

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
IN RE WORLD TRADE CENTER :
DISASTER SITE LITIGATION :
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ORDER TO SHOW CAUSE
UPDATING AND AMENDING
ORDER OF MARCH 2, 2004

21 MC 100 (AKH)

ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

This Order shall amend and correct my Order of March 2, 2004.

In the March 2 Order I identified the cases consolidated in 21 MC 100 and their active or suspense status. I also found that no plaintiffs in those cases had claims pending before the Victim Compensation Fund (VCF).

It appears, however, based on supplemental lists provided by the Victim Compensation Fund pursuant to my Order of February 25, 2004, that some plaintiffs in these consolidated actions have claims pending before the VCF. Attached to this Order are two appendices listing the status of the cases and the plaintiffs. Appendix A lists Active cases, plaintiffs in those cases with VCF claims pending, and the status of the plaintiff's VCF claim. Appendix B lists Suspended cases, plaintiffs in those cases with VCF claims pending, and the status of the plaintiff's VCF claim.

A claimant to the VCF "waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001," except for actions for collateral sources or against a knowing participant to the terrorist acts. See The Air Transportation Safety and System Stabilization Act (the Act) 49 U.S.C. § 40101, Title IV Victim Compensation, § 405(c)(3)(B), Pub. L. No. 107-42, 115 Stat. 230, 240 (Sept. 22, 2001), as amended by Pub. L. No. 107-71, § 201, 115 Stat. 597, 645 (Nov. 19, 2001). As I held in In Re September 11 Litigation, 2003 U.S. Dist. LEXIS 23561, *9 (S.D.N.Y. Dec. 19, 2003), claimants who have filed a claim with the

VCF, pursuant to statutory and regulatory requirements, waived the right to sue when their submission to the Special Master is substantially complete, or on January 22, 2004, whichever is earlier.

In my December 19, 2003 Order, I provided that the respiratory cases—i.e., the cases consolidated in 21 MC 100—would not be affected by my Order ending the suspense calendar and implementing the election of remedy and waiver provided by section 405(c)(3)(B) of the Act. Id. at 9 n.1. I believe, however, that like the cases consolidated in 21 MC 97, there is generally no more need for a suspense calendar for the cases consolidated in 21 MC 100.

Therefore, I hereby order both the plaintiffs in cases on the suspense docket, and plaintiffs in active cases, who have claims pending before the VCF to appear before this court on March 17, 2004, at 4:00 p.m., and show cause why they should be granted more time to dismiss their cases in this court; otherwise, such cases or plaintiffs will be dismissed.

SO ORDERED.

Dated: New York, New York
March 11, 2004

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ALVIN K. HELLERSTEIN
United States District Judge

APPENDIX A
21 MC 100: Active Cases

Docket Number 02 Civ. 05288	Case Name Taha v. City of New York	Case Status Active VCF Status No Claims Pending
Docket Number 02 Civ. 08092	Case Name Bel, et al. v. Port Authority of New York and New Jersey, et al.	Case Status Active VCF Status No Claims Pending
Docket Number 02 Civ. 08100	Case Name Bel, et al. v. Port Authority of New York and New Jersey, et al.	Case Status Active VCF Status No Claims Pending
Docket Number 02 Civ. 08434	Case Name Hickey v. City of New York and Port Authority of New York and New Jersey Plaintiff(s) with Claims in the VCF Thomas Hickey	Case Status Active VCF Status Substantially Complete
Docket Number 02 Civ. 08938	Case Name Beyer, et al. v. Port Authority of New York and New Jersey	Case Status Active VCF Status No Claims Pending
Docket Number 02 Civ. 09126	Case Name McNally, et al. v. Port Authority of New York and New Jersey	Case Status Active VCF Status No Claims Pending
Docket Number 02 Civ. 09127	Case Name Ariola, et al. v. Port Authority of New York and New Jersey Plaintiff(s) with Claims in the VCF John M. Deneau Joseph Healy Janet Healy Patrick Malloy Jon J. McGillick Michael Spiller	Case Status Active VCF Status Incomplete Can be dismissed Can be dismissed Incomplete Incomplete Incomplete

