

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION : **ORDER**
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ALVIN K. HELLERSTEIN, U.S.D.J.:

The Transportation Security Administration (“TSA”) and this Court, having concerns about the number of attorneys for whom clearance has been requested pursuant to my Memorandum and Order of May 16, 2006, both as to the inevitable delay in the start of depositions because of the time needed by TSA to complete necessary clearance procedures, and as to the advisability of conducting depositions without compromising national security because of such a large numbers of attorneys participating, it is hereby:


ORDERED that all parties show cause before me, on June 8, 2006 at 4:00 P.M., why the list of attorneys seeking to attend the depositions and receive clearance from TSA cannot be radically limited. The Court has these preliminary views:

1. All wrongful death and personal injury, and all property damage and business loss plaintiffs, and the Port Authority appear to have a common interest regarding the subjects of testimony to be elicited in the forthcoming round of depositions. If that is true, a small delegation can be appointed by all attorneys to represent the whole. Later proceedings can focus on the scope of their reporting obligations to all others in the classes they represent.

2. Defendants are likely to have divergent interests, but defendants can be divided into categories, and one attorney should suffice for each such category. As with plaintiffs, later proceedings can focus on the scope of reporting obligations.

SO ORDERED.

Dated: New York, New York
June 5, 2006


ALVIN K. HELLERSTEIN
United States District Judge