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# U.S. District Court Approves Ground Zero Health Settlement

By MIREYA NAVARRO  
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A federal judge formally approved a settlement on Wednesday between the city and workers who say their health was damaged during rescue and cleanup operations at ground zero, allowing the agreement to move forward to a vote by more than 10,000 plaintiffs.

At least 95 percent of the workers — including firefighters and police officers, building janitors and volunteers — must approve the settlement by Sept. 30 for it to take effect. Judge [Alvin K. Hellerstein](#) of the United States District Court in Manhattan described the deal as “fair, adequate and reasonable” and urged the workers to accept it.

“It is fair in amount; it is fair in procedure,” said Judge Hellerstein, who had rejected an initial settlement reached by the parties last March as not offering enough money to 9/11 workers.

At an all-day hearing on the fairness of the amended agreement on Wednesday, the judge heard from more than a dozen plaintiffs, some of them in tears, who were grateful for a settlement they said offered them closure. But the judge also heard from those who said they felt that it still fell short of just compensation.

A sticking point for some of the plaintiffs was the criteria used to attach monetary value to each of the claims. The settlement, as much as \$712.5 million, gives higher payouts to those with the most severe injuries and illnesses, but it also favors conditions that can be more strongly linked to exposure to contaminants at ground zero.

Under the criteria, someone with severe asthma would stand to receive more money than someone with cancer because medical evidence regards asthma as a more plausible result of exposure to the dust and fumes from the World Trade Center disaster site than cancer, lawyers for the city said.

“My problem with the settlement is equity as it relates to cancers,” said Kenny Specht, a retired firefighter who has thyroid cancer. “To be told now that what I participated in nine years ago didn’t contribute to my cancer is a tough situation to swallow.”

A claims administrator will review medical records and work history for each case and decide the amounts to be paid to each plaintiff or estate according to four tiers of disease or injury categories and severity. Lawyers for the WTC Captive Insurance Company, the city’s insurer that will pay the settlement out of a federally financed fund, told the court that half the plaintiffs fell into the fourth tier, reserved for the worst injuries and illnesses, and would get 94 percent of the payout.

Lynette Colbert, 53, a former dispatcher with the Fire Department who said she rushed to ground zero after the attacks as a volunteer, was among the plaintiffs who told the judge she was happy with the modified agreement, finding it “satisfactory and commendable.”

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Outside the courtroom, Ms. Colbert, who lives in the Bronx, said she was awaiting a letter from her lawyers detailing what she can expect to receive from the settlement, but she said she had already decided to opt in.

"It's been too long," she said.

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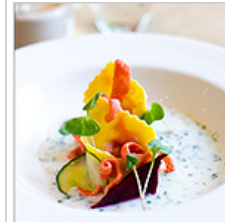
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