

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE SEPTEMBER 11 LITIGATION

21 MC 97 (AKH)

STIPULATION AND ORDER

WHEREAS, defendant Pinkerton's, Inc. ("Pinkerton's"), a corporation organized under the laws of Delaware, is alleged in Plaintiffs' Flight 11 Master Liability Complaint, Plaintiffs' Flight 175 Master Liability Complaint and Property Plaintiffs' Second Amended Master Liability Complaint to be the parent corporation of defendant Globe Aviation Services Corp. ("Globe"); and

WHEREAS, defendant Burns International Security Services Corp. ("BISSC"), a corporation organized under the laws of Delaware, is alleged in Plaintiffs' Flight 11 Master Liability Complaint, Plaintiffs' Flight 175 Master Liability Complaint and Property Plaintiffs' Second Amended Master Liability Complaint to be the parent corporation of defendant Globe; and

WHEREAS, defendant Burns International Services Corp. ("BISC"), a corporation organized under the laws of Delaware, is named as a defendant in a number of actions consolidated herein; and

WHEREAS, the Air Transportation Safety and System Stabilization Act creates a federal cause of action for claims arising out of the September 11, 2001 terrorist attacks and further provides that the United States District Court for the Southern District of New York shall have exclusive, original jurisdiction over all such actions ("ATSSSA Actions"); and

WHEREAS, on July 24, 2002, Judge Alvin K. Hellerstein of the United States District Court for the Southern District of New York ordered that all ATSSSA Actions be consolidated under Master Docket Number 21 MC 97 (AKH); and

WHEREAS, pursuant to the order of the Court dated November 12, 2002 and subsequent orders and/or instructions, all individual complaints filed under 21 MC 97 (AKH) (the "Individual Complaints"), and all claims raised in such Individual Complaints, are to be subsumed under one of five Master Complaints, namely Plaintiffs' Flight 11 Master Liability Complaint, Plaintiffs' Flight 175 Master Liability Complaint, Plaintiffs' Flight 77 Master Liability Complaint, Plaintiffs' Flight 93 Master Liability Complaint and Property Plaintiffs' Master Liability Complaint (collectively, the "Master Complaints"), as amended from time to time to include all Individual Complaints, whether filed before or after the filing of any of the Master Complaints; and

WHEREAS, on February 7, 2003, Pinkerton's, BISC, BISSC and Plaintiffs (each a "Party" and collectively, the "Parties") submitted a Stipulation and Order (entered on February 18, 2003) that stayed all proceedings against Pinkerton's, BISC and BISSC until the Court entered an order granting or denying the Aviation Defendants' Motion to Dismiss Ground Damage Claims (the "Motion to Dismiss"), in which Pinkerton's and Burns have joined (the "February 18, 2003 Order"); and

WHEREAS, on September 10 2003, the Court entered a decision and Order denying the Motion to Dismiss; and

WHEREAS, pursuant to the February 18, 2003 Order, as amended on October 27, 2003, Pinkerton's, BISC and BISSC were to file answers to certain of the Individual Complaints and provide certain discovery responses on or before November 10, 2003;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE UNDERSIGNED ATTORNEYS FOR PINKERTON'S, BISC AND BISSC AND PLAINTIFFS' LIAISON COUNSEL, SUBJECT TO COURT APPROVAL, THAT:

1. All proceedings against Pinkerton's, BISC and BISSC, including without limitation their time to move to dismiss, to answer or otherwise to respond to any of the Master Complaints or to any Individual Complaint, and any

discovery of Pinkerton's, BISC or BISSC, are stayed until April 24, 2004 (the "Stay Period").

2. Pinkerton's, BISC and BISSC shall not assert as defenses the statute of limitations, laches or other doctrine related to the passage of time as to any Individual Complaint that may be filed for a period of six months after the applicable statute of limitations has run, but no later than September 11, 2004, PROVIDED HOWEVER, that nothing in this Stipulation and Order shall be construed to revive any claim or cause of action that was barred as of November 10, 2003.

3. Paragraph 2, supra, pertains to Individual Complaints only to the extent they raise claims against Pinkerton's, BISC and BISSC. Nothing in this Stipulation and Order shall be construed to revive any claim or cause of action against any other defendant, including without limitation Globe.

4. Pinkerton's, BISC and BISSC shall produce to the Plaintiffs' Executive Committee ["PEC"], on or before December 15, 2003, representations disclosing, or copies reflecting, the terms of all applicable insurance agreements and the amounts of their insurance. Pinkerton's, BISC and BISSC shall also produce the terms of all applicable exclusions or limitations provisions by said date.

5. Pinkerton's, BISC and BISSC shall be bound by any order relating to discovery in 21 MC 97 (AKH) issued during the Stay Period; PROVIDED

HOWEVER, that nothing in this Paragraph 5 shall be construed as imposing any obligation on Pinkerton's, BISC or BISSC to provide any discovery responses or produce any documents during the Stay Period except pursuant to Paragraph 4 supra. AND FURTHER PROVIDED that this Paragraph 5 does not effect any limitation or waiver of Pinkerton's, BISSC's or BISC's rights to object to any discovery request or demand to which they may ultimately be required to respond.

6. This Stipulation and Order shall not be deemed to waive or preclude any rights or defenses Pinkerton's, BISC or BISSC may have under the Federal Rules of Civil Procedure or other applicable law.

7. The undersigned counsel hereby represent that they have the authority to execute this Stipulation and Order on behalf of their respective clients and to bind their clients to the terms hereof. Plaintiffs' Liaison Counsel specifically represent that they have the authority to bind to the terms of this Stipulation and Order plaintiffs who have filed or may in the future file an Individual Complaint.

Dated: November 6, 2003

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SO ORDERED:

Alvin K. Hellerstein
Alvin K. Hellerstein, United States District Judge