

Insurance Times: Rescue Workers, Business Owners Line Up To Sue NYC

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NEW YORK — From rescue workers who say they have lung problems to business owners who say their shops were damaged, 1,300 people have given notice they may sue the city for a total of \$7.18 billion over the aftermath of the World Trade Center attack.

The claims involve injuries or damage caused not by the attack itself but by the alleged negligence of the city during the recovery and cleanup.

The vast majority are from firefighters who say the city gave them inadequate respiratory protection at the smoldering trade center site.

Not all of those who served notice will sue. Some, for example, may instead seek money from the federal victims compensation fund. But the notices preserve their right to bring a lawsuit.

The notices show the extent of the health complaints being lodged by hundreds of firefighters, police officers and other recovery workers who fear cancer or other ailments.

Asbestos, benzene, dioxin, PCBs and other contaminants have been detected in the twin towers' ruins. In the first few days after the attack, as many as 150 firefighters and police officers were at the scene 24 hours a day.

Firefighter Palmer Doyle said he worked two 12-hour days without a respirator at the site. He filed notice of a \$10 million claim.

"ou run up a couple flights of stairs, which I used to do with no problem, and you find yourself sucking in the air," he said. "What if, five years down the road, we develop lung cancer or something like that?"

Most other notices are from property owners near the trade center.

Police officers commandeered Murray's Deli, about four blocks from the twin towers, on the day of the attack, according to Brian Rappaport, the owners' lawyer. They allege the shop was left open by police, robbed and vandalized. The city is self-insured and awards from successful lawsuits would be paid out of the city's general fund.

"We don't believe the city is liable. But we'll obviously have to take a look at the complaints if and when they come in," said Corporation Counsel Michael Cardozo, the city's chief lawyer.

Notices to sue have to be filed within 90 days, though people can go to court and obtain a waiver of the deadline.

An additional 111 notices have been filed with the Port Authority of New York and New Jersey, the owner of the World Trade Center complex.

Some city workers could be eligible for benefits from the federal victims' compensation fund. Kenneth Feinberg, the fund's administrator, said workers would have to waive their right to sue if they sought federal compensation, but would get money more quickly and easily through the fund.

Yet many firefighters worry that they could develop cancer long after tapping into the federal fund, said Michael Barasch, whose law firm filed notices on behalf of several hundred workers.

Fire Department spokesman Frank Gribbon said the department tried to get respirators to firefighters as fast as possible after the attack.

"We know that they were available in a limited capacity in the days that followed Sept. 11," Gribbon said. They soon became more plentiful, he said, but even then, "guys had them around their necks and they weren't wearing them."

Firefighters may also file for Social Security benefits and receive three-quarters of their last year's pay tax-free for life if a line-of-duty injury forces retirement.