



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: **ORDER SUMMARIZING**  
IN RE WORLD TRADE CENTER LOWER : **APRIL 23, 2015 STATUS**  
MANHATTAN DISASTER SITE LITIGATION : **CONFERENCE**  
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: 21 MC 102 (AKH)  
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ALVIN K. HELLERSTEIN, U.S.D.J.:

A status conference was held on April 23, 2015, during which the following points were discussed and decided:

1. The parties have settled all claims in the Phase I and Phase II cases selected for trial. *See* Order Identifying Cases to Proceed to Trial, No. 21 MC 102, ECF No. 5022 (S.D.N.Y. Apr. 3, 2014). Accordingly, the Daubert hearings, scheduled for April 27-29, 2015, the final pre-trial conference, scheduled for May 4, 2015, and the trials, scheduled to commence May 11, 2015, are cancelled.

2. The parties shall submit jointly by May 1, 2015 a proposed discovery schedule for the remaining cases, consistent with the following considerations:

- a) The Phase I and II cases not selected for trial should proceed pursuant to an expedited expert discovery schedule, including Rule 35 examinations to be completed within the next 30 days; and
- b) All remaining cases are hereby consolidated into the Phase III group of cases and fact discovery in these cases shall commence immediately.

3. The parties represented that they continue to engage in settlement discussions for all remaining cases, with the help of the Special Masters, and the attendance at each mediation

session of party representatives having authority to decide up to the most recent offer or demand of the other side.

4. Counsel for Zurich Insurance Group shall submit to the Court by April 28, 2015, in writing, its position as to whether it is participating in settlement discussions between plaintiffs, insured defendants, and co-insurers, with authority to settle up to the most recent offer and demand of the other side and, if not, because of a belief of non-liability, the reasons supporting such belief.

5. Plaintiffs' counsel shall file motions seeking approval of settlements reached thus far by May 8, 2015.

6. By Order of this day all pending motions in the now settled Trial Cases have been terminated as moot. The parties shall submit jointly by May 1, 2015 a schedule of all outstanding motions in the non-settled cases, identified by case and document number. All motions not identified in this schedule will be terminated as moot.

7. The next status conference is scheduled for June 15, 2015 at 11:00 a.m.

SO ORDERED.

Dated: New York, New York  
April 24, 2015



ALVIN K. HELLERSTEIN  
United States District Judge