

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' Amended Flight 11 Master Liability Complaint, Plaintiffs' Amended Flight 175 Master Liability Complaint and Property Plaintiffs' Third 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' Amended Flight 11 Master Liability Complaint, Plaintiffs' Amended Flight 175 Master Liability Complaint and Property Plaintiffs' Third 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 on March 31, 2004, and as necessary thereafter, to include all Individual Complaints, whether filed before or after the filing of any of the Master Complaints; and

WHEREAS, on May 11, 2004, the Court entered a Stipulation and Order (dated April 30, 2004) that inter alia stayed all proceedings against Pinkerton's, BISC and BISSC until October 25, 2004; and

WHEREAS, the Parties wish to extend the aforementioned stay for a further twelve months.

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 January 25, 2005 (the "Initial Stay Period").

2. Upon expiration of the Initial Stay Period, the stay of proceedings against Pinkerton's, BISC, and BISSC shall automatically renew for successive three-month periods (each of which shall expire on the 25th calendar day of the third month) (each such period, a "Stay Period"), subject to the right of any party to terminate the stay of proceedings by giving notice in the manner provided in paragraphs 3 and 4, below.

3. Any party wishing to terminate the stay of proceedings against Pinkerton's, BISC or BISSC shall serve upon counsel for all other parties a Notice of Termination of Stay no later than December 25, 2004 if during the Initial Stay Period, or the 25th calendar day of the second month of any subsequent Stay Period.

4. Notices of Termination of Stay shall state (i) all defendants in respect of which the stay of proceedings is being terminated; and (ii) the date the stay of proceedings expires, which date shall be a business day no earlier than 30 days after the

service date of the Notice of Termination of Stay.

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

Date: October 27, 2004

KREINDLER & KREINDLER

By: 

Marc S. Moller (MM0143)

Brian J. Alexander (BA9435)

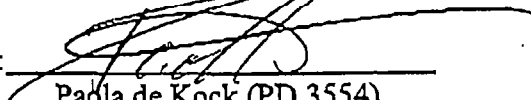
Plaintiffs' Liaison Counsel

100 Park Avenue

New York, New York 10017

(212) 687-8181


CHADBOURNE & PARKE LLP

By: 

Padla de Kock (PD 3554)

Attorneys for Pinkerton's, Inc.
30 Rockefeller Plaza
New York, New York 10112
(212) 408-5100

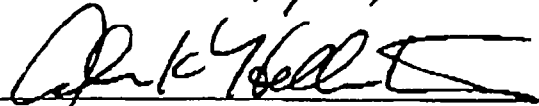
HUNTON & WILLIAMS

By: 

Brian V. Otero (BO 0519)

Attorneys for Burns International Services
Corp. and Burns International Security
Services Corp.
200 Park Avenue, 43rd Floor
New York, New York 10166-0136
(212) 309-1000

SO ORDERED: 11/1/04


Alvin K. Hellerstein, United States District Judge