

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION :
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ORDER

21 MC 97 (AKH)

ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

Suspense Docket

1. By Order of July 22, 2003 I created a suspense docket to accommodate representatives of those who were killed in the September 11, 2001 attacks and who, uncertain of their rights and suffering intense emotional reactions, wished to preserve their rights to file civil actions while their claims with the Victim Compensation Fund (VCF) were pending. Section 405(a) of the Air Transportation Safety and System Stabilization Act (the Act) provides that no claim may be filed with the VCF after December 22, 2003, “the date that is two years after the date on which regulations are promulgated under Section 407 of the Act.” See 49 U.S.C. § 40101, Pub. L. No. 107-42, 115 Stat. 230, 240 (Sept. 22, 2001), as amended by Pub. L. No. 107-71, § 201, 115 Stat. 597, 645 (Nov. 19, 2001). Under the July 22 Order, the suspense docket was to end December 23, 2003. This deadline was extended to February 6, 2004 by my Order dated November 26, 2003 in recognition of the VCF’s regulation that applicants would have until January 22, 2004 to complete filings made by the December 22 deadline.

2. By Order of December 19, 2003 I held that a claimant will have waived his right to sue once the Special Master’s Claims Evaluator determines his application to be substantially complete or January 22, 2004, whichever is earlier. In the December 19 Order, I reaffirmed that the suspense docket shall be eliminated by February 6, 2004. That date has now arrived.

3. Attached are two Appendices. Appendix A lists cases that are active. Appendix B lists those cases that remain on the suspense docket as of February 6, 2004. Appendix B also

lists notices of claim that were filed against architects and engineers; these are designated with an asterisk. Both lists were compiled from records in the cases before me and upon advice of counsel.

4. I hereby order that the cases listed on Appendix B – those on the suspense docket and those notices of claim not activated against the architects and engineers – are dismissed.

Amended Complaints and Appendices

1. Pursuant to the Supplemental Case Management Order of October 24, 2003 and as amended by Memo Endorsement of December 5, 2003, counsel who have filed multiple lawsuits on behalf of the same individual plaintiffs shall have until February 27, 2004 to file an Amended Complaint in the first suit filed.

2. Under the Supplemental Case Management Order, as amended by Memo Endorsement of January 30, 2004, Plaintiffs' Liaison Counsel shall file Amended Appendices to the Master Complaints to reflect which cases have been dismissed or are active by February 13, 2004.

3. I hereby extend the deadlines for plaintiffs with multiple lawsuits to file Amended Complaints and for Plaintiffs' Liaison Counsel to file the Amended Appendices to the Master Complaints to March 31, 2004.

Service of Process

1. Plaintiffs' Liaison Counsel, on behalf of all plaintiffs, has requested additional extensions of the 120 day deadline to effect service on domestic defendants provided by Rule 4(m) of the Federal Rules of Civil Procedure. Rule 4(f) of the Federal Rules of Civil Procedure provides that service on individuals outside the United States may be effected by means such as the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (Hague Service Convention). Article 5 of the Hague Service Convention contemplates, among other

