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MICHAEL A. CARDOZO
Corporation Counsel

January 15, 2003

Hon. Christopher O. Ward
Commissioner of the Department of Environmental Protection
59-17 Junction Boulevard
Corona, NY 11368

Re: World Trade Center Litigation Document Retrieval Process

Dear Commissioner Ward: *Chris*

As I reported at the Agency head meeting with the Mayor in December, a substantial number of wrongful death, personal injury and property damage claims have been filed against the City as the result of the terrorist attack on the World Trade Center on September 11, 2001. I have created a unit, within the Law Department's Tort Division, to defend the City's interests with respect to those claims. Although we do not yet know the final parameters of the universe of claims against the City, it is vital to the Unit's work that we not only prepare to defend against the claims we know about, but also anticipate claims that may be raised in the future.

Accordingly, the Unit is in the process of implementing a Citywide document retrieval program to obtain and review every document in the possession of any and all City agencies that may conceivably be related to the World Trade Center disaster and subsequent recovery effort. This will be necessary not only for production of documents during the discovery phase of the various lawsuits we will defend, but to permit us to prepare for and anticipate any claims, whether or not they have been filed at this time. Our search for documents will encompass the broadest possible definition of relevance to the critical events. In order to ensure compliance with the City's long-term discovery obligations in this critical litigation, it will be necessary for the Law Department to take custody of the original files. Duplicate files will be provided for your agency.

Inasmuch as your agency was significantly involved in the crucial actions of the City in response to the attack on the World Trade Center, I ask you to begin as quickly as possible to aid my staff in the document retrieval effort. To that end, I request that you designate a member of your Senior Staff to serve as principal liaison with Law Department personnel.

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Once that is done, those people directly involved can work out the details of the protocol my staff has developed for all City agencies. In the meantime, however, I wish to reiterate our prior instructions that all documents pertaining in any way to the attack on the World Trade Center and the subsequent rescue and recovery efforts must be retained. Documents and data in electronic form should also be retained. To the extent possible these documents should be kept in the locations in which they are maintained in the regular course of business so that we can properly document the source of each document.

I cannot overemphasize the importance of your agency's participation in this effort. Please let Jesse Levine of the World Trade Center Unit, at (212) 788-1332, know whom my staff can contact. Thank you for your cooperation.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Michael A. Cardozo", written in a cursive style.

Michael A. Cardozo

cc: Mark D. Hoffer, Esq., General Counsel