APPENDIX A
21 MC 100: Active Cases

02 Civ. 09127	John F. Taggart	Incomplete
Docket Number	Case Name	Case Status
02 Civ. 09128	Blake, et al. v. Port Authority of New York and New Jersey	Active
		VCF Status
		No Claims Pending
Docket Number	Case Name	Case Status
02 Civ. 10273	Miller v. City of New York, et al.	Active
		VCF Status
		No Claims Pending
Docket Number	Case Name	Case Status
02 Civ. 10275	Rementeria, et al. v. City of New York	Active
	Plaintiff(s) with Claims in the VCF	VCF Status
	John Rementeria	Incomplete
Docket Number	Case Name	Case Status
03 Civ. 00006	Dalton v. City of New York	Active
		VCF Status
		No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 00007	Johnson, et al. v. City of New York	Active
		VCF Status
		No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 00008	Flechaus v. City of New York	Active
		VCF Status
		No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 00037	Stephenson, et al. v. City of New York	Active
	Plaintiff(s) with Claims in the VCF	VCF Status
	Derek S. Wilson	Award Accepted
	Raymond Going	Incomplete
	Patrick J. Cullen	Substantially Complete
	Robert F. Garofalo	Award Accepted
	Michael Harris	Incomplete
	Robert J. Hofer	Substantially Complete
	Charles Fortin	Incomplete
	John Marr	Award Accepted
	Clinton Schmitterer	Incomplete
	Leo Skorupski	Award Accepted

APPENDIX A
21 MC 100: Active Cases

03 Civ. 00037	Thomas Roche William Hatcher	Incomplete Incomplete
Docket Number	Case Name	Case Status
03 Civ. 00193	Baiano, et al. v. City of New York, et al.	Active VCF Status No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 00912	Hendrickson, et al. v. City of New York	Active VCF Status No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 02067	Maskimowich v. City of New York	Active VCF Status No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 02104	D'Elia v. City of New York Plaintiff(s) with Claims in the VCF Jack J. D'Elia	Active VCF Status Incomplete
Docket Number	Case Name	Case Status
03 Civ. 02447	Samaroo v. City of New York	Active VCF Status No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 02621	Fucella, et al. v. City of New York Plaintiff(s) with Claims in the VCF Daniel Fucella	Active VCF Status Substantially Complete
Docket Number	Case Name	Case Status
03 Civ. 02622	McGrory v. City of New York Plaintiff(s) with Claims in the VCF Robert J. McGrory	Active VCF Status Incomplete
Docket Number	Case Name	Case Status
03 Civ. 02623	Berardi v. City of New York Plaintiff(s) with Claims in the VCF Joseph Berardi	Active VCF Status Incomplete
Docket Number	Case Name	Case Status
03 Civ. 03040	Hartey, et al. v. City of New York, et al.	Active

APPENDIX A
21 MC 100: Active Cases

03 Civ. 03040		VCF Status No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 04064	Lazaar v. City of New York, et al. Plaintiff(s) with Claims in the VCF Houssain Lazaar	Active VCF Status Incomplete
Docket Number	Case Name	Case Status
03 Civ. 05052	Romano v. City of New York Plaintiff(s) with Claims in the VCF James Romano	Active VCF Status Incomplete
Docket Number	Case Name	Case Status
03 Civ. 08577	Nolan, et al. v. City of New York	Active VCF Status No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 08812	Anastassatos v. Tully Construction, et al.	Active VCF Status No Claims Pending
Docket Number	Case Name	Case Status
03 Civ. 09965	Esposito v. Port Authority Trans-Hudson Corporation	Active VCF Status No Claims Pending
Docket Number	Case Name	Case Status
04 Civ. 00491	Nolan, et al. v. Silverstein Properties, Inc., et al.	Active VCF Status No Claims Pending
Docket Number	Case Name	Case Status
04 Civ. 01123	Wolf v. City of New York	Active VCF Status No Claims Pending

APPENDIX B
21 MC 100: Suspended Cases

Docket Number	Case Name	Case Status
02 Civ. 10270	Adams, et al. v. City of New York	Suspended
	Plaintiff(s) with Claims in the VCF	VCF Status
	Vincent Albanese	Incomplete
	Mitch Amerbach	Incomplete
	Ioannis Antoniadis	Incomplete
	Paul Bader	Incomplete
	Joseph T. Berry	Incomplete
	Daniel Bivona	Incomplete
	Richard J. Blatus	Incomplete
	Jeffrey A. Brezil	Incomplete
	Michael Burns	Incomplete
	Louie Cacchioli	Incomplete
	Frank Casalino	Incomplete
	John Castles	Incomplete
	Matthew Corrigan	Incomplete
	Brian Coyle	Award Accepted
	Luis Cruz	Incomplete
	James D'Avolio	Incomplete
	Richard Davan	Incomplete
	Edward DeGaetano	Incomplete
	Todd DeMayo	Incomplete
	Gary Demry	Incomplete
	Kieran Deto	Incomplete
	Salvatore DiBlasi	Incomplete
	Jeff Ehret	Incomplete
	Terence P. Finneran	Incomplete
	Jay F. Fischler	Incomplete
	Theresa French	Incomplete
	Zackary H. Fletcher	Can be dismissed
	Greg Gessner	Incomplete
	Gary Giannandrea	Incomplete
	John E. Ginty	Incomplete
	Joseph Graziano	Incomplete
	Vincent D. Hogan	Incomplete
	Clifford Hollywood	Incomplete
	James A. Hynes	Incomplete
	Joseph P. Intintoli	Incomplete
	Terrence Jordan	Substantially Complete
	John E. Keenan	Incomplete
	Kerry Kelly	Incomplete
	Joseph Lowney	Incomplete
	Ralph J. Mandia	Incomplete
	Thomas Manley	Incomplete
	Wayne Manzie	Incomplete

APPENDIX B
21 MC 100: Suspended Cases

02 Civ. 10270	Anthony Marino	Incomplete
	John McAndrews	Incomplete
	Joseph McAuley	Incomplete
	Dan McCarvill	Incomplete
	Richard McCoy	Incomplete
	Stephen McGee	Incomplete
	Joseph F. McGrory	Incomplete
	Martin McKeon	Incomplete
	James McLoughlin	Incomplete
	Carmelo Mercado	Incomplete
	David Moriarty	Incomplete
	Michael J. Mullarkey	Incomplete
	Thomas Mulqueen	Incomplete
	Vincent J. Murphy	Incomplete
	John E. Namjy	Incomplete
	Allan P. Neuendorf	Incomplete
	Patrick O'Keefe	Incomplete
	Steven Perez	Incomplete
	Steven C. Perry	Incomplete
	Robert Peters	Incomplete
	Kenneth M. Rallis	Incomplete
	Daniel Reeber	Incomplete
	Thomas Reilly	Incomplete
	Anthony A. Rosado	Incomplete
	Matthew Salmon	Incomplete
	Jeffrey Sentowski	Incomplete
	Steve Shtab	Award Accepted
	John Signorelli	Award Accepted
	Peter Stathis	Incomplete
	James Sullivan	Incomplete
	Robert Sutton	Incomplete
	Stanley Trojanowski	Incomplete
	Neil Yellen	Incomplete

Docket Number	Case Name	Case Status
02 Civ. 10272	Greenwood, et al. v. City of New York	Suspended
	Plaintiff(s) with Claims in the VCF	VCF Status
	Douglas Greenwood	Incomplete
	Donald P. Kennedy	Incomplete

Docket Number	Case Name	Case Status
02 Civ. 10304	Davi v. City of New York	Suspended
	Plaintiff(s) with Claims in the VCF	VCF Status
	Joseph Davi	Incomplete

APPENDIX B
21 MC 100: Suspended Cases

Docket Number 03 Civ. 00033	Case Name Annerino, et al. v. City of New York Plaintiff(s) with Claims in the VCF Salvatore Annerino Peter Ciappa George Colucci Charles J. Burge Anthony Greene Willie B. Henderson Jeff Hestnes Henry Morrison Eloy Pagan Anthony Quaranti Alcides Rivera Felix Sanchez Peter Shanley George Smith Marvin Bethea James Dobson Jill A. Kelley	Case Status Suspended VCF Status Incomplete Substantially Complete Incomplete Incomplete Incomplete Incomplete Incomplete Incomplete Incomplete Incomplete Substantially Complete Substantially Complete Incomplete
Docket Number 03 Civ. 00035	Case Name Arocho, et al. v. City of New York Plaintiff(s) with Claims in the VCF Anthony Rocchio	Case Status Suspended VCF Status Incomplete
Docket Number 03 Civ. 00036	Case Name Agugliaro, et al. v. City of New York	Case Status Suspended VCF Status No Claims Pending
Docket Number 03 Civ. 00038	Case Name Accardo, et al. v. City of New York, et al. Plaintiff(s) with Claims in the VCF Richard Alles Vincent Anderson Joseph Astarita Joseph Bachert Michael Bailey West Ballou Robert Barrett Andrew Beard John Belmonte James Bergen Daniel Beyar	Case Status Active VCF Status Substantially Complete Award Accepted Substantially Complete Incomplete Incomplete Substantially Complete Award Accepted Substantially Complete Award Accepted Award Accepted Incomplete

APPENDIX B
21 MC 100: Suspended Cases

03 Civ. 00038	Gregory Bierster	Incomplete
	Paul Basso	Incomplete
	George Beyer	Award Accepted
	Peter William Blaich	Substantially Complete
	Mark Bonsanti	Award Accepted
	Manuel Bracero	Incomplete
	Gerard Brenkert	Substantially Complete
	David Caputo	Substantially Complete
	David Cardinale	Substantially Complete
	William Carlson	Award Accepted
	John F. Carroll	Substantially Complete
	Victor Cantelmo	Award Accepted
	Peter Carino	Substantially Complete
	Angel Carrero	Incomplete
	Robert Caruso	Award Accepted
	James Cash	Award Accepted
	Gregory Castellano	Incomplete
	James Cizike	Substantially Complete
	Donald Clark	Award Accepted
	Brian Claro	Award Accepted
	Stephen Cassidy	Incomplete
	Joseph Cestari	Award Accepted
	Dino Chirco	Award Accepted
	Raymond Clancy	Substantially Complete
	James Cody	Incomplete
	Stephen Conklin	Award Accepted
	Steven Connor	Award Accepted
	Roy Cotignola	Award Accepted
	Jeffrey Conti	Award Accepted
	James Cooney	Award Accepted
	Michael Corrigan	Award Accepted
	Michael Corrigan, Jr.	Incomplete
	Patrick Cotton	Incomplete
	Christopher Coughlin	Substantially Complete
	Brian Coyle	Award Accepted
	Patrick Cullen	Substantially Complete
	Peter D'Ancona	Substantially Complete
	Daniel J. Daly	Award Accepted
	Arthur Darby	Incomplete
	Dominic D'Arrigo	Incomplete
	Joseph Dawson	Substantially Complete
	Rodney Decort	Substantially Complete
	Rudolf Dent	Award Accepted
	Robert Dorritie	Incomplete
	William Delehanty	Incomplete
	Etienne deVilliers	Substantially Complete

