

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 Therefore, this Order of February 27, 2004 is rescinded.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

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

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