

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION

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ORDER

21 MC 97

ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

The parties appeared for oral argument on May 1-2, 2003 on various defendants' motions to dismiss the complaints pursuant to F.R.C.P. 12 or for summary judgment pursuant to F.R.C.P. 56.

For the reasons stated on the record on May 1, 2003, the summary judgment motion by Air Canada, America West Airlines, and Continental Airlines (also referred to as the non-carrier airlines) is denied, without prejudice, as premature.

For the reasons stated on the record on May 2, 2003, the joint motion to dismiss by the airport operators Port Authority of New York and New Jersey, Metropolitan Washington Airport Authority, Massachusetts Port Authority, and City of Portland, Maine is denied, without prejudice, as premature.

SO ORDERED.

Dated: New York, New York
May 5, 2003



ALVIN K. HELLERSTEIN
United States District Judge

It is ORDERED that counsel to whom this Order is sent is responsible for faxing a copy to all counsel and retaining verification of such in the case file. Do not fax such verification to Chambers.