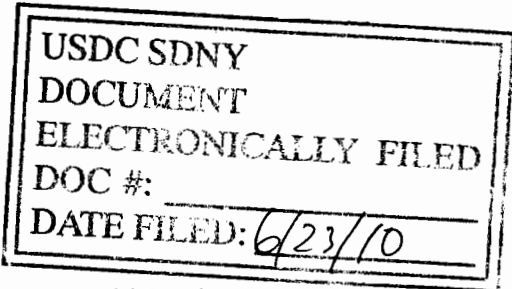


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER DISASTER	:	<u>ORDER APPROVING</u>
SITE LITIGATION	:	<u>MODIFIED AND IMPROVED</u>
-----	:	<u>AGREEMENT OF</u>
	:	<u>SETTLEMENT</u>
IN RE WORLD TRADE CENTER LOWER	:	
MAHATTAN DISASTER SITE LITIGATION	:	21 MC 100 (AKH)
-----	:	21 MC 102 (AKH)
	:	21 MC 103 (AKH)
IN RE COMBINED WORLD TRADE CENTER	:	
AND LOWER MANHATTAN DISASTER SITE	:	
LITIGATION	:	
-----	x	



ALVIN K. HELLERSTEIN, U.S.D.J:

Whereas, certain parties have provided to the Court a World Trade Center Litigation Settlement Process Agreement, As Amended (“Amended Settlement Process Agreement”), amending the World Trade Center Litigation Settlement Process Agreement dated March 11, 2010 (“Settlement Process Agreement”) and modifying and improving the terms and conditions that the Court discussed during the hearing it conducted March 19, 2010, and

Whereas, the Court having directed by Order of June 10, 2010 that an open, public hearing be held on June 23, 2010, at which the parties and the public could present their views of the Amended Settlement Process Agreement, to allow the Court, at the end of the hearing, to rule on the fairness, reasonableness, and adequacy of the Amended Settlement Process Agreement, and

Whereas, the Court having directed by Order of June 10, 2010 that all who wished to speak at the June 23, 2010 hearing may register with the law firm of Worby Groner Edelman & Napoli Bern, and

Whereas, the Court having posted the June 10, 2010 Order and the Amended Settlement Process Agreement and its annexes, as well as a fair and accurate summary of the Amended Settlement Process Agreement and its annexes and of the matters to come before the Court on June 23, 2010, on the Court's website at <http://www.nysd.uscourts.gov/cases.php?form=sept11>, and

Whereas, the Court having over-ruled the parties' objections as to the exercise of authority and jurisdiction by the Court over the Settlement Process Agreement in its original and amended versions, including as to the Court's authority and jurisdiction to review, authorize, approve, amend, make appointments, determine attorneys' fees and costs, or otherwise interfere with the implementation of the Settlement Process Agreement and the Amended Settlement Process Agreement, including as relates to all terms, conditions and appointments thereunder, and

Whereas, all parties' above-referenced objections and any rights to appeal all orders and statements of the Court are expressly preserved and not waived by the parties, and

Whereas, the Amended Settlement Process Agreement establishes a procedure by which plaintiffs can resolve their cases against the City of New York and the entities listed in Exhibit A thereto, and

Whereas, the Amended Settlement Process Agreement was arrived at after more than twenty-two months of arm's length negotiations conducted in good faith by counsel for the parties, and

Whereas, these litigations present difficult and complex issues as to liability and damages as to which there are substantial grounds for difference of opinion, and

Whereas, the Court having carefully reviewed the Amended Settlement Process Agreement and the improved benefits and procedures reflected therein, and

Whereas, the Court having received extensive comments and feedback from the parties and the public at the hearing on June 23, 2010, and

Whereas, the Court having concluded that the Amended Settlement Process Agreement is fair, reasonable, adequate, just and in the best interests of the parties in light of the complexity, expense, and duration of litigation and the risks involved in establishing liability, damages, and in maintaining the actions through trial and appeal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Amended Settlement Process Agreement is fair, reasonable, adequate, just and in the best interests of the parties.
2. The protocol in the form set out at Exhibit B to the Court's June 10, 2010 Order, applicable to cases settled under the Amended Settlement Process Agreement, accepting the voluntary fee reduction to 25% by plaintiffs' attorneys, to be deducted from each plaintiff's net recovery after deduction of appropriate expenses, and establishing procedures for the approval of "Common Benefit" expenses incurred by Plaintiffs' Liaison Counsel, is adopted.
3. Matthew L. Garretson and the Garretson Firm Resolution Group are appointed as the Allocation Neutral, responsible for determining the specific entitlements of each plaintiff under the Amended Settlement Process Agreement.
4. Kenneth Feinberg is appointed as the Claims Appeals Neutral, responsible for hearing appeals from determinations made by the Allocation Neutral under the Amended Settlement Process Agreement.

5. Professor Roy D. Simon is appointed to review certain communications to plaintiffs regarding the Amended Settlement Process Agreement.

6. The case management orders in 21 MC 100, 21 MC 102, and 21 MC 103, numbered One, Two, and Three, respectively, in the form set out at Exhibit C to the Court's June 10, 2010 Order, to regulate all cases that are not settled and all newly-filed cases, are adopted and will be separately signed and entered.

7. The parties' objections to and rights to appeal from this Order and all prior orders and statements of this Court pertaining to the Settlement Process Agreement and Amended Settlement Process Agreement are expressly preserved.

SO ORDERED.

Dated: June ~~23~~²³ 2010
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge