

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: WORLD TRADE CENTER LOWER  
MANHATTAN DISASTER SITE LITIGATION

DOCKET NO.: 21 MC 102 (AKH)

DECLARATION

-----X  
THIS DOCUMENT APPLIES TO ALL WORLD  
TRADE CENTER LOWER MANHATTAN DISASTER  
SITE LITIGATION

-----X  
DENISE A. RUBIN, an attorney duly licensed to practice before the Courts of the State of New York and a member of the bar of this Honorable Court, hereby declares under penalty of perjury:

1. I am associated with the law firm Worby Groner Edelman & Napoli Bern, LLP, attorneys for a group of the plaintiffs in the 21 MC 102 Master Docket of the above-captioned litigation. By virtue of my review of the files maintained by this office and my prior involvement in the litigation of this matter, I am sufficiently familiar with the facts, pleadings and prior proceedings had herein.

2. This Declaration is respectfully offered in opposition to the currently-pending motion by the City of New York, The Board Of Education Of The City Of New York, The New York City Department Of Education, The New York City School Construction Authority, The City University Of New York And The Borough Of Manhattan Community College seeking summary judgment against the plaintiffs for the alleged failure to comply with the Notice of Claim provisions of the General Municipal Law, a procedural condition precedent to the filing of a claim against the municipality.

3. For the reasons and upon the facts and authority set forth in the concurrently-served and filed Plaintiffs' Memorandum of Law in Opposition to the motion, this Court should deny the motion in its entirety.

Dated: New York, New York  
June 19, 2009

WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
*Attorneys for Plaintiffs*

A handwritten signature in cursive script, appearing to read "Denise A. Rubin", is written over a horizontal line. The signature is positioned to the left of a vertical line that extends upwards from the horizontal line.

Denise A. Rubin (DR5591)

350 Fifth Avenue, Suite 7413  
New York, New York 10118  
(212) 267-3700


**ATTORNEY'S DECLARATION/AFFIRMATION OF  
SERVICE**

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Denise A. Rubin, an Attorney duly licensed to practice before the Courts of the State of New York, hereby affirms/declares the following under penalty of perjury:

I am associated with the law firm Worby Groner Edelman & Napoli Bern, LLP and as such represent the plaintiffs in the within action. On June 19, 2009, I duly served a true copy of the within PLAINTIFFS' DECLARATION IN OPPOSITION TO THE MOTION BY THE CITY OF NEW YORK, et al., FOR SUMMARY JUDGMENT on the persons listed below by e-mail.

James E. Tyrrell Jr., Esq.  
Joseph Hopkins, Esq.  
Patton Boggs, LLP  
*Attorneys for Defendants City of New York, et al*  
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Denise A. Rubin (DR5591)

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**PLAINTIFFS' DECLARATION IN OPPOSITION TO THE DEFENDANTS CITY OF NEW  
YORK, ET AL'S MOTION FOR SUMMARY JUDGMENT**


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**WORBY GRONER EDELMAN & NAPOLI BERN, LLP**

*Counsel for :* Plaintiff  
350 Broadway, Suite 7413  
New York, New York 10118  
(212) 267-3700

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The undersigned attorney hereby certifies, pursuant to Fed. R. Civ. P. 11 and 22 NYCRR §130-1.1-a,  
that I have read the within papers and that to the best of my knowledge and belief they are not frivolous as  
that term is defined in 22 NYCRR § 130-1.1(c) and Fed. R. Civ. P. 11.

  
\_\_\_\_\_  
Attorney name: Denise A. Rubin

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PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of an \_\_\_\_\_ duly entered in the \_\_\_\_\_ office  
of the clerk of the within named court on \_\_\_\_\_ 200\_\_.

NOTICE OF SETTLEMENT

that an order \_\_\_\_\_ of which the within is a true copy, will be  
presented for settlement to the HON. \_\_\_\_\_ one of the judges of the  
within named Court, at \_\_\_\_\_ on \_\_\_\_\_ 200\_\_ at \_\_\_\_\_ O'clock \_\_\_\_M.

Dated, \_\_\_\_\_

Yours, etc.

**WORBY GRONER EDELMAN & NAPOLI BERN, LLP**