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9-11 Lawsuits: Saudis, Airlines, Bush Face Litigation

by Joe Taglieri, FTW Staff

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Aug. 27, 2002, 12:00 PDT (FTW) -- Many surviving family members of those who died Sept. 11 are opting to file lawsuits to obtain compensation for the deaths of their loved ones.

Most recently, a \$1 trillion lawsuit on behalf of more than 500 family members of 9-11 victims was filed Aug. 15 in U.S. District Court in Alexandria, Va. The 259-page complaint names 100 defendants, including members of Saudi Arabia's royal family, the Republic of Sudan, seven Saudi and Sudanese international banks, Islamic charities, Saudi government officials, individual Saudi financiers, and Osama bin Laden. The Saudi royals named are Prince Mohammad al-Faisal, Prince Sultan, and Prince Turki al-Faisal.

"It's not the money. We want to do something to get at these people. There's nothing else we can do," said Irene Spina, as quoted by the Associated Press. Spina's daughter, Lisa L. Trerotola, died in the World Trade Center. Referring to Saudi Arabia, lead attorney Ronald Motley was quoted by the Associated Press as saying, "That kingdom sponsors terrorism. This is an insidious group of people."

Motley heads a hefty team of lawyers, all with significant experience litigating cases pertaining to terrorism or international law, according to a statement on the website of Motley's South Carolina law firm. Allan Gerson, who represented families of those killed in the crash of Pan Am 103 and a member of the Council on Foreign Relations, is also part of the plaintiffs' legal team. Gerson and Motley are joined by several other attorneys, including John D'Amato, Guy Molinari, who is a former Republican congressman from New York City's Staten Island, and the Pennsylvania firm Mellon, Webster & Shelly.

The 15-count complaint charges the defendants with wrongful death, negligence, intentional infliction of emotional distress, aiding and abetting terrorists, conspiracy, and racketeering.

The day the suit was filed, Motley stated publicly that damages would come primarily from assets held by the defendants in the U.S. The following week some \$200 billion of Saudi assets were withdrawn from the U.S. economy.

Another batch of federal lawsuits, 38 in total, have been or soon will be filed on behalf of victims' family members by attorneys Mary Schiavo and John Greaves of the Los Angeles firm Baum, Hedlund, Aristei, Guilford & Schiavo. Greaves and Schiavo's first court filings were in January.

These suits target United and American airlines as well as the security firms Huntleigh USA Corp. and Argenbright Security Inc. The security firms were contracted by the airlines at the airports where the four doomed flights originated

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on Sept. 11.

The companies are charged with negligence, reckless conduct, and conscious disregard for rights and safety.

The suits are presently on hold until at least late-September, according to Greaves. This is because U.S. District Court Judge Alvin K. Hellerstein of the Southern District of New York issued an order in July placing the case's discovery phase on hold. This was in response to a request from the Justice Department to do so.

Discovery will remain on hold until "the Department of Justice and I work out a way to protect what's known as Security Sensitive Information (SSI)," said Greaves. "That's the dilemma. We need that evidence to prove our case, but at the same time, it's protected from public disclosure by the federal aviation regulations."

Greaves, a former airline pilot, said he is in the process of drafting a proposed protective order regarding SSI "which may or may not be accepted by the Justice Department." Schiavo and Greaves' next scheduled meeting with Justice Department attorneys is Sept. 20.

Schiavo was quoted by the American Free Press as saying, "the purpose of protecting information should be in the interests of defending national security. SSI should not be used as a shield to hide FAA [Federal Aviation Administration] and TSA [Transportation Security Administration] negligence and incompetence." Schiavo, a former Transportation Department inspector general and aviation expert, has also been an outspoken critic of the government's hastily established September 11th Victim Compensation Fund and the aviation security legislation signed into law late last year by President Bush. She claims the fund unfairly limits family members' rights towards obtaining compensation.

"In the wake of Sept. 11, Congress retroactively changed the law to protect air carriers, aircraft manufacturers, airport sponsors, or persons with a property interest in the World Trade Center from any liability other than the limits of their liability coverage," Schiavo said in a speech delivered Sept. 29 before a conference of the National Air Disaster Alliance and Foundation. Text of the speech is available through her firm's website and was updated Dec. 7 to reflect changes in the law as of Nov. 19.

