

Precedent

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Libya Accepts Responsibility for Lockerbie Bombing

On the evening of December 21, 1988, Pan Am Flight 103 exploded and crashed onto the Scottish town of Lockerbie, killing all 259 people onboard and 11 on the ground. A Libyan intelligence operative was found guilty of planting a bomb and Libya recently accepted responsibility and agreed to pay compensation that may eventually total \$2.7 billion. SK represents 60 families who lost loved ones on the horrible night. Under the accord, Libya will pay each of the families \$10 million dollars in installments based on the lifting of UN and US sanctions and the removal of Libya from a list of countries viewed by the US as state sponsors of terrorism. To date, \$8 million has been paid to each family. The settlement meetings were held in Paris over a 2-year period with representatives of the Libyan government. The last four meetings have been held in Tripoli, Libya. Frank H. Granito, Jr. and Frank H. Granito, III of the firm's New York office were appointed by Judge Platt of the United States District Court for the Eastern District of NY (Brooklyn) to serve on the Plaintiffs' Committee and were instrumental in negotiating the deal. ✨

Profile

MARY SWEENEY



Mary C. Sweeney is a senior attorney at the firm's Metropolitan Washington DC office located in Arlington, VA. She has over 22 years of experience in the areas

of medical malpractice, as well as complex tort and mass disaster litigation. Mary was born and raised in Chicago, and of her five siblings, she was the one who followed in her father's footsteps. Mary's father was a former Assistant United States Attorney in the N.D.

of Illinois who always provided her with much inspiration throughout her career.

Mary initially obtained her BA degree in Political Science from the University of California Berkeley, cum laude, and later graduated from the University of California Hastings College of Law in 1978. She gained admission to the California Bar during that same year. She was promptly immersed in mass disaster litigation by being asked to serve as Liaison Counsel in the 1979 American Airlines Flight 191 air crash disaster litigation in the Northern District Court of Illinois. This case provided a steadfast foundation for her chosen profession, and she was admitted to the Illinois Bar in 1980. Mary then combined her extensive legal knowledge and masterful writing skills in 1982, with the publication

of two articles: "Punitive Damages: What Law Applies?" and "Comments Concerning Conflict of Interest."

Mary Sweeney has also shared her professional knowledge of law on the lecture circuit, having given presentations to the medical staff at several teaching hospitals on the medical and legal aspects of patient education and charting practices. In one of her landmark accomplishments, Mary obtained the largest verdict in history in the State of Wisconsin in a medical malpractice case in 1995.

In her free time, you might find Mary "hanging" with assorted NBA stars since her husband of eight years, John Bach, is an Assistant Coach with the Chicago Bulls. 🐾

Multi-Million Dollar Settlements in Commuter Flight Tragedy

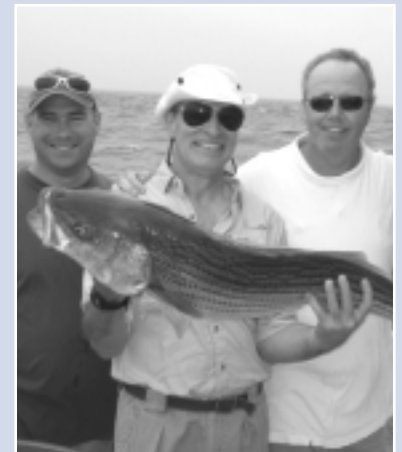
On May 21, 2000, a plane crash near Bear Creek, Pennsylvania claimed the lives of 17 members of the Wilkes-Barre and Scranton, PA communities, along with two crew members. Speiser Krause filed claims against Executive Airlines and British Aerospace for the deaths of 8 of the 17 passengers on board the Executive Airlines commuter flight from Atlantic City, New Jersey to the Wilkes-Barre/Scranton Airport in Pennsylvania.

Speiser Krause contended that the crash was the result of fuel exhaustion and argued for punitive damages relating to what we felt were reckless acts by the airline. Senior United States District Court Judge William J. Nealon described the crash as one of the most significant tragedies in the history of the Scranton community.