APPENDIX B
21 MC 100: Suspended Cases

03 Civ. 00038	Mark DiMaggio	Award Accepted
	Thomas Doherty	Incomplete
	Michael Donovan	Incomplete
	James Dorman	Award Accepted
	Richard Driscoll	Award Accepted
	John Dougherty	Substantially Complete
	Kenneth Erb	Substantially Complete
	Kevin Duncan	Incomplete
	James Elmendorf	Substantially Complete
	Terry Felrice	Incomplete
	Thomas Ferranola	Award Accepted
	Mike Fitzpatrick	Award Accepted
	Daniel Florenco	Incomplete
	Richard Flynn	Award Accepted
	Gregory Fodor	Incomplete
	Terence Finneran	Incomplete
	Donald Flore	Incomplete
	William Foder	Incomplete
	Daniel Foley	Substantially Complete
	Warren Forsyth	Substantially Complete
	Charles Fortin	Incomplete
	Scott Frazier	Incomplete
	Frederick Fuchs	Award Accepted
	Alfredo Fuentes	Award Accepted
	Andrew Galasso	Incomplete
	Anthony Gallo	Incomplete
	Peter Gannon	Substantially Complete
	Wayne Gargiulo	Incomplete
	Andrew Gargiulo	Incomplete
	James Gallicchio	Award Accepted
	Christos George	Award Accepted
	John Giuffrida	Incomplete
	William Gleason	Substantially Complete
	Peter Glowacz	Substantially Complete
	Michael Gorman	Award Accepted
	Kevin Glock	Substantially Complete
	William Green	Incomplete
	Christopher Green	Substantially Complete
	Kristen Gross	Substantially Complete
	Keith Gross	Award Accepted
	Daniel Grossi	Substantially Complete
	Paul Haley	Substantially Complete
	Scott Hanson	Incomplete
	Michael Harris	Incomplete
	Brian Harvey	Substantially Complete
	James Heal	Incomplete

APPENDIX B
21 MC 100: Suspended Cases

03 Civ. 00038	William Herlihy	Incomplete
	Robert Hofer	Substantially Complete
	Timothy Hoppey	Substantially Complete
	Melford Hazel	Substantially Complete
	George W. Hear	Award Accepted
	John Henry	Substantially Complete
	Herbert Hickey	Substantially Complete
	William Hoag	Substantially Complete
	John Hogan	Award Accepted
	Bryan Horan	Substantially Complete
	Michael Horan	Award Accepted
	Robert Humphrey	Substantially Complete
	Andrew Hornbuckle	Award Accepted
	Michael Iannazzo	Award Accepted
	Michael Incantalupo	Incomplete
	William Ingram	Incomplete
	Lloyd Infanzon	Substantially Complete
	Andrew Isolano	Incomplete
	Matthew Jasko	Substantially Complete
	John Jermyn	Award Accepted
	Keith E. Johnson	Award Accepted
	William Jutt	Award Accepted
	Joseph Kadillak	Incomplete
	William Kalletta	Award Accepted
	William Keegan	Award Accepted
	Robert Keller	Incomplete
	John Kelly	Award Accepted
	James Kelly	Incomplete
	Daniel Kemmet	Award Accepted
	Joseph Kennedy	Incomplete
	Michael Kozak	Substantially Complete
	Richard Kuerner	Substantially Complete
	William Knoth	Incomplete
	John LaBarbera	Incomplete
	Lance LaMazza	Award Accepted
	Richard Lang	Incomplete
	Joseph Lavin	Incomplete
	Edward Lee	Incomplete
	James Leibman	Incomplete
	Kevin Lenahan	Substantially Complete
	Michael LaRosa	Incomplete
	Joseph Lembo	Substantially Complete
	Lance Lizzul	Award Accepted
	Michael J. Lombardi	Award Accepted
	Frank Lombardi	Incomplete
	Michael LoPorcano	Incomplete

APPENDIX B
21 MC 100: Suspended Cases

03 Civ. 00038	John Lovett	Award Accepted
	Vincent Louis	Substantially Complete
	Steven Luisi	Substantially Complete
	Thomas Lyons	Award Accepted
	Jack Macaluso	Substantially Complete
	Michael MacDonald	Substantially Complete
	James McBurney	Substantially Complete
	Timothy Maloney	Substantially Complete
	Thomas Mangus	Incomplete
	Daniel Manochio	Award Accepted
	Michael Martorana	Substantially Complete
	Shawn May	Substantially Complete
	Gary Mazalatis	Incomplete
	Thomas McCaffrey	Incomplete
	Irving McCoy	Award Accepted
	John McDonald	Substantially Complete
	Steven McCaffrey	Award Accepted
	Edward McCamphill	Substantially Complete
	Kelly McDonald	Incomplete
	John McGonigle	Award Accepted
	David McGovern	Substantially Complete
	John McNamara	Incomplete
	Joseph Meola	Award Accepted
	John McLaughlin	Substantially Complete
	William McLaughlin	Incomplete
	Robert Meadows	Award Accepted
	Frank Mollica	Substantially Complete
	James Moran	Substantially Complete
	Louis Minutoli	Substantially Complete
	John Mixon	Award Accepted
	John Mongiello	Incomplete
	Kenneth Moody	Incomplete
	William Moran	Incomplete
	Kevin Mullane	Incomplete
	Thomas Murphy	Incomplete
	Jesse Murphy	Substantially Complete
	Daniel Murray	Award Accepted
	Mark Mullady	Incomplete
	William Muller	Award Accepted
	Hugh Mulligan	Incomplete
	Robert Murphy	Award Accepted
	Patrick Murphy	Incomplete
	Kevin Murray	Incomplete
	Arthur Myers	Incomplete
	Joseph C. Napoli	Substantially Complete
	Joseph Nardone	Incomplete

