

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: **CORRECTIVE ORDER**  
IN RE WORLD TRADE CENTER :  
DISASTER SITE LITIGATION : 21 MC 100 (AKH)  
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ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

I issue this Order to rescind and correct my Order of February 27, 2004.

In my Order of February 27, 2004, I ordered that actions consolidated in 21 MC 100 and heretofore suspended for purposes of filing claims with the Victim Compensation Fund (VCF) be further extended to April 16, 2004.

That Order is hereby modified. Appendix A, attached to this Order, identifies the cases consolidated in 21 MC 100 and their active or suspense status. Plaintiffs with cases on the suspense docket shall appear before this court on March 17, 2004, at 4:00 p.m., at the same hearing scheduled for the cases consolidated in 21 MC 97, and show cause why such cases should be suspended beyond that date; otherwise, such cases will be dismissed.

I also ordered that cases that were consolidated in 21 MC 100 can remain on the suspense calendar until the earlier of (a) notice of eligibility for an award by the Victim Compensation Fund, or (b) notice by a plaintiff, served and filed as late as April 16, 2004, stating a wish to proceed with litigation in preference to making claim to the VCF. According to the list provided by the VCF pursuant to my Order of February 25, 2004, no plaintiffs in these consolidated actions have claims pending before the VCF. Therefore, this Order of February 27, 2004 is rescinded. And, generally, except possibly in narrow circumstances, there is no more need for a suspense calendar for the cases consolidated in 21 MC 100 than there is for the cases consolidated in 21 MC 97.

Finally, in my Opinion and Order of June 20, 2003, I ordered that actions consolidated in 21 MC 100 “shall remain suspended until the determination by the Court of Appeals on the issue of jurisdiction.” That suspension shall relate only to the proceedings relating to jurisdiction that I assigned to the Honorable Theodore H. Katz, U.S.M.J. These actions shall not be suspended for any other purpose.

SO ORDERED.

Dated: New York, New York  
March 2, 2004

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ALVIN K. HELLERSTEIN  
United States District Judge

APPENDIX A  
21 MC 100

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| 02 Civ. 05288 | Taha v. City of New York   | Active    |
| 02 Civ. 08092 | Bel, et al. v. Port Authority of New York and New Jersey, et al.         | Active    |
| 02 Civ. 08100 | Bel, et al. v. Port Authority of New York and New Jersey, et al.         | Active    |
| 02 Civ. 08434 | Hickey v. City of New York and Port Authority of New York and New Jersey | Active    |
| 02 Civ. 08938 | Beyer, et al. v. Port Authority of New York and New Jersey               | Active    |
| 02 Civ. 09126 | McNally, et al. v. Port Authority of New York and New Jersey             | Active    |
| 02 Civ. 09127 | Ariola, et al. v. Port Authority of New York and New Jersey              | Active    |
| 02 Civ. 09128 | Blake, et al. v. Port Authority of New York and New Jersey               | Active    |
| 02 Civ. 10270 | Adams, et al. v. City of New York  | Suspended |
| 02 Civ. 10272 | Greenwood, et al. v. City of New York                                    | Suspended |
| 02 Civ. 10273 | Miller v. City of New York, et al.                                       | Active    |
| 02 Civ. 10274 | Rowe v. City of New York   | Active    |
| 02 Civ. 10275 | Rementeria, et al. v. City of New York                                   | Active    |
| 02 Civ. 10304 | Davi v. City of New York   | Suspended |
| 03 Civ. 00006 | Dalton v. City of New York   | Active    |
| 03 Civ. 00007 | Johnson, et al. v. City of New York                                      | Active    |
| 03 Civ. 00008 | Flechaus v. City of New York   | Active    |
| 03 Civ. 00033 | Annerino, et al. v. City of New York                                     | Suspended |
| 03 Civ. 00034 | Albrecht, et al. v. City of New York                                     | Active    |
| 03 Civ. 00035 | Arocho, et al. v. City of New York                                       | Suspended |
| 03 Civ. 00036 | Agugliaro, et al. v. City of New York                                    | Suspended |
| 03 Civ. 00037 | Stephenson, et al. v. City of New York                                   | Active    |
| 03 Civ. 00038 | Accardo, et al. v. City of New York, et al.                              | Active    |
| 03 Civ. 00193 | Baiano, et al. v. City of New York, et al.                               | Active    |
| 03 Civ. 00912 | Hendrickson, et al. v. City of New York                                  | Active    |

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| 03 Civ. 02067 | Maskimowich v. New York City                                 | Active |
| 03 Civ. 02104 | D'Elia v. City of New York                                   | Active |
| 03 Civ. 02447 | Samaroo v. Port Authority of New York and New Jersey, et al. | Active |
| 03 Civ. 02621 | Fucella, et al. v. City of New York                          | Active |
| 03 Civ. 02622 | McGrory v. City of New York                                  | Active |
| 03 Civ. 02623 | Berardi v. City of New York                                  | Active |
| 03 Civ. 03040 | Hartey, et al. v. City of New York, et al.                   | Active |
| 03 Civ. 04064 | Lazaar v. City of New York, et al.                           | Active |
| 03 Civ. 05052 | Romano v. New York City                                      | Active |
| 03 Civ. 08448 | City of New York v. Liberty Mutual Fire                      | Active |
| 03 Civ. 08577 | Nolan, et al. v. City of New York                            | Active |
| 03 Civ. 08812 | Anastassatos v. Tully Construction, et al.                   | Active |
| 04 Civ. 00491 | Nolan, et al. v. Silverstein Properties, Inc., et al.        | Active |
| 04 Civ. 01123 | Wolf v. the City of New York                                 | Active |