

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: **ORDER**
IN RE SEPTEMBER 11 LITIGATION :
: 21 MC 97 (AKH)
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ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

WHEREAS a suspense docket was created to accommodate numerous family members of those who were killed in the September 11, 2001 attacks who wished to preserve their rights to file civil actions in this court while their claims with the federal Victims Compensation Fund are pending;

WHEREAS the statute of limitations to bring wrongful death actions in New York for claims arising out of the terrorist attacks is two years and six months, see N.Y. Est. Powers & Trusts Law § 5-4.1 (2003), and the deadline to file claims with the Victims Compensation Fund is December 22, 2003;

WHEREAS the Victim Compensation Fund enacted a procedure to permit families to submit a preliminary application, without waiving the right to sue, and allowing these families until January 22, 2004 to complete supplementation of such preliminary applications;

WHEREAS the families require additional time on the suspense docket to meet the January 22, 2004 deadline;

IT IS HEREBY ORDERED that the date contained in Paragraph 3(a) of this court's Order dated July 22, 2003 is hereby amended from December 23, 2003 to February 6, 2004. By February 6, 2004, Plaintiffs with cases on the suspense docket must

file a statement electing either to dismiss their case or activate the lawsuit and proceed with the litigation, or suffer dismissal by order of the court.

SO ORDERED.

Dated: New York, New York
November 26, 2003

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ALVIN K. HELLERSTEIN
United States District Judge