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Ground Zero Workers Seek Insurance Funds

By Robin Shulman
Washington Post Staff Writer
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NEW YORK, July 17 -- Ailing rescue workers from the [World Trade Center](#) site filed a lawsuit Tuesday charging that a \$1 billion insurance fund set up after Sept. 11, 2001, violated a congressional mandate to pay their injury claims and instead spent millions of dollars fighting those claims.

The suit alleges that WTC Captive Insurance Co., which is controlled by [New York City](#), has drained the money available for workers, who say that their exposure to toxic dust caused serious illnesses.

"Not a single rescue worker who became sick has seen a penny of this money," said David E. Worby, the lawyer who filed the suit in the state Supreme Court in [Manhattan](#). "It's torturing our people who are sick and dying every day."

But while plaintiffs' lawyers and lawmakers say the fund is designed to pay claims, city officials argue that its purpose is to defend [New York](#) against them. "The insurance company can only pay out monies if somebody sues us in court and wins a judgment against us," [Mayor Michael R. Bloomberg](#) said.

The company has spent almost \$74 million on overhead and legal bills, according to the suit, and has paid out \$45,000, to a worker who fell off a ladder.

Lawyers in this suit are already suing the city on behalf of about 10,000 sick first responders.

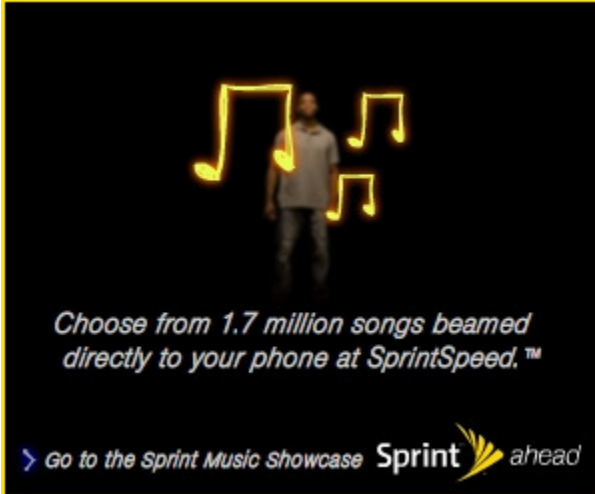
The plaintiffs in the new suit are former [New York Police](#) detective John Walcott, who has leukemia; another detective, Frank Maisano, who has lung disease; and Mary Bishop, a volunteer who has sarcoidosis and cancer.

Walcott said the suit is important for "people who are sick and dying, and are losing their homes and can't pay their medical bills."

Judge Alvin K. Hellerstein of the [U.S. District Court](#) in Manhattan, who oversees thousands of lawsuits brought by Ground Zero workers against the city, early this year urged both sides to settle by capping the city's liability at \$1 billion and by providing for a court-appointed special master to dispense compensation awards.

But establishing parameters for disbursements could be complicated, especially as the extent of damage to the health of the tens of thousands of workers who labored at the site is not yet known. Many diseases, such as cancer, could take years to develop.

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Congress initially allocated New York \$1 billion because the city could not find in the commercial market sufficient insurance against negligence suits.

"It was our intent that the money be used to protect injured workers and not swallowed up by lawyers and legal fees," said [Rep. Carolyn B. Maloney](#) (D-N.Y.). "I never could have imagined we would end up where we are now, without one single worker compensated."

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