

# Lawyer led 9/11 battle

By JOHN ROCHE

When a federal judge last month rejected a proposed \$657.5 million settlement between the City of New York and thousands of workers sickened during and after the 9/11 attacks, it prolonged the six-year legal fight waged by Bedford resident and attorney David Worby.

U.S. District Court Judge Alvin Hellerstein refused to sign off on the proposed settlement, which would have provided payouts totaling \$575 million to \$657.5 million to 10,000 rescue and cleanup

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workers who have claimed damages to their health from working at ground zero, the Fresh Kills landfill and other sites where debris from the World Trade Center was taken to be sifted through after the 2001 terrorist attack.

Judge Hellerstein rejected the proposal because he said it did not provide enough compensation to the workers, and needed to be renegotiated under his judicial control. The judge also said the workers' attorney fees should be paid by the same insurance company that would cover any settlement with the city, which has \$1.1 billion in reserves for 9/11 compensation.

*continued on page 13*

# Ground zero deal began with a coach's illness

continued from page 1

As the legal process continues, Mr. Worby reflected on how the lawsuit began right in Bedford.

"From my perspective, this whole case started with the Fox Lane hockey coach," said Mr. Worby. "That coach, John Walcott, the first plaintiff, called me for legal help because my kids were in Fox Lane High School at the time. When John starting telling people about how he had gotten sick from his work at ground zero but couldn't get an attorney to take his case or who didn't want money up front, people around Fox Lane and Bedford kept telling him, 'Call David Worby.'"

Mr. Walcott, a 34-year-old police officer assigned to Manhattan when the terrorists struck on Sept. 11, 2001, was diagnosed with leukemia in 2003. He

did get in touch with Mr. Worby, who wrote a letter on his behalf to the victims compensation fund established by Congress. After administrators of the federal fund rejected Mr. Walcott's claim because there was no proof that his illness was directly related to 9/11, Mr.

Worby vowed to continue the fight.

"It just mushroomed from there as other people who were sick and needed some help heard about my work with John Walcott," said Mr. Worby, who through his White Plains-based law firm

Worby Groner Edelman LLP has invested millions of dollars in pursuing the litigation.

Mr. Walcott's partner on the New York City police force, Richard Volpe, a Mount Kisco resident, was diagnosed with kidney disease, which he attributes to his work at ground zero. The pair,

like many other first responders, said they worked without masks because they weren't provided with them. After several weeks, protective masks were provided, although they were later told they weren't equipped with the proper filters, according to the two ex-cops and many other of Mr. Worby's clients.

Now Mr. Worby represents 10,000-plus rescue and cleanup workers who claim they were not adequately protected from the toxic dust at ground zero on the day of the attacks and in the months after the terrorists struck. Mr. Worby and his clients attribute their cancers, damaged lungs and other respiratory problems, gastrointestinal ailments, blood cell cancers and many other illnesses to the toxins they were exposed to on or in the aftermath of the 9/11 attacks.

"What these people have gone through is unbelievable, no question," Mr. Worby said. "But it also amazes me how this suit evolved. It went from me helping John Walcott with a letter be-

cause of our connection through Fox Lane, then becoming a lawsuit with a few other clients, which has now grown to over 10,000. And we went from the city offering these heroes a zero to a settlement offer of \$657 million. It's incredible."

Although the judge on March 19 tossed the settlement because it was "not enough" for the victims, Mr. Worby said the "staggering amount of money" offered by the City of New York represents a complete turnaround from when city officials and others dismissed the claims by Mr. Walcott and other workers that they were sickened by their exposure to toxins on or in the wake of 9/11.

"The city's settlement offer was a true admission that everyone now knows how sick these people really are, how many of them have since died, how many might die in the near future, how many have cancer," Mr. Worby said. "It's been a torturous process for them, and it's not over yet."

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