

News release of:

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9/11 WIDOW HOPING FOR SUPREME COURT REVIEW

Backers Now Trying to Raise \$11K by 11/1/12

Embattled widow Ellen Mariani wants to tell the U.S. Supreme Court that the \$3.75 million settlement of her late husband's 9/11 claims was tainted, and she has authorized a legal defense fund to allow her to carry on her decade-long fight, announced Mariani backers August 30 from Massachusetts.

Mariani was the first person to sue airlines and airports for a 9/11 death--in Chicago federal court in early 2002. She was also one of the earliest family members to speak publicly about her doubts about the official 9/11 story. None of the remains of her husband Louis Neil Mariani, booked as a passenger on United Air Lines Flight 175, were ever returned to her.

According to the official 9/11 story, Arab hijackers flew her husband's plane into the South Tower of the World Trade Center after slipping past airport security with box cutters--but Mariani doesn't buy it.

At one time Mariani was persuaded to sue George W. Bush and other government officials for complicity in the events of 9/11, but that case was promptly dismissed.

What remained to her--at least until late June 2012--was the chance to get evidence and accountability inside the official 9/11 wrongful death litigation that was assigned by Congress to a single federal court, the Southern District of New York, and a single judge, Alvin K. Hellerstein. No claim in that case ever reached trial, and Mariani's is the last to be paid.

Judge Hellerstein has presided over hundreds of cases involving 9/11 victims in Manhattan, and all have resulted in settlements for undisclosed amounts. Hellerstein took an active role in urging settlement, stating at one point, "Money is the universal lubricant."

Meanwhile, Mariani and her attorney Bruce Leichty have been repeatedly rebuffed by Hellerstein, say Mariani's backers, and have now been rebuked by a two-judge panel of the 2nd Circuit Court of Appeals. They were "ordered to show cause" why they should not pay money sanctions to their adversaries after they submitted extensive documentation of Hellerstein's connections with three key defendants in the 9/11 litigation, Boeing Corporation and security companies ICTS and its U.S. subsidiary Huntleigh. In an April 2012 motion, submitted on the eve of appellate argument, Mariani showed that Hellerstein's son Joseph, a lawyer in Israel, had client relationships with affiliates and joint venturers of these same three defendants.

That was on top of her earlier showing to Hellerstein that the plaintiff who took over her New York federal court claims in 2004, John Ransmeier, was then representing United Air Lines at the same time he was purporting to settle the Mariani 9/11 claims with United and Huntleigh

and their insurers, notes James Phillips, a retired attorney and a former Marine Corps officer. Phillips is a long-time 9/11 truth advocate who is not involved in the case.

"These filings were controversial but quite relevant and well-presented," said Phillips. "One of Ellen's main interests has been about getting beyond the stage-managing of the 9/11 proceedings, about getting behind the superficial appearance that the 9/11 legal process is working in the public interest, but that's obviously not possible when a court is turning a blind eye to conflicts of interest."

The Supreme Court is now her only hope for 9/11 truth, he says, but "she and her litigation team have exhausted their resources and can't go to the Supreme Court without help."

Phillips says he has long been interested in the case based on his acquaintance with some of Mariani's backers, who have followed proceedings in her probate court case in New Hampshire where the Estate of Louis Neil Mariani was opened after 9/11, and subsequently hearings in New York, where Mariani's case was transferred from federal court in Chicago. Ellen Mariani was the first administrator of her deceased husband's estate, but was essentially forced out in favor of a supposedly neutral successor based on complaints of attorneys for her step daughter and based on dubious counsel of prior New Hampshire counsel after Ellen began her quest for 9/11 truth.

Mariani argued in her latest filing that she should be permitted to re-enter her case as an intervenor based on the divided loyalties of her fiduciary, and also to challenge Ransmeier's settlement since it directly affected her. Her court papers reveal that she didn't discover that John Ransmeier was not a neutral fiduciary until after a previous attempt to intervene in 2007. The papers reveal that Ransmeier was proposing to settle the case without any accountability, and without honoring her personal spousal loss claim, even though Ransmeier's law firm had

been representing United Air Lines and other interested parties without disclosure during the same time he was litigating against them and then settling with them.

