



**NEW YORK CITY LAW DEPARTMENT /
OFFICE OF THE CORPORATION COUNSEL
AND
NEW YORK CITY COMPTROLLER**

*William C. Thompson, Comptroller
Michael A. Cardozo, Corporation Counsel*

*Press Release
For Immediate Release*

**New York City Files Federal Petition Regarding SI Ferry Claims;
Also Encourages Injured Parties to Seek
Settlements with the Comptroller**

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New York, Dec. 1, 2003 – The Staten Island ferry accident on Oct. 15, 2003 resulted in 10 deaths and a still undetermined number of others injured. Federal Maritime Law allows the owner of the vessel (in this case, New York City) to file a complaint in Federal Court to join and resolve all claims before a single federal judge. The City is also permitted under that law to request that, if it is found liable, its liability be limited to the value of the vessel. Today, the City filed a complaint in the U.S. District Court for the Eastern District of New York asking for this relief. This will enable all litigation relating to the accident to be held before a single judge. Without such a proceeding, the numerous litigations arising out of the accident that are expected to be filed against the City might each be filed as separate actions in State and Federal courts throughout the City.

However, at the same time as it has taken this action, the City announced that it would make every effort to fairly and expeditiously resolve, without the need for the litigation, all claims brought against it by the families of those who lost their lives or by persons who were injured in the accident. New York State law permits municipalities to investigate claims – including taking sworn testimony and conducting physical examinations – and settling those claims before any litigation is begun. Under that law, the Comptroller is then permitted to offer appropriate compensation to the injured parties without the need for any litigation.

In the hope that much of the inevitably lengthy litigation involving the ferry accident can be avoided, and so that those injured can receive appropriate compensation without delay, the New York City Comptroller's office and the City's Law Department will schedule hearings and physical examinations on the ferry claims within the next few weeks.

"The City's investigation and defense of the ferry claims will not only expedite the compensation of those injured, but will also facilitate the development of an accurate picture of what happened that day," noted Corporation Counsel Michael A. Cardozo. "This will enable all parties to move forward and find the resolution they're seeking while allowing the City to better understand the causes of this tragedy and to ensure that it will not happen again.

"I want to assure those who were injured and their family members that these hearings and physical examinations will be conducted with one primary goal – to fairly and swiftly compensate victims of this tragedy," said New York Comptroller William C. Thompson, Jr. "I want to encourage those who have been injured, as well as the families of those who perished in this terrible event, to file claims with my office promptly and to fully cooperate with my office and the Law Department so that the claims can be resolved expeditiously, and without the need for litigation. We all hope to deal with this unprecedented event with sensitivity to the losses suffered."

Both officials noted that they hoped, as a result of this expeditious process, that claimants can avoid lengthy litigation with uncertain results while also receiving just compensation and avoiding a substantial amount of the legal fees they would otherwise have to incur.

Thompson and Cardozo added that they hoped, in light of the expeditious process they had established – and the fact that much of the litigation process would be avoided – that the attorneys representing those injured would agree that the amount of the fees they would charge would be substantially less than the one-third of the recovered amount that is the norm in most personal injury suits. They encourage anyone who had been injured in the ferry accident to file a prompt claim with the Comptroller.

The New York City Comptroller, an independently elected official, is the Chief Financial Officer of the City of New York. The mission of the office is to ensure the financial health of New York City by advising the Mayor, the City Council, and the public of the City's financial condition. The Comptroller also makes recommendations on City programs and operations, fiscal policies and financial transactions. In addition, the Comptroller manages close to \$74 billion in pension funds, performs budgetary analysis, audits city agencies, registers proposed contracts, oversees budget authorization, determines credit needs, terms and conditions, prepares warrants for payment, and issues and sells City obligations. The office employs a workforce of over 700 professional staff members. Its web address is: www.comptroller.nyc.gov.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 90,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

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