

*Since the information is useful and complicated, involves more than 1000 more than 1000 plaintiffs, the objectives are serious, produced by these plaintiffs, the objectives are serious, on the advice of my*

GREGORY J. CANNATA & ASSOCIATES  
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March 24, 2010

Honorable Alvin K. Hellerstein  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: World Trade Center Litigation Settlement Proposal  
21 MC 100, 102 & 103 (AKH)

Dear Judge Hellerstein:

*showing of specific prejudice, the information should be supplied within 10 days from the date hereof or, if not practical, within a period shown to be reasonable.*  
3-23-10  
*Alvin Hellerstein*

MAR 22 2010  
ALVIN K. HELLERSTEIN

We have been requested by the Napoli firm to provide an "eligibility list" by this Friday, pursuant to the requirements of pg. 25-26 of the proposed settlement agreement submitted to the Court. Given the Court's position on that initial proposal, we were under the impression that such plan in its current form was a nullity and any time periods inclusive in that plan were no longer in effect, nor would we be bound by them at this juncture. The information sought is:

- i. The full name of the Primary Plaintiff and any corresponding Derivative Plaintiff;
- ii. The case number(s) of any and all actions brought on behalf of the Primary Plaintiff and any corresponding Derivative Plaintiff;
- iii. The consolidated Master Docket Number in which each Plaintiff's claim is pending (21 MC 100; 21 MC 102; 21 MC 103; or Not Applicable);
- iv. The law firm(s) representing each Plaintiff;
- v. The alleged Primary Qualifying Injury of each Primary Plaintiff;
- vi. Whether the Primary Plaintiff claims eligibility to recover from the Permanent Disability Fund;
- vii. Whether the Primary Plaintiff has undergone a Qualifying Surgery; and
- viii. Whether the Primary Plaintiff claims eligibility to recover from a Mixed Orthopedic Injury.

We feel it would be improper, while a new proposal may be under discussion, to impose criteria, that if not met, would exclude certain plaintiffs from any eventual settlement plan. We seek the Court's guidance in this matter as well as any input from the 21MC100 Liaison and the Captive representatives.

Respectfully,

s/ \_\_\_\_\_  
Gregory Cannata

s/ \_\_\_\_\_  
Robert Grochow

cc: e-mail list of Liaison and Captive and 21MC102 plaintiff's counsel

MEMO ENDORSED

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DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/23/10

**In re World Trade Center Litigation** – 21 MC 100, 21 MC 102 and 21 MC 103 (AKH)

Judge Alvin Hellerstein memo-endorsed the attached letter dated March 24, 2010 from Messrs. Gregory Cannata and Robert Grochow:

“Since the information is useful and compliance involves not much more than consulting information already produced by these plaintiffs, the objections are denied. In the absence of any showing of specific prejudice, the information should be supplied within 10 days from the date hereof or, if not practical, within a period shown to be reasonable.

3-23-10

Alvin K. Hellerstein”