The effort consumed hundreds of hours of wreckage examination; months of depositions in locations ranging from Scotland to Texas; test flights in Jetstream aircraft and simulators; and the creation of several animations of the fatal flight.

Frank H. Granito, III of the New York office and Daniel D. Barks of the Metropolitan Washington, DC office and Dan Brier, our PA local counsel, led the hotly contested litigation, which ended in a substantial settlement for the victims. 🐾

Happy Birthday



Frank Granito (left) and Ken Nolan (right) help Gerry Lear celebrate his 65th birthday with a 40 inch striped bass which, Gerry, of course, caught.

Update on September 11, 2001

Victim Compensation Fund (VCF)

Our firm represents more than 150 families who suffered as a result of the horrific terrorist attacks on 9/11/2001. Almost all of our clients entered the Victim Compensation Fund (VCF) and have received their awards. While nothing can ever compensate these families for their losses, most were relatively satisfied with both the VCF process and their VCF awards.

Civil Litigation

There are 129 cases still pending: 64 are airline passenger death claims; 8 airline crew death claims; 10 ground death claims; 8 personal injury ground claims; 29 property damage claims and 2 German Social Agency claims filed against the airlines and other defendants. Many of these lawsuits were filed just before September 11, 2004. These cases have been consolidated before Judge Hellerstein in the U.S. District Court for the Southern District of New York in Manhattan. The cases are in the initial stages of litigation. Many issues remain to be resolved including liability, adequacy of insurance coverage, discovery of security related documents, etc.

Terrorist Litigation

The litigation against the terrorists and their financial sponsors is centered before USDC Judge Richard Casey in Manhattan. Kenneth P. Nolan and Frank H. Granito, III are members of the Executive Board of the Plaintiff Steering Committee which is managing the litigation. The litigation itself has already proven to be very cumbersome in that there are many procedural and jurisdictional issues to overcome. Many defendants have hired large New York and Washington law firms to represent

them and these defendants have filed motions to dismiss the lawsuits on jurisdictional or other technical legal grounds. There are dozens of such motions pending. We anticipate this to be a long, hard litigation which will be very time consuming because of the number of plaintiffs as well as the number of defendants and law firms involved. In fact, Judge Casey's normal courtroom has proven too small for the 50-75 lawyers who appear on a regular basis. Judge Casey has been forced to hold his hearings in the larger ceremonial courtroom.

Judge Casey is an excellent Judge, but the litigation is a procedural nightmare in that there are approximately 6,000 individual claims being asserted -- death claims and personal injury claims asserted by a wide variety of individuals (those working within the targeted buildings, rescue workers, residents living near the accident sites, etc.). In addition, insurers, such as workers compensation insurers, have made claims in excess of \$5 billion. As you may have read, Cantor Fitzgerald and

Eurobrokers recently instituted their own claims as have property owners and lessees. We believe these claims, in addition to the personal injury and death claims, seek total damages in excess of \$15 billion. The defendants are spending hundreds of thousands of dollars defending this litigation.

Our firm has chosen to represent only the families of those who died or those who suffered physical injuries on September 11. Other firms represent not only families, but property owners as well. This combination of claims may lead to conflicts of interest for those law firms if the litigation is successful but the amount recovered is somewhat limited.

While we are optimistic that eventually we will be successful, the size and various claims of all the plaintiffs make it somewhat difficult to forecast a result. Ken Nolan, Frank H. Granito, Jr., Frank H. Granito, III, John F. Schutty and Jeanne M. O'Grady are working on this litigation on behalf of the firm. ✨

Pump Failure Implicated in New Mexico Crash

On January 20, 1999, a Cessna aircraft bound for Wichita, Kansas crashed in the Sandia Mountains outside Albuquerque, New Mexico claiming the lives of three adult friends. The single-engine aircraft sustained a failure of its dual vacuum pumps thereby causing a power failure to several of the aircraft instruments which enable the pilot to orient the aircraft. Witnesses saw a wing separate and the Cessna then spiraled into the side of the mountain.

