

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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IN RE SEPTEMBER 11 LITIGATION

: 21 MC 101 (AKH)

WORLD TRADE CENTER PROPERTIES LLC et al.,

Plaintiffs,

-against-

: **ORDER SETTING BRIEFING**
: **SCHEDULE**

AMERICAN AIRLINES, INC. et al.,

Defendants.

: 08 Civ. 3722 (AKH)

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

World Trade Center Properties LLC ("WTCP") has a pending lawsuit against the Aviation Defendants for damage caused to its leasehold interest in Building 7 of the World Trade Center ("7 WTC"). The Aviation Defendants have moved for summary judgment on the ground that WTCP's insurance recovery substantially exceeds its potential tort recovery. On June 5, 2012, I heard argument on the motion.

On June 29, 2012, United Continental Holdings, Inc. (formerly known as UAL Corporation) and United Air Lines, Inc. (together, "United") filed a supplemental motion for summary judgment. On September 11, 2001, United Flight 175, departing from Boston's Logan Airport, was hijacked by terrorists and crashed into the South Tower of the World Trade Center, Tower Two. American Airlines Flight 11, also departing from Logan Airport, was hijacked by terrorists and crashed into the North Tower of the World Trade Center, Tower One. In its supplemental motion, United argues that because it is alleged that the damage to 7 WTC resulted from Flight 11's crash into the North Tower and it is not alleged that the crash of Flight 175 into

the South Tower caused or contributed to the damage, United is entitled to judgment dismissing it from this action.

WTCP asks that briefing of United's supplemental motion be deferred until I decide the pending motion filed by all the Aviation Defendants. But United is entitled to press defenses unique to it. Accordingly, WTCP's request is denied. Nearly eleven years after September 11, 2001, and after years of massive discovery, it is time to resolve these cases.

WTCP shall file its opposition to United's supplemental motion by September 11, 2012. United shall file its reply by September 21, 2012. The parties shall appear for oral argument on September 27, 2012, at 2:30 p.m.

SO ORDERED.

Dated:

August 9, 2012
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge