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NY courts forced to hear 9/11 lawsuits

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Posted: 4/2/08

When the World Trade Center collapsed on Sept. 11, John Feal, a city demolition supervisor, was one of thousands of responders first dispatched to clean up the rubble. But after a steel beam crushed Feal's left foot, he became permanently disabled and was forced to retire.

Like many other responders, Feal said his workman's compensation claims were repeatedly denied by the city after the emergency.

But that may change.

Feal, who founded the FealGood Foundation, a group that advocates for Sept. 11 responders, is one of nearly 10,000 workers suing the city for injuries and health problems caused by unsafe conditions at ground zero during cleanup. And thanks to a recent federal court decision, they may be one step closer to seeing a settlement.

The U.S. Second Circuit Court of Appeals ruled last week that New York City is not immune to WTC workers' claims. In the decision, the appellate court stated, "private contractors are paid for their services and able to pass along the cost of liability protection to the government."

The Second Circuit decision does not necessarily mean that the 10,000 responders will receive compensation. However, the decision indicates that these lawsuits can move closer to trial or settlement.

Many of the responders have severe respiratory illnesses and other ailments they attribute to improper protection by the city from the dust at the World Trade Center site.

The city argued, however, that it had immunity from the lawsuits because it was responding to an emergency situation, which required an "extraordinary response," according to a statement. When a Manhattan district court said there was not enough evidence for immunity, the city appealed to the Second Circuit Court, which upheld the district court's decision.

The City Law Department's Corporation Counsel Michael A. Cardozo said in a statement that although disappointed with the decision, the law department is "confident that the city and contractors will be found to be immune from the lawsuits" in future litigations.

David E. Worby, the attorney who is representing most of the responders, told The New York Times that if the case goes to trial, the city may wind up paying billions of dollars in compensation.

Though the recent ruling is good news for Feal and his fellow responders, he wasn't completely content with the decision. Feal said in a phone interview that the decision was "a step in the right direction, but it was four to five years late." However, he added that he was "optimistic that by the end of the year, people will start getting compensated."

It is unclear what the next step in the legal battle will be. Cardozo said in the statement that the law department has not yet decided whether to appeal last week's decision to the Supreme Court.

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