Through a lengthy discovery process, we uncovered evidence that the vacuum pumps failed during flight due to their defective design, as well as a mechanics' failure to clean and inspect the vacuum system. As a result, the pilot could no longer control the aircraft while flying in the clouds. Speiser Krause filed claims against the manufacturers of the vacuum pumps, as well as the maintenance facility responsible for inspecting and cleaning the vacuum system.

Luke Marsh of the Metro Washington DC office led the litigation which ended in a substantial settlement for the families of the three victims. ✨

AUSTRIAN SKI TRAIN FIRE CERTIFIED AS A CLASS ACTION

Almost four years ago, a ski train caught fire in a tunnel of the Kitzsteinhorn Mountain in Kaprun, Austria, killing 155 passengers and crewmembers. Plaintiffs, consisting of the parents, spouses, and grandparents of eight Americans who died in the fire, have sued train and train part manufacturers and operators for damages, declaratory, and injunctive relief. Speiser Krause was appointed class counsel on October 7, 2003, along with the firms of Kohn, Swift & Graf and Nagel, Rice & Mazie, P.C. The complaint alleges that the train and tunnel were improperly designed, constructed, and maintained, as well as negligently operated and promoted and that defendants fraudulently misrepresented the safety of the train and tunnel and intentionally interfered with the victims' rights.

Family members of accident victims filed lawsuits in the United States against foreign corporations and several US corporations. The Judicial Panel on Multidistrict Litigation transferred these cases to the United States District Court for the Southern District of New York for coordinated pretrial proceedings. After extensive jurisdictional motions, the list of defendants subject to jurisdiction in the United States now includes Omniglow Corporation, Siemens AG, Siemens Corporation, Bosch Rexroth Aktiengesellschaft, Bosch Rexroth Corporation, Waagner-Biro Binder AG in Abwicklung, Waagner-Biro Binder Beteiligungs AG, Waagner-Biro Holding AG, and Binder & Company AG.

On plaintiffs' motion, the District Court certified an "opt-in" class action for liability issues only under FRCP 23(b)(3). This order certifying a class action is currently on review to the Second Circuit Court of Appeals as defense attorneys argue that there is no basis in



the law for certifying an "opt-in" class and that mass accident cases are unsuitable for class certification. This appeal is scheduled for oral argument during the fall term and a decision can be expected towards the end of this year. The "opt-in" period ended in January with a total of 117 victims' families

choosing to be represented in the United States litigation. Despite the appeal, discovery amongst these defendants is ongoing.

Kenneth P. Nolan and Christina M. Fry are handling this litigation on behalf of Speiser Krause. ✨

Trial Set in Learjet 35

On October 25, 1999, the crash of a Learjet 35 near Mina, South Dakota claimed the lives of Ivan N. M. Ardan, Bruce E. Borland, Robert E. Fraley, W. Payne Stewart and two crew members.

Speiser Krause represents the families of Payne Stewart, the world famous golfer, Robert Fraley and Van Ardan, CEO and President, respectively, of Leader Enterprises, a sports management company which represented many major sports figures.

Speiser Krause, on behalf of these families, has since been engaged in the examination, sorting and compilation of several hundred thousand pages of documents produced by the various defendants; the identification and examination of hundreds of pieces of wreckage recovered from the crash site; and the examination by deposition of over 50 witnesses to date. The trial is scheduled for May 2, 2005 before the Honorable Jay Paul Cohen in the Circuit Court of the Ninth Judicial Circuit, Orange County, Florida.

Gerard R. Lear, Daniel D. Barks and Mary C. Sweeney of the Speiser Krause Metropolitan Washington, DC office and Frank H. Granito, Jr. of the New York office represent the Ardan, Fraley and Stewart families along with our Florida counsel, Terry C. Young and H. Gregory McNeill of Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Orlando, FL. ✨

A Lawyers Finest Reward

In 1999, Daniel D. Barks and Leigh J. Ballen, associates in the Virginia Speiser Krause office, successfully handled a products liability action involving a young man who was injured when the bike he was riding collapsed. Now five years later, Charlotte Jensen, wife of the injured Mr. Jensen, sent the following comments to Speiser Krause.