For those who want answers as to what actually led to these air disasters and the deaths of their loved ones, the victim compensation fund falls severely short, claim Schiavo and Greaves.

"The biggest problem with the fund is that no questions may be asked as to how this could have happened," said Greaves. "Plus, life insurance and other collateral sources of compensation are deducted from the award, but fault need not be proven. You get paid now, but less than the potential of a lawsuit."

"Our clients want accountability. They can't do that if they simply take a 'no fault' payment from the fund," Schiavo stated in a press release. "[These families are] suing because they want answers, and they want change."

It is important to note the distinction between the Schiavo suits and the \$1 trillion suit filed against Saudi and Islamic defendants. Plaintiffs who have accepted compensation from the federal victim fund are not precluded from taking part in the Saudi suit, however, those compensated by the fund may not sue the airlines, security companies or U.S. government entities, according to the fund's guidelines.

Greaves maintains his suits will take several years to litigate. He said possible future named defendants include the port authorities of Boston and New York/New Jersey, which are the government agencies that operate the airports where the doomed flights originated.

These entities were not named in the initial court filings because proper legal procedure dictates that plaintiffs must first file an "administrative claim," which is a formal complaint made to an administrative government agency outlining a party's intended legal action.

Reconstructing just what exactly happened on Sept. 11 is the primary challenge in successfully litigating these suits for his clients, Greaves said. "We want to know how these hijackers got into these terminals with those weapons and got on board these aircraft with those weapons," he said. "They had weapons, that's clear. We don't know exactly what weapons they had.

"The airlines take the position that the only weapons they had were box cutters and knives with blades less than four inches, which they say is not covered by the regulations pertaining to dangerous and deadly weapons," Greaves continued. "I don't agree. We've got evidence that a knife with a blade of less than four inches is the weapon of choice of hijackers. And they're waving that? That's okay, you can come on board with that?"

Ellen Mariani, whose husband, Neil, died when United Airlines Flight 175 hit the World Trade Center's South Tower, was the first family member to file suit on Dec. 20. At that time she was represented by Chicago-based Nolan Law Group but is now represented by Schiavo and Greaves.

"I chose the lawsuit knowing I had 90 days to turn back to the fund," Mariani wrote in a July statement to Judge Hellerstein's court. "I did not turn back because the truth would never be told...When I ask why Sept. 11 had to happen, my family and I deserve an answer that may become clear during a full, fair and complete investigation."

In addition to the above mentioned legal actions, San Francisco-based attorney Stanley G. Hilton has filed a class-action federal lawsuit that names President Bush and members of his Cabinet as defendants. The named Cabinet members include Defense Secretary Donald Rumsfeld, National Security Adviser Condoleezza Rice, Vice President Dick Cheney, and Attorney General John Ashcroft.

"I hope [the lawsuit] will expose the fact that there are numbers of people in the government, including Bush and his top assistants, who wanted this to happen," Hilton was quoted as saying by the San Francisco Examiner in June.

Hilton, a former aide to Bob Dole when he served in the U.S. Senate, told the Examiner he represents the families of 14 victims, and 400 plaintiffs are involved nationwide. The suit seeks \$7 billion in damages and was filed June 3 in U.S. District Court for the Northern District of California.

Hilton could not be reached for comment, so the case's present status since its June filing is not known at this time. However, court documents show a "Case Management Conference...via telephone" is scheduled for Sept. 25.

The crux of this suit hinge's on Hilton's allegation that Bush allowed the Sept. 11 terrorist attacks to happen for political gain. According to the Examiner Hilton, who claims to have sources within the U.S. intelligence community, stated the Bush Administration ignored intelligence information warning of the impending attacks and refused to round up suspected terrorists known to the FBI and other intelligence agencies before 9-11.

Also according to the Examiner, Hilton claimed the Bush Administration benefited from installing an Afghan puppet regime friendly to U.S. oil interests.

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