

New York Daily News - <http://www.nydailynews.com>**Heroes welcome to sue**

BY JOSE MARTINEZ

DAILY NEWS STAFF WRITER

Wednesday, August 9th, 2006

Hundreds of people allegedly sickened by the toxic clouds of 9/11 deserve their day in court, no matter what Mayor Bloomberg says, a state judge ruled yesterday.

A decision clears the way for more than 200 ailing cops, firefighters and other workers at Ground Zero to sue the city in Federal Court - even though they missed the legal deadline for filing their claims.

"This is certainly a weight lifted from their shoulders. Now they at least have a shot to be compensated for what they did," said David Worby, a lawyer who has filed lawsuits on behalf of 8,000 World Trade Center responders and their survivors.

"This is one less roadblock they need to fight," added attorney Paul Napoli, who also represents injured workers.

Manhattan Supreme Court Justice Michael Stallman waived the 90-day notice of claim requirement, ruling the workers may not have realized until it was too late that their problems may have been linked to their time at Ground Zero.

He cited case law that said such deadlines "should not operate as a device to defeat the rights of persons with legitimate claims."

The fight to recognize the 12,000 workers who blame their work at Ground Zero for an assortment of crippling respiratory ailments has been highlighted by a series of recent Daily News editorials.

The News has called on government officials to open their eyes to the staggering fallout from the collapse of the twin towers and the release of tons of asbestos, fuel, concrete and other substances into the air.

The city has fiercely contested the workers' claims, in this case by pointing out the missed deadline and the failure to secure affidavits from doctors that would legitimize the workers' medical woes.

But Stallman rejected the city's arguments.

"We believe this is necessary, and are weighing an appeal," said Peter Weiss, senior counsel for the World Trade Center Unit that represented the city's Law Department.

Lawyers for the workers also have accused the city of pinching pennies and dipping into federal funds to fight the crush of lawsuits.

"They're fighting heroes," Napoli said.