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More 9/11 Lawsuits Are Settled

By [ANEMONA HARTOCOLLIS](#)

As 14 families of people killed in hijacked planes on Sept. 11, 2001, have settled their lawsuits against the airlines, they have left the future of the remaining cases in doubt just a week before the first trial was scheduled to begin.

The 14 settlements came a few days after the families won a ruling in United States District Court in Manhattan that would have allowed a jury to hear a cockpit recording that captured the sounds of passengers trying to retake control of United Airlines Flight 93 before it crashed into a field in Pennsylvania.

Donald Migliori, a lawyer for the plaintiffs, said late Monday, after the settlements were filed en masse, that Judge Alvin K. Hellerstein's ruling on the recording last week had moved settlement talks forward. He said it became clear that jurors would hear evidence that passengers were aware the plane had been hijacked and had reacted heroically.

"It was a clear indication of where the case was going," Mr. Migliori said. "The recording showed they were conscious and aware of the plane being hijacked, and the last five minutes of struggle, heroism and flight."

All of the settlements filed Monday involved United Airlines. Six of them involved Flight 93, which was en route from Newark to San Francisco with 40 passengers and crew members on board when it crashed into a field near Shanksville, Pa., as passengers rushed the cockpit. The eight other cases involved United Airlines Flight 175, the second plane to hit the World Trade Center.

The settled cases included the case of Patrick Driscoll, 70, a retired research director at Bell Communications, whose case was scheduled to go to trial next Monday. It would have been the first of the death and injury cases stemming from the crash of four hijacked airlines to go to trial. The settlement means that the first trial is now scheduled to begin Nov. 5, in the case of Paul Ambrose, a passenger on American Airlines Flight 77, which crashed into the Pentagon.

Only 21 cases now remain of the 95 cases, on behalf of 96 victims, originally filed against the airlines, airports, airport security companies and the [Port Authority of New York and New Jersey](#), which built the World Trade Center.

The families who chose to sue had to forfeit compensation from a federal Victim Compensation Fund set up to give financial awards to those killed or injured during the Sept. 11 attacks. Many of them argued that the fund did not adequately compensate certain classes of people: children, retired people and very high earners.

Mr. Migliori said the remaining 21 cases include one passenger on Flight 93; 15 cases involving American Airlines Flight 77, which hit the Pentagon, including four deaths on the ground in the Pentagon, four people injured in the Pentagon, and seven passengers on the plane; three

passengers killed on American Airlines Flight 11, the first plane to crash into the World Trade Center, and two passengers killed on United Airlines Flight 175, the second plane to hit the twin towers.

Settlement talks continue, and more settlements could result before the first trial ever takes place, Mr. Migliori said. But he said he expected that some families would refuse to settle and insist on a trial because they felt strongly that only a trial would bring the answers they wanted about how terrorists had bypassed security and managed to hijack four planes.

Although the court has barred parties to the settlements from talking about them or revealing how much money they received, Mr. Migliori said they felt vindicated by their decision to forgo the compensation fund.

“I think it’s fair to say that the folks that chose litigation knew they were going to get compensated whether they went into litigation or went into the fund,” he said. “But uniformly it was understood and appreciated that the fund was not going to provide the same level of compensation as litigation.”

He said those who settled “had reached a point where they were satisfied that the mix of their motivations — from compensation to accountability, to answers — was satisfied.”

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