

washingtonpost.com

Ground Zero Workers Seek Insurance Funds

By Robin Shulman
Washington Post Staff Writer
Wednesday, July 18, 2007; A05

NEW YORK, July 17 -- Ailing rescue workers from the [World Trade Center](#) site filed a lawsuit Tuesday charging that a \$1 billion insurance fund set up after Sept. 11, 2001, violated a congressional mandate to pay their injury claims and instead spent millions of dollars fighting those claims.

The suit alleges that WTC Captive Insurance Co., which is controlled by [New York City](#), has drained the money available for workers, who say that their exposure to toxic dust caused serious illnesses.

"Not a single rescue worker who became sick has seen a penny of this money," said David E. Worby, the lawyer who filed the suit in the state Supreme Court in [Manhattan](#). "It's torturing our people who are sick and dying every day."

But while plaintiffs' lawyers and lawmakers say the fund is designed to pay claims, city officials argue that its purpose is to defend [New York](#) against them. "The insurance company can only pay out monies if somebody sues us in court and wins a judgment against us," [Mayor Michael R. Bloomberg](#) said.

The company has spent almost \$74 million on overhead and legal bills, according to the suit, and has paid out \$45,000, to a worker who fell off a ladder.

Lawyers in this suit are already suing the city on behalf of about 10,000 sick first responders.

The plaintiffs in the new suit are former [New York Police](#) detective John Walcott, who has leukemia; another detective, Frank Maisano, who has lung disease; and Mary Bishop, a volunteer who has sarcoidosis and cancer.

Walcott said the suit is important for "people who are sick and dying, and are losing their homes and can't pay their medical bills."

Judge Alvin K. Hellerstein of the [U.S. District Court](#) in Manhattan, who oversees thousands of lawsuits brought by Ground Zero workers against the city, early this year urged both sides to settle by capping the city's liability at \$1 billion and by providing for a court-appointed special master to dispense compensation awards.

But establishing parameters for disbursements could be complicated, especially as the extent of damage to the health of the tens of thousands of workers who labored at the site is not yet known. Many diseases, such as cancer, could take years to develop.

Advertisement



Choose from 1.7 million songs beamed directly to your phone at SprintSpeed.™

Go to the Sprint Music Showcase **Sprint** ahead

Congress initially allocated New York \$1 billion because the city could not find in the commercial market sufficient insurance against negligence suits.

"It was our intent that the money be used to protect injured workers and not swallowed up by lawyers and legal fees," said [Rep. Carolyn B. Maloney](#) (D-N.Y.). "I never could have imagined we would end up where we are now, without one single worker compensated."

Post a Comment

Ad

Join the discussion. Sponsored by Cisco.  welcome to the human network. **CISCO**

[View all comments](#) that have been posted about this article.

Your washingtonpost.com User ID will be displayed with your comment.

You must be logged in to leave a comment. [Log in](#) | [Register](#)

Comments that include profanity or personal attacks or other inappropriate comments or material will be removed from the site. Additionally, entries that are unsigned or contain "signatures" by someone other than the actual author will be removed. Finally, we will take steps to block users who violate any of our posting standards, terms of use or privacy policies or any other policies governing this site. Please review the [full rules](#) governing commentaries and discussions. You are fully responsible for the content that you post.

© 2007 The Washington Post Company

Ads by Google

[Anti-Bush Shirts and Gear](#)

01/20/09 -- The End of an Error And other messages you have to buy!
www.BeatBushGear.com

[Military Ringtone](#)

Send this complimentary ringtone to your phone right now!
RingRingMobile.com

[Make your Own Wristbands](#)

Use our Easy Wristband Creator Great Selection & Fast Delivery
www.WristbandConnection.com