

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: WORLD TRADE CENTER  
DISASTER SITE LITIGATION  
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Docket No.: 21 MC 100 (AKH)

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

DECLARATION OF  
W. STEVEN BERMAN IN REPLY

W. STEVEN BERMAN, an attorney duly licensed to practice before the Courts of the State of New Jersey and Commonwealth of Pennsylvania and admitted *pro hac vice* to the bar of this Honorable Court, hereby declares the following under penalty of perjury:

1. I am associated with the law firm Worby Groner Edelman & Napoli Bern, LLP, Co-Liaison Counsel for the plaintiffs herein, and offer this Declaration in Reply to Defendant Bechtel's Opposition of Plaintiffs' Motion For Reconsideration.

2. In our primary motion papers seeking reconsideration of the dismissal, Plaintiffs submitted a proposed Amended Complaint at to the Bechtel Defendants. In light of discovery and evidence obtained since the filing of those papers, we respectfully ask that in the event this Court deems it appropriate to have an Amended Complaint filed as to Bechtel, the Plaintiffs be given a reasonable time to update that proposed Amended Complaint to reflect the Plaintiffs' claims based on this newly obtained evidence.

3. Annexed to this Declaration at Exhibit "1" is a true copy of "Front End," Bechtel Briefs, December 2001, p. 2, available online at <http://www.bechtel.com>.

4. Annexed to this Declaration at Exhibit "2" is a true copy of Burkhammer, Stuart C., Black, Norman H. & Vincoli, Jeffery W, "SH&E at Ground Zero," ["SH&E"] p. 11, available online at [http://911research.wtc7.net/cache/wtc/analysis/asse\\_groundzero1.htm](http://911research.wtc7.net/cache/wtc/analysis/asse_groundzero1.htm).

5. Annexed to this Declaration at Exhibit “3” is a true copy of Friedman, Donald, After 9/11: An Engineer’s Work at the World Trade Center, Aug. 2002, Pub., Xlibris Corporation, pp. 105-107.


6. Annexed to this Declaration at Exhibit “4” is a true copy of “World Trade Center – Update,” Occupational Safety & Health Administration Advisory Committee on Construction Safety & Health, December 6, 2001, Transcript.

7. Annexed to this Declaration at Exhibit “5” is a true copy of Symposium: “From Ground Zero – Building in the Aftermath” [“From Ground Zero”], National Building Museum, January 28, 2002, Transcript, p. 9.

8. Annexed to this Declaration at Exhibit “6” is a true copy of a document published by the American Journal of Industrial Medicine. The document was authored by Bruce E. Lippy and is titled “Safety and Health of Heavy Equipment Operators at Ground Zero,” published September 6, 2002.

9. Annexed to this Declaration at Exhibit “7” is a true copy of the Affidavit of Joseph DeLuca dated June 6, 2008, the original of which is of record and appended to Plaintiffs’ opposition to the Engineer Defendants’ pending motion for summary judgment.

Dated: New York, New York  
June 30, 2008

  
W. Steven Berman (WB-1672)

**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 30, 2008, I duly served a true copy of the within **DECLARATION OF W. STEVEN BERMAN IN REPLY TO DEFENDANT BECHTEL'S OPPOSITION OF PLAINTIFFS' MOTION FOR RECONSIDERATION** upon the following persons via e-mail delivery and through this Court ECF filing system.

Joseph E. Hopkins, Esq.  
James Tyrrell, Esq.  
Patton Boggs, LLP  
1 Riverfront Plaza, 6th Floor  
Newark, New Jersey 07102

Beth D. Jacob, Esq.  
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New York, New York 10271

  
Denise A. Rubin

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**DECLARATION OF W. STEVEN BERMAN IN REPLY TO DEFENDANT BECHTEL'S  
OPPOSITION OF PLAINTIFFS' MOTION FOR RECONSIDERATION**

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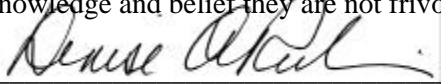
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**WORBY GRONER EDELMAN & NAPOLI BERN, LLP**

Plaintiffs' Co-Liaison Counsel  
350 Fifth Avenue, 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/or 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).

  
\_\_\_\_\_  
Attorney name:

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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**