

# The Sun

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## Ground Zero Ruling Could Cost City Billions of Dollars

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A federal appeals court in New York is refusing to grant New York City immunity from lawsuits by thousands of city employees and construction workers who cleaned up ground zero after the September 11, 2001, terrorist attacks and now say they suffer from respiratory illnesses.

A decision yesterday by the 2nd U.S. Circuit Court of Appeals means that the laborers are one step closer to trials or settlements. A three-judge panel of the court ruled unanimously that the city was not automatically entitled to immunity from the suits.

"This was the last legal obstacle standing between 10,000 people and their jury, their trial," a lawyer who represents many of the plaintiffs, David Worby, said.

Mr. Worby claims that about 550 of those 10,000 have cancer related to their exposure to toxins at ground zero.

The lawsuits claim that the city failed to ensure that ground zero was a safe workplace. High among the claims is the assertion that the city failed to enforce rules requiring laborers to wear respirators while working amid the toxins and rubble.

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New York City and the Port Authority of New York and New Jersey, both of which are defendants in the suits, have argued that they deserve immunity from the suits because the cleanup effort was part of a response to an unprecedented emergency. They say they should not be liable for paying potentially billions of dollars in damages.

The city's corporation counsel, Michael Cardozo, said in a statement that he was "confident that as the facts unfold" the city would ultimately be found to be immune from the lawsuits.

The first significant ruling in the case came in 2006, when a federal district judge in Manhattan, Alvin Hellerstein, found that the city was not liable for the conditions at ground zero in the days immediately after the terrorist attacks. But Judge Hellerstein ruled that the lawsuits could go forward against the city's wishes to give workers the chance to prove that ground zero remained an unsafe work environment weeks and months after September 11, 2001. The city and the Port Authority appealed to the 2nd Circuit, which yesterday denied their appeal in a highly technical ruling.

The appeal was decided by Judges Jon Newman, Sonia Sotomayor, and Richard Wesley.

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