance with the settlement agreement and began issuing payment instructions in July of 2011. The Allocation Neutral completed the final payment instruction on April 25, 2012.

The distribution of settlement proceeds was as follows:

Tier-1: \$1,184,265.00
Tier-2: \$1,854,903.75
Tier-3: \$1,287,948.75
Tier-4: \$19,683,730.22
Total: \$24,010,847.72

Port Authority Final Settlement Status

8,587 of 8,910 eligible plaintiffs opted-in to the Port Authority Settlement Agreement. (See Exhibit 2). The original settlement amount agreed to by the parties was \$47.5 million with approximately \$500,000 dedicated to offset the amount the WTC Captive agreed to pay for the administration of the Settlement Process Agreement.

Since only 8,587 of the 8,910 eligible plaintiffs opted to participate in the Port Authority Settlement, the Port Authority adjusted the final settlement amount pursuant to Section II.C of the agreement, resulting in final distribution of \$46,143,350.99.

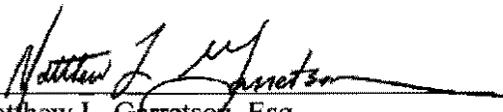
The Allocation Neutral completed all Claim submission, Work Verification and Medical reviews in accordance with the settlement agreement and began issuing payment instructions in September of 2011. The Allocation Neutral completed the final payment instruction on March 23, 2012.

The distribution of settlement proceeds was as follows:

Tier-1: \$4,047,230.00
Tier-2: \$3,783,712.50
Tier-3: \$1,902,480.00
Tier-4: \$36,409,928.49
Total: \$46,143,350.99

Exhibits 1 and 2 contain detailed information regarding payments made in each of the above-referenced settlements.

Respectfully submitted,


Matthew L. Garretson, Esq.
Garretson Resolution Group, Inc.
Allocation Neutral

May 3, 2012

Exhibit 1

French Mills

Opt-In	
Total Participating	1,859

Claim Submission	
# complete submitted claims	1,859
# claims yet to be complete	0
% completion	100.0%
Opt-In total	1,859

Work Verification	
# complete WV submitted	1,859
# WV yet to be complete	0
% completion	100.0%
Opt-In total	1,859

Medical Review	
Plaintiffs' requiring review	11
Medical reviews pending	0
Medical reviews deficient	0
Medical reviews complete	11
% completion	100.0%

Exhibit 1 cont.

Fresh Kills

Payment Information		Primary Plaintiffs	Derivative Plaintiffs
		Payments Made	Payments Made
Tier 1 Payments	Issue Date		
Wave 1	7/18/2011	363	176
Wave 2	3/28/2012	24	17
Totals To Date		387	193
Tier 2 Payments	Issue Date		
Wave 1	7/18/2011	321	190
Wave 2	3/28/2012	25	19
Totals To Date		346	209
Tier 3 Payments	Issue Date		
Wave 1	7/18/2011	127	76
Wave 2	3/28/2012	26	13
Totals To Date		153	89
Payment Information		Primary Plaintiffs	Derivative Plaintiffs
		Payments Made	Payments Made
Tier 4 - Final Distribution	Issue Date		
Final	3/28/2012	973	595
Final - Remaining Balance Allocation	4/25/2012	529	324
Totals To Date		1,502	919
****Grand Totals To Date		2,388	1,410

Exhibit 2

Port Authority

Opt-In	
Total Participating	8,587

Claim Submission	
# complete submitted claims	8,587
# claims with deficiencies	0
% completion	100.0%
Opt-In total	8,587

Work Verification	
# complete WV submitted	8,587
# WV claims with deficiencies	0
% completion	100.0%
Opt-In total	8,587

Medical Review	
Plaintiffs' requiring review	53
Medical reviews pending	0
Medical reviews deficient	0
Medical reviews complete	53
% completion	100.0%

Exhibit 2 cont.

Port Authority			
Payment Information		Primary Plaintiffs Payments Made	Derivative Plaintiffs Payments Made
Tier 1 Payments	Issue Date		
Wave 1	9/30/2011	1,592	753
Wave 2	10/10/2011	0	0
Wave 3	11/16/2011	338	142
Wave 4	2/6/2012	57	41
Wave 5	3/23/2012	2	53
Totals To Date		1,989	989
Tier 2 Payments	Issue Date		
Wave 1	9/30/2011	1,204	693
Wave 2	10/10/2011	21	13
Wave 3	11/16/2011	221	104
Wave 4	2/6/2012	31	21
Wave 5	3/23/2012	6	40
Totals To Date		1,483	871
Payment Information		Primary Plaintiffs Payments Made	Derivative Plaintiffs Payments Made
Tier 3 Payments	Issue Date		
Wave 1	9/30/2011	459	264
Wave 2	10/10/2011	63	41
Wave 3	11/16/2011	80	42
Wave 4	2/6/2012	16	16
Wave 5	3/23/2012	3	13
Totals To Date		621	376
Tier 4 - Interim Payment	Issue Date		
Wave 1	9/30/2011	0	0
Wave 2	10/10/2011	3,346	2,344
Wave 3	11/16/2011	802	435
Wave 4	2/6/2012	287	183
Totals To Date		4,435	2,962
Tier 4 - Final Distribution	Issue Date		
Tier 4 Final	3/23/2012	4,494	2,741
Totals To Date		4,494	2,741
****Grand Totals To Date		13,022	7,939