



herewith, it is now

(1) ORDERED that the applications are granted and the actions set forth above and listed in the Appendix (with the exception of McLean v. Tully Construction Co., Index No. 20172/2002 (Queens Cty.) and Iacono v. Grace Construction & Development Corp., Index No. 21236/2002 (Bronx Cty.)) shall be coordinated pursuant to Section 202.69 of the Uniform Rules for the Trial Courts in the Supreme Court of the State of New York, County of New York, before a Coordinating Justice of that County; and it is further

(2) ORDERED that, pursuant to Section 202.69 (c) (1), the Administrative Judge of the First Judicial District, the Honorable Jacqueline W. Silbermann, shall designate the Coordinating Justice; and it is further

(3) ORDERED that any actions seeking damages for personal injury alleged to have arisen out of the attacks on the World Trade Center in Manhattan on September 11, 2001 or the subsequent rescue, recovery, or debris removal work at the Trade Center site that were filed in the Supreme Court of the State of New York heretofore and that remain active but that are not listed in the caption above or the Appendix or that are filed hereafter in said court shall, in accordance with Subdivision F of the Procedures of the Panel, likewise be coordinated pursuant to Section 202.69 in New York County before the said Coordinating Justice unless the Panel rules otherwise as provided in said Subdivision; and it is further

(4) ORDERED that the Clerk of the Panel shall forthwith transmit a copy of the Decision of the Panel and this Order to counsel for all parties herein, the Justices to whom

each of the above actions is currently assigned, and Honorable Jacqueline W. Silbermann, Administrative Judge of the First Judicial District; and it is further

(5) ORDERED that, within 15 days from receipt of a copy of this Order, counsel for the applicants shall serve a copy of the Panel's Decision and this Order with notice of entry upon the Clerks of the Supreme Court for Queens and Bronx Counties, who are directed, upon payment of appropriate fees, if any, to transmit the files in the actions listed in the Appendix (not including McLean and Iacono) that are pending in said Counties to the Clerk of the Supreme Court, New York County; and it is further

(6) ORDERED that, with respect to any additional World Trade Center action that is to be coordinated as provided in Paragraph (3) hereof, upon service of a copy of the decision of the Panel and this Order with notice of entry, together with either the affidavit of compliance or the further decision of the Panel pursuant to Subdivision F of the Procedures of the Panel, upon the Clerk of the Court in which any such additional action is or hereafter shall be pending (other than the Supreme Court, New York County) as provided in Subdivision F, the said Clerk shall forthwith transfer to the Clerk of Supreme Court, New York County, after payment of appropriate fees, if any, the file in any such additional action that is to be coordinated as provided in this Order and Subdivision F; and it is further

(7) ORDERED that, the Clerk of the Supreme Court, New York County, shall assign a New York County index number without fee to any action transferred to that County from another as provided above and such number shall serve as a means of identification and

orderly processing of any such case while it remains in New York County for the purpose of coordination.

This constitutes the Order of the Panel.

Dated: New York, New York  
June 30, 2004

  
HON. RAYMOND E. CORNELIUS  
Associate Justice, Fourth Department

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HON. E. MICHAEL KAVANAGH  
Associate Justice, Third Department

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HON. JOSEPH J. MALTESE  
Associate Justice, Second Department<sup>1</sup>

**FILED**  
AUG 5 - 2004  
COUNTY CLERK'S OFFICE  
NEW YORK

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<sup>1</sup> Hon. Helen E. Freedman, the Presiding Justice of the Panel, took no part in the consideration or resolution of this matter.

listed in the Appendix (not including McLean and Iacono) that are pending in said Counties to the Clerk of the Supreme Court, New York County; and it is further

(6) ORDERED that, with respect to any additional World Trade Center action that is to be coordinated as provided in Paragraph (3) hereof, upon service of a copy of the decision of the Panel and this Order with notice of entry, together with either the affidavit of compliance or the further decision of the Panel pursuant to Subdivision F of the Procedures of the Panel, upon the Clerk of the Court in which any such additional action is or hereafter shall be pending (other than the Supreme Court, New York County) as provided in Subdivision F, the said Clerk shall forthwith transfer to the Clerk of Supreme Court, New York County, after payment of appropriate fees, if any, the file in any such additional action that is to be coordinated as provided in this Order and Subdivision F; and it is further

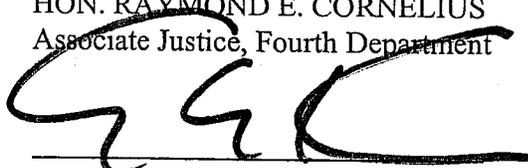
(7) ORDERED that, the Clerk of the Supreme Court, New York County, shall assign a New York County index number without fee to any action transferred to that County from another as provided above and such number shall serve as a means of identification and orderly processing of any such case while it remains in New York County for the purpose of coordination.