APPENDIX B
21 MC 100: Suspended Cases

03 Civ. 00038	Ralph Negron	Incomplete
	Steven Newman	Substantially Complete
	Richard Naples	Incomplete
	Gerald Nicoletti	Substantially Complete
	Richard O'Brien	Substantially Complete
	Joseph O'Brien	Substantially Complete
	John O'Brien	Incomplete
	Sean O'Brien	Incomplete
	William O'Connor	Incomplete
	Patrick O'Connor	Substantially Complete
	Joseph O'Hara	Incomplete
	Michael O'Rourke	Incomplete
	Richard Obermayer	Substantially Complete
	Jose Ortiz	Incomplete
	Girard Owens	Incomplete
	Vincent Palmieri	Substantially Complete
	Gregory Parr	Substantially Complete
	Ronald Parker	Award Accepted
	Christopher Pisano	Award Accepted
	Dedie Plasencia	Substantially Complete
	Dennis Patti	Award Accepted
	Gregory Picconi	Incomplete
	Glen Pillarella	Incomplete
	Joseph Poma	Incomplete
	Stephen Pose	Incomplete
	Timothy Quin	Incomplete
	Joseph Quinn	Incomplete
	Louis Raimondi	Award Accepted
	Daniel Reddan	Incomplete
	Robert Reeg	Incomplete
	Shaun Reen	Award Accepted
	Robert Regan	Substantially Complete
	John Regan	Incomplete
	Gerard Reilly	Incomplete
	Rocco Rinaldi	Substantially Complete
	Thomas Rivicci	Incomplete
	Gary Robbins	Substantially Complete
	Joseph Rocha	Award Accepted
	Leonard Reina	Incomplete
	Michael Reutter	Incomplete
	Michael Ricciardi	Substantially Complete
	John Rice	Award Accepted
	Eugene Rice	Award Accepted
	David Rivas	Incomplete
	Matthew Roach	Incomplete
	Thomas Robisky	Award Accepted

APPENDIX B
21 MC 100: Suspended Cases

03 Civ. 00038	Keith Ruby	Incomplete
	Salvatore Russo	Substantially Complete
	Joseph Saladis	Substantially Complete
	John Sanjurjo	Substantially Complete
	Thomas Scally	Incomplete
	Clinton Schmitterer	Substantially Complete
	Arthur Sartor	Award Accepted
	Thomas Scambone	Substantially Complete
	John Scarsella	Substantially Complete
	Michael Scully	Substantially Complete
	William Sesselman	Incomplete
	David Sgromo	Award Accepted
	Matthew Shannon	Award Accepted
	Alphonse Sicignano	Award Accepted
	David Simms	Substantially Complete
	Leo Skorupski	Award Accepted
	Michael Sforza	Substantially Complete
	James Shea	Incomplete
	James Smagala	Award Accepted
	James Smith	Incomplete
	Michael Smith	(To Be Dismissed)
	Richard Snyder	Incomplete
	Walter Sorrenti	Award Accepted
	William Spade	Award Accepted
	Robert Spinelli	Incomplete
	Thomas Spitzbarth	Incomplete
	Gerard Smith	Substantially Complete
	Patrick Smith	Incomplete
	Mark Solari	Incomplete
	Steven Sorger	Award Accepted
	Frank Spring	Incomplete