

NEW YORK POST

CITY STILL SITTING ON 9/11 CASH

By LEONARD GREENE and SUSAN EDELMAN

March 27, 2008 -- New York will hold on tight to a \$1 billion fund to pay the claims of sick Ground Zero workers, despite a federal appeals panel's ruling yesterday that gave their case a boost.

The city and the Port Authority had hoped an immunity claim would get them off the hook to compensate the ill emergency personnel and construction workers who cleaned up after the Sept. 11 terror attacks.

But the 2nd US Circuit Court of Appeals said the 8,000 lawsuits can proceed until a final decision on the city's immunity. The city has tried to get all the suits tossed out.

The ruling was a blow to the city, and good news for workers who say they have suffered from a host of respiratory ailments, cancer and other illnesses.

"Every step of the way, Mayor Bloomberg has been stopping us," said David Worby, an attorney for the workers. "Now these people will have their day in court."

But the sick workers shouldn't get their hopes up, city officials said.

"The immunity defenses remain alive," said James Tyrrell, the city's lead defense lawyer. "They are postponed until further proceedings take place. It's basically a decision to go back and do more work."

Corporation Counsel Michael Cardozo would not rule out an appeal to the US Supreme Court. He also said the decision does not mean the city has to settle the nearly 10,000 claims.

Congress gave the city a \$1 billion insurance fund to pay worker-injury claims.

"They are ignoring their congressional mandate to use the \$1 billion captive fund to settle these cases," Worby charged.

"Every day, another one of our people comes in wheezing, coughing, choking," said Worby. "They're getting sicker. All they want to know is when will we have our day in court, and the answer is soon."

Lawyers for the workers contend Mayor Bloomberg and his predecessor, Rudy Giuliani, failed to protect rescue workers, police officers, firefighters and volunteers from toxic exposure in the months-long cleanup.

A Port Authority spokesman said the agency would not comment on pending litigation.

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