This constitutes the Order of the Panel.

Dated: New York, New York  
June 30, 2004

**FILED**  
AUG 5 - 2004  
COUNTY CLERK'S OFFICE  
NEW YORK

HON. RAYMOND E. CORNELIUS  
Associate Justice, Fourth Department



HON. E. MICHAEL KAVANAGH  
Associate Justice, Third Department

orderly processing of any such case while it remains in New York County for the purpose of coordination.

This constitutes the Order of the Panel.

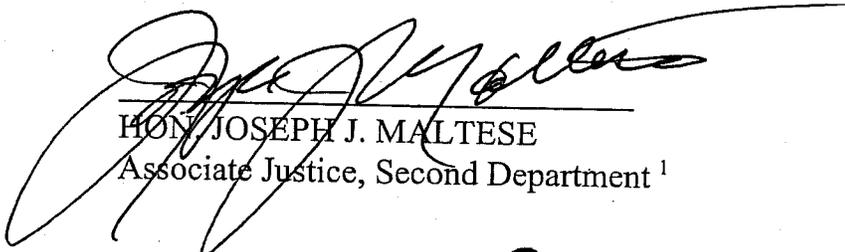
Dated: New York, New York  
June 30, 2004

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HON. RAYMOND E. CORNELIUS  
Associate Justice, Fourth Department

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HON. E. MICHAEL KAVANAGH  
Associate Justice, Third Department



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HON. JOSEPH J. MALTESE  
Associate Justice, Second Department<sup>1</sup>

**FILED**  
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<sup>1</sup> Hon. Helen E. Freedman, the Presiding Justice of the Panel, took no part in the consideration or resolution of this matter.

## APPENDIX

<u>CASE</u>	<u>INDEX NO.</u>	<u>COUNTY</u>	<u>JUSTICE ASSIGNED</u>
Nimmo v. Tully Construction Co., Inc.	123504/01	New York	Hon. Michael D. Stallman
Graybill v. The City of New York	123754/01	New York	Hon. Michael D. Stallman
Iacono v. Grace Construction & Development Corp.	21236/02	Bronx	Hon. Kenneth L. Thompson, Jr.
McClellan v. Tully Construction Co., Inc.	20172/02	Queens	Hon. Orin R. Kitzes
Romero v. AMEC Construction Management Inc.	105416/02	New York	Hon. Michael D. Stallman
Roche v. FGP 90 West Street	107984/02	New York	Hon. Michael D. Stallman
Gorglione vs. Bovis Lease LMB, Inc.	109836/02	New York	Hon. Edward H. Lehner
Burke v. The City of New York	112066/02	New York	Hon. Michael D. Stallman
Sferrazza v. The Port Authority of New York and New Jersey	114397/02	New York	Hon. Michael D. Stallman
Spagnuolo v. The Port Authority of New York and New Jersey	115624/02	New York	Hon. Michael D. Stallman
Luge v. Tully Construction Co., Inc.	116290/02	New York	Hon. Michael D. Stallman
Feal v. Turner Construction Co.	116319/02	New York	Hon. Michael D. Stallman
Botch v. The City of New York	118467/02	New York	Hon. Michael D. Stallman

<u>CASE</u>	<u>INDEX NO.</u>	<u>COUNTY</u>	<u>JUSTICE ASSIGNED</u>
Murphy v. The City of New York	121701/02	New York	Hon. Michael D. Stallman
Daly v. Port Authority of New York & New Jersey	122015/02	New York	Hon. Michael D. Stallman
Montalvo v. The City of New York and New Jersey	123930/02	New York	Hon. Michael D. Stallman
Pursley v. The City of New York	124257/02	New York	Hon. Michael D. Stallman
Campo v. Tishman Construction Corporation	127906/02	New York	Hon. Michael D. Stallman
Strohschein v. Silverstein Properties, Inc.	127995/02	New York	Hon. Michael D. Stallman
Sullivan v. Grace Industries, Inc.	4869/03	Queens	None
Kosmaczewski v. The City of New York	100277/03	New York	Hon. Michael D. Stallman
Magee v. The Port Authority of New York and New Jersey	102010/03	New York	Hon. Michael D. Stallman
Pursley v. The City of New York	102287/03	New York	Hon. Michael D. Stallman
Johnson v. Bovis Lend Lease LMB	103630/03	New York	Hon. Michael D. Stallman
Buonamini v. The City of New York	111048/03	New York	Hon. Michael D. Stallman
Ostrander v. The City of New York	111800/03	New York	Hon. Michael D. Stallman
Hickey v. Breeze International, Inc.	401735/03	New York	Hon. Michael D. Stallman
Buonamimi v. The Port Authority of New York and New Jersey	13962/03	Bronx	None
Fergus v. The City of New York	120817/02	New York	Hon. Michael D. Stallman