

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/3/09

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 IN RE: WORLD TRADE CENTER
 DISASTER SITE LITIGATION

-----X
 BODILY-INJURY, NON-RESPIRATORY,
 NON-INGESTION CASES
 -----X

21-MC-100 (AKH)

**PLAINTIFFS' CO-LIAISON
COUNSEL ORDER**

I. Applicability of this Order

This Order applies to all cases in which Plaintiffs allege solely non-respiratory, non-ingestion, bodily injuries resulting from work performed on the World Trade Center site after the terrorist-related attacks of September 11, 2001, and sets forth various duties of Plaintiffs' Liaison Counsel as follows:

The Court officially designates Marion S. Mishkin, Esq., of the Marion S. Mishkin Law Office, 155 East 77th Street, New York, New York 10075, as ~~Plaintiffs' Co-Liaison Counsel, and designates~~ Joel M. Lutwin, Esq., of the Law Office of Joel M. Lutwin, Esq., 401 Broadway, New York, New York 10013, as Plaintiffs' Co-Liaison Counsel.

(Handwritten initials)

A. Individual counsel for Plaintiffs shall continue to coordinate and communicate with ~~Marion S. Mishkin, Esq.~~ *Co-Liaison Counsel as they are established.* Defendants' Co-Liaison Counsel shall coordinate and communicate with Joel M. Lutwin, Esq. All written communications from Defendants' Co-Liaison Counsel shall be jointly addressed to Plaintiffs' Co-Liaison Counsel. The responsibilities, authority and duties with which the Court hereby vests in Plaintiffs' Co-Liaison Counsel include:

- i. ~~Marion S. Mishkin, Esq. shall~~ continue to confer with individual counsel for Plaintiffs, including, but not limited to, coordinating response to questions, suggestions and requests from the Court or opposing counsel regarding instructions, procedures, orders, schedules, or other matters;
- ii. Joel M. Lutwin, Esq. shall receive Orders, Notices, correspondences and

(Handwritten initials)

telephone calls from the Court on matters of general applicability to these Plaintiffs or Defendants as the case may be;

- iii. Joel M. Lutwin shall communicate with the Court and Defendants' Co-Liaison Counsel on scheduling issues or other matters as the Court may direct;
- iv. ~~Marion S. Mishkin, Esq.~~ shall continue to distribute to counsel for individual Plaintiffs Orders of the Court and documents from opposing counsel, and continue to coordinate with individual counsel for Plaintiffs to facilitate Plaintiffs' compliance with Orders of the Court and responses to suggestions and requests of Defendants' Co-Liaison as circumstances advise; (ACK)
- v. ~~Marion S. Mishkin, Esq.~~ shall continue to maintain an official service list of Plaintiffs' and Defendants' counsel in cases subject to his Order, including personas or entities they represent; (ACK)
- vi. ~~Marion S. Mishkin, Esq.~~ shall continue to be responsible for service and filing of joint pleadings; (ACK)
- vii. Plaintiffs' Co-Liaison Counsel shall consider proposals for future case management orders or other case management procedures and issues;
- viii. Plaintiffs' Co-Liaison Counsel shall perform such other administrative tasks as may be necessitated.

All pleadings, motion papers, discovery responses, and other papers and documents shall be served on ^{ad on} Plaintiffs' and Defendants' Counsel for the parties in these cases to which such papers apply. ~~Service on Liaison Counsel shall not suffice for the opposing party.~~ ^{Liaison counsel shall serve all affected parties as well.} (ACK)

Notwithstanding the appointment of Liaison Counsel, each counsel shall have the right to participate in all proceedings before the Court as fully as such counsel deems necessary. Liaison Counsel shall not have the right to bind any party except for Liaison Counsels' own clients. Further, Liaison Counsel shall remain free to represent the interests and positions of their clients free of any claim (including, without limitation, any claim of conflict) arising from service as Liaison Counsel.

B. ^{Liaison Counsel} ~~Marion S. Mishkin, Esq.~~ shall be paid for ^{their} ~~her~~ work performed as Liaison Counsel (ACK)

and reimbursed for related expenses incurred, inclusive of work performed and expenses incurred, as Liaison Counsel notwithstanding her official designation as such. A reasonable fee for ~~her~~ ^{Ac/d} services as Liaison Counsel and related expenses shall be deemed a litigation expense, payable by counsel for each Plaintiff identified in Appendix "A" of Case Management Order No. 1 ("CMO No. 1"). The scope and sum of such payment shall be payable subject to the Court's approval, and on a later date that will be determined by the Court.

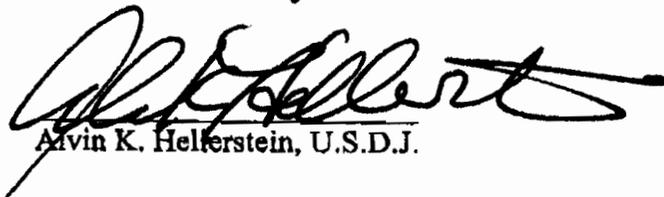
~~Joel M. Lutwin, Esq. shall be reimbursed for necessary and reasonable costs actually incurred in performing the tasks of Co-Liaison Counsel, with expenses apportioned among, and respectively reimbursed by individual counsel for these Plaintiffs upon the Court's approval and at a time as determined by the Court.~~ ^{Ac/d}

C. The appointment of Liaison Counsel shall not relieve any counsel from the duty to maintain, and transmit where required, accurate, current, and complete information concerning their individual cases. Each counsel is individually responsible to promptly inform Marion S. Mishkin, Esq. of any changes to their contact information and for the completeness, accuracy, and current status of all information conveyed to Liaison Counsel, or, as the case may be, through Co-Liaison Counsel to the Court.

Dated: New York, New York

April 3 2009

So Ordered, *as modified*


Alvin K. Hellerstein, U.S.D.J.