Gentlemen:

...Ever grateful for what you did for Dennis and I during what to this day remains the lowest point in our lives, I wanted to take a minute to say hello and let you know how we are doing.

Dennis is doing great. I've attached a picture here of a recent mountain biking race he did in Snowshoe, West Virginia. The bike that he had his accident on was his

first mountain bike that he bought to see if he'd enjoy the sport. Six years and three very expensive bikes later, Dennis is a seasoned mountain biker and is extremely dedicated to the sport. I believe it is a testimony to his character that he literally fell off the bike and got right back up.

Unfortunately, Dennis still lives with the memory of the accident...the plates in his forehead bother him, to the point where we've discussed him having surgery to have them removed. The doctor who performed the original surgery said it could be done down the road.

...I just wanted to let you know how we are doing. Life has been good to us these last few years, and when we think of how lucky we have been, we always remain mindful of you and how you helped us through a difficult time. ✨



Multi-Million Dollar Settlements in USAIR #5481 Charlotte Crash

On January 8, 2003, a US Airways Express Flight #5481 crashed at Charlotte-Douglas International Airport in Charlotte, North Carolina killing all 19 passengers and the two pilots on board.

Speiser Krause currently represents the families of three victims of the Flight #5481 crash. All three cases were settled; two following mediation conducted by The Honorable Abner Mikva, of JAMS, a mediation service comprised of noted retired federal and state jurists. Although the specific settlements are confidential, total recoveries for the families of the three decedents exceeded \$32 million dollars.

These cases were handled by Gerry Lear, Mary Sweeney and Luke Marsh of the Virginia office as well as Ken Nolan of the New York office. ✨

SK Investigates Hepatitis Scare in NY

When a group of patients who underwent endoscopy and colonoscopy procedures at the Bay Ridge Endoscopy and Digestive Health Center, a Brooklyn, New York gastroenterology practice were diagnosed with Hepatitis, an investigation by the Department of Health and over fifty lawsuits followed. The New York State Supreme Court, Kings County, where the cases were filed, consolidated the cases for pre-trial and discovery. Justice Joseph Levine, to whom the cases were assigned, designated a Plaintiffs' Steering Committee (PSC), to conduct the liability phase of discovery and, eventually, the trial. Ken Nolan and Jeanne O'Grady of the New York office serve on this Plaintiffs' Steering Committee.

Our extensive experience in medical malpractice and in multidistrict litigation in the federal courts has proved invaluable to the committee and to the state court, where consolidations of this sort are rare. The Committee has focused its efforts on gathering evidence that the patients were infected as a result of the sterile techniques utilized by the clinic's physicians and employees in conducting the colonoscopic procedures and administering anesthesia. As a result of the efforts of the PSC, the defendants have initiated early settlement negotiations. We look forward to the resolution of these cases in the near future, and anticipate that this litigation may be utilized as a model for the litigation that will likely follow a recent report of possibly contaminated endoscopy and colonoscopy equipment at the North Shore University Medical Center on Long Island. ✨

Did You Know...



... that Douglas Schroeder, of the California office, has been elected to a second term as a Director of the Orange County Trial Lawyers Association? Its primary aims are protecting the rights of injured victims while promoting the highest standards of ethical conduct and integrity among trial lawyers. Mr. Schroeder has also been awarded the prestigious "AV" rating by

Martindale-Hubbell, an institution that facilitates lawyer ratings based on confidential reviews from judges and lawyers. An "AV" rating is awarded to lawyers who have reached the height of professional excellence, possess special expertise, and are recognized as holding the highest levels of skill and integrity. The firm's other members who have received this coveted accolade include Gerard Lear, Kenneth Nolan, Frank Granito, III, John "Jack" Veth, and Mary Sweeney, as well as Frank Granito, Jr., and Charles Krause who are Of Counsel to the firm. ✨

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Did You Know...

... that Frank H. Granito, Jr., was recently inducted into The Cardinal Hayes Hall-of Fame at a dinner at the Marina Del Rey in the Bronx. Pictured above is Frank H. Granito, Jr., wearing his newly presented red jacket, and the SK NY staff. ✨