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August 18, 2003

By Hand

JASON T. COHEN

Honorable Theodore H. Katz
United States Magistrate Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1660
New York, NY 10007-1312

New
file
① World Trade
Center -
Correspondence

Re: In Re September 11 Litigation

Theresa Hartey, Edward Gala
Esposito, James Melendez and
Port Authority of New York and New Jersey, Silverstein
Properties, Inc., Bovis Lend Lease, Inc., Department of
Environmental Protection, Mazzocchi Wrecking, Scalomandre,
Phillips and Jordan (03-CV-3040) (AKH) (THK)

Dear Judge Katz:

We are attorneys for World Trade Center Properties LLC (incorrectly sued as Silverstein Properties, Inc.). We write with regard to Judge Hellerstein's June 20, 2003 Opinion and Order Partially Granting and Partially Denying Motions to Remand Cases to State Court ("June 20 Order"). Although the actions on behalf of three of the plaintiffs (Hartey, Galanek and Melendez) in the above-captioned case were categorized in Exhibit C to the June 20 Order as cases involving exposure only at Fresh Kills (and thus cases that should be remanded), we believe that these actions should be categorized as ones requiring clarification to determine jurisdiction. This would be consistent with the Court's treatment of the other plaintiffs (Robert Esposito, Denise Esposito and Leon) in this action, which, based on the same allegations, are categorized in Exhibit E to the June 20 Order as cases requiring clarification to determine jurisdiction.

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We call your attention to paragraph 11 of the Amended Verified Complaint ("complaint"), which states that "Silverstein Properties, Inc. . . . owned, managed, operated, and maintained certain premises known as the 'World Trade Center'" and paragraph 16 of the complaint, which states that "[p]laintiffs were subjected to such conditions at these sanitation facilities, which are their places of work, as to put their health and well being in danger." Because the only two "facilities" or "places of work" mentioned in the complaint are the World Trade Center site and Fresh Kills,

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Re: In Re September 11 Litigation 21 MC 97 (AKH) (THK)

Theresa Hartey, Edward Galanek, Robert Esposito, Denise Esposito, James Melendez and Yvonne Leon v. City of New York, Port Authority of New York and New Jersey, Silverstein Properties, Inc., Bovis Lend Lease, Inc., Department of Environmental Protection, Mazzoocchi Wrecking, Scalmandre, Phillips and Jordan (03-CV-3040) (AKH) (THK)

Dear Judge Katz:

We are attorneys for World Trade Center Properties LLC (incorrectly sued as Silverstein Properties, Inc.). We write with regard to Judge Hellerstein's June 20, 2003 Opinion and Order Partially Granting and Partially Denying Motions to Remand Cases to State Court ("June 20 Order"). Although the actions on behalf of three of the plaintiffs (Hartey, Galanek and Melendez) in the above-captioned case were categorized in Exhibit C to the June 20 Order as cases involving exposure only at Fresh Kills (and thus cases that should be remanded), we believe that these actions should be categorized as ones requiring clarification to determine jurisdiction. This would be consistent with the Court's treatment of the other plaintiffs (Robert Esposito, Denise Esposito and Leon) in this action, which, based on the same allegations, are categorized in Exhibit E to the June 20 Order as cases requiring clarification to determine jurisdiction.

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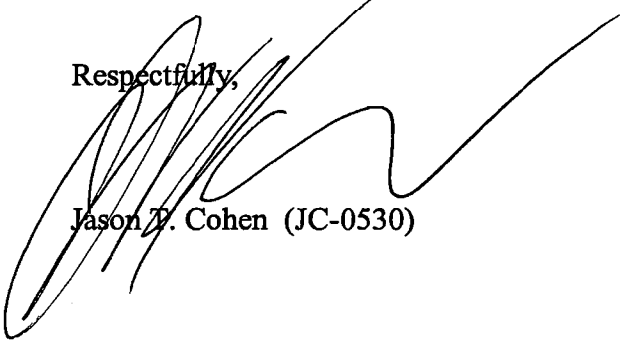
We call your attention to paragraph 11 of the Amended Verified Complaint ("complaint"), which states that "Silverstein Properties, Inc. . . . owned, managed, operated, and maintained certain premises known as the 'World Trade Center'" and paragraph 16 of the complaint, which states that "[p]laintiffs were subjected to such conditions at these sanitation facilities, which are their places of work, as to put their health and well being in danger." Because the only two "facilities" or "places of work" mentioned in the complaint are the World Trade Center site and Fresh Kills,

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August 18, 2003
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we believe that the complaint may allege respiratory injuries arising out of work performed by the plaintiffs at both the World Trade Center site and Fresh Kills. A copy of the complaint is attached for your convenience.

Accordingly, we respectfully request that this action be evaluated in accordance with the June 20 Order to determine where plaintiffs worked.

Respectfully,


Jason T. Cohen (JC-0530)

Encs.

cc w/encs: Hon. Alvin K. Hellerstein (by hand)

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cc w/o encs: All Known Defense Counsel
(by hand, fax or e-mail)