

March 18, 2010

Via ECF

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York , New York 10007

Re: In Re: World Trade Center Disaster Litigation
21-MC-100

Dear Judge Hellerstein:

I write with regard to the proposed settlement agreement in the World Trade Center actions. Our office represents six (6) separate non Worby/Sullivan Plaintiffs in regards to one of the pending World Trade Center Litigation matters. I write to request the opportunity to raise the following issues at the March 19, 2010 conference before Your Honor. While the terms and conditions were outlined to the Court on Friday, March 12, 2010, there remain several significant issues that are not clear to our office in regards the proposed settlement provisions currently under review by your Honor.

You had ordered that anyone with concerns or questions in regards to the proposed settlement to notify the Court before noon on Thursday, March 18, 2010. We respectfully request an opportunity to raise the following issues and concerns unless addressed by other parties to the conference on Friday, March 19, 2010 before your Honor.

1. Does the ninety-five percent (95%) settlement number apply to the Worby and/or Sullivan Plaintiff's only, in other words if a sufficient number of their clients agree will that give them a settlement to the exclusion of all other non-liaison counsel Plaintiffs?
2. Will the settlement proposal give the Plaintiffs a reasonable range or estimate of their recovery *before* they have to elect to opt-in or out of the agreement?
3. Will any settlement with the WTC captive insurance preclude the Plaintiff's from applying for any other Victims Compensation Fund (VCF) currently making its way through Congress (H.R. 3543 - Zadroga Health and Compensation Act)? Would any settlement proceeds be an offset to any other such compensation or would it be an exclusion such as an election of remedies?

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4. What about those Plaintiff's who have only recently filed Notice under the Nolan Law extension, but have not yet filed suit, do they have to file suit now to be included in settlement pool that the proposal covers or do they now become future claimants under the remaining proceeds of the captive insurance?
5. We would like to be assured of full and complete communication between liaison counsel and other counsel who have clients who have made claims.
6. What are the ramifications for such claimants who decide to opt out of the settlement as to liability proofs?

Thank you for your time and consideration.

Respectfully yours,

HOFMANN & ASSOCIATES

JGF/gh

By: _____
James G. Fitzsimons

cc: Worby, Groner, Edelman & Napoli Bern, LLP
Sullivan Papain Block McGrath & Cannavo P.C.
Patton Boggs