

CONFIDENTIAL MATERIAL – THIS DOCUMENT
CONTAINS INFORMATION DESIGNATED AS
CONFIDENTIAL SUBJECT TO THE MARCH 30, 2004
CONFIDENTIALITY PROTECTIVE ORDER AND THE
FEBRUARY 19, 2010 SEALING ORDER,
IN RE SEPTEMBER 11 LITIGATION,
21 MC 101 (AKH), 08 CIV 3719 (AKH), 08 CIV 3722 (AKH)
DO NOT COPY OR DISCLOSE

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
IN RE SEPTEMBER 11 LITIGATION	:	
-----X	:	21 MC 101 (AKH)
WORLD TRADE CENTER PROPERTIES LLC, et	:	
al.,	:	
	:	
Plaintiffs,	:	08 CIV 3719 (AKH)
v.	:	
	:	
UNITED AIRLINES, INC., et al.,	:	
	:	
Defendants.	:	
-----X	:	
WORLD TRADE CENTER PROPERTIES LLC, et	:	
al.,	:	
	:	
Plaintiffs,	:	08 CIV 3722 (AKH)
v.	:	
	:	
AMERICAN AIRLINES, INC., et al.,	:	
	:	
Defendants.	:	
-----X	:	

**NOTICE OF CROSS-MOTION BY THE WTCP PLAINTIFFS AND
7 WORLD TRADE COMPANY, L.P. FOR A PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Opposition to “Joint Motion for Orders Approving the Settlement Agreement Among the Aviation Defendants and the Settling Plaintiffs” and in Support of Cross-Motion for a Preliminary Injunction, dated April 16,

2010; the Declaration Of Richard A. Williamson, with annexed exhibits, sworn to April 16, 2010; and upon all prior pleadings and proceedings had herein, the WTCP Plaintiffs¹ and 7 World Trade Company, L.P. (collectively the “Competing Limited Funds Claimants”), by their attorneys, Flemming Zulack Williamson Zauderer LLP, will move this Court, before the Honorable Alvin K. Hellerstein, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, Courtroom 14D, on the same return date as that set by the Court for the Motion of the Aviation Defendants and the Settling Plaintiffs for Orders Approving the Settlement Agreement, for an order:

- a) pursuant to Rule 65 of the Federal Rules of Civil Procedure, preliminarily enjoining the Settling Parties² from paying, or directing their insurance companies, their agents, or their escrow agent to pay, the Settlement Amount until there has been a final judgment, with all appeals exhausted, resolving (1) whether the Settlement is “consistent” with the rights of all competing limited funds claimants given ATSSSA’s³ limited liability protections; and (2) whether Settlement payments by an Aviation Defendant’s insurers made for reasons unrelated to the insured-defendant’s own liability can be credited against that defendant’s statutory ATSSSA liability limits; and
- b) granting such other, further and different relief as the Court deems just and proper.

¹ The WTCP Plaintiffs are World Trade Center Properties LLC, 1 World Trade Center LLC, 2 World Trade Center LLC, 3 World Trade Center LLC (formerly known as “5 World Trade Center LLC”) and 4 World Trade Center LLC. World Trade Center Properties LLC, 2 World Trade Center LLC and 4 World Trade Center LLC are plaintiffs in 08 CIV 3719 (AKH). World Trade Center Properties LLC, 1 World Trade Center LLC, 3 World Trade Center LLC and 7 World Trade Company, L.P. are plaintiffs in 08 CIV 3722 (AKH).

² The Settling Parties are identified in the accompanying memorandum of law.

³ Air Transportation Safety and System Stabilization Act of 2001, Pub. L. No. 107-42, 115 Stat. 230 (2001), as amended on November 19, 2001 and January 23, 2002, see Pub. L. No. 107-71, 115 Stat. 631 (2001) and Pub. L. No. 107-134, 115 Stat. 2435 (2002) (codified as amended at 49 U.S.C. § 40101 note).

Dated: New York, New York
April 16, 2010

FLEMMING ZULACK
WILLIAMSON ZAUDERER LLP

By:



Richard A Williamson

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Counsel for WTCP Plaintiffs:

World Trade Center Properties LLC,
1 World Trade Center LLC,
2 World Trade Center LLC,
3 World Trade Center LLC (formerly
known as 5 World Trade Center LLC), and
4 World Trade Center LLC
- and -
7 World Trade Company, L.P.

To: All liaison counsel in 21 MC 101 (AKH)
John F. Stoviak, Esq., counsel for the Cantor Fitzgerald Plaintiffs
Jay B. Spievack, Esq., counsel for Cedar & Washington Associates, LLC