Hellerstein and the 2nd Circuit both rejected Mariani's first attempt at intervention, although the 2nd Circuit also confirmed that she could object to any settlement presented to Hellerstein; however, in June 2012 a different two-judge panel of the 2nd Circuit ruled that Mariani should have known she could no longer intervene to challenge the settlement, and threatened to impose money sanctions on her and attorney Leichthy (the outcome of that threat is pending at the time of this news release).

"Bruce Leichthy is a very responsible litigator and has shown great courage in taking on this case and in filing the motion regarding Hellerstein," said Phillips. "Since another panel of this court had already rejected Ransmeier's motion to dismiss Ellen's appeal on the same grounds cited by these two judges, this inexcusably harsh ruling is obviously designed to intimidate. He and Ellen need our support more than ever."

If Mariani can't get the Supreme Court to accept a petition for review of the outcome of her claims against United Airlines, Boeing and airport security companies, says Phillips, then the possibility for accountability regarding the actual events of 9/11 through litigation is officially ended, and Mariani will be left with a potentially hollow remedy in New Hampshire probate court about fiduciary misconduct. Phillips further notes that she might also get only a fraction of the settlement money pledged by 9/11 defendant insurers, since there is a real danger that most of it could be awarded to her stepdaughter and to various lawyers for probate administrator Ransmeier who have been ruthlessly fighting her for more than five years.

A person who is affected adversely by a federal court settlement is supposed to at least have standing to seek intervention in federal court and that is particularly true where there is

disclosure of conflicts of interest on the part of a fiduciary, says Phillips. Yet Judge Hellerstein denied her a voice on the ground that Mariani had no basis to even ask to participate, and the 2nd Circuit in its unpublished decision upheld him, without reaching any of Mariani's arguments about the effect of conflicts of interest or other claims of unlawful and unfair features of the settlement.

Among other things, Mariani has alleged in her latest federal court filing that:

--Probate administrator Ransmeier never intended to and was not prepared to go to trial on the claims made in the 9/11 action, and had no attorney lined up to try the case;

--Probate administrator Ransmeier failed to account to Mariani for evidence taken during the case from Boeing as to the ability of the plane manufacturer to install hardware and software on its planes that would allow remote electronic commandeering of the planes, ostensibly in the event of a hijacking;

--Ransmeier discounted Mariani's individual claims for loss of spousal companionship and consortium, pled separate from the Estate's claims, and failed to use any argument to maximize what he had at one time said had very significant value.

--An attorney for Ransmeier, Charles Capace, was awarded almost \$800,000 by Hellerstein despite never having formally entered an appearance for Ransmeier in Hellerstein's court and despite not being admitted in New York federal court. Capace got a bigger fee award than any other 9/11 plaintiff attorney, as a reward for fighting Mariani's intervention efforts;

--Probate Administrator Ransmeier was unlawfully authorized by Hellerstein to effect a waiver of Mariani's own claims, different from those of the probate estate, in the context of the settlement agreement with unnamed insurers for United and Huntleigh.

--Only the New Hampshire probate court had the authority in the first place to allocate

any attorney fees from the \$3.75 million settlement, or to approve an offset of \$25,000 to United Air Lines for money that was paid by United shortly after the 9/11 tragedy not to Ransmeier, but to Mariani.

There is considerable irony in that latter point, says Phillips. Despite essentially usurping the role of the New Hampshire probate court, he observes, Judge Hellerstein in denying Mariani's intervention motion stated that only the probate court could rule on whether she had bargained away all of her rights to intervene when she let a successor step into the role of probate administrator, and on whether that successor remained fit to carry out by himself the duties of a plaintiff in the federal 9/11 litigation--and this despite the fact that Rockingham County probate judge Peter Hurd in New Hampshire had already refused to decide that issue by deferring to Hellerstein's court.

Until the Mariani Estate settlement was presented to the court in 2010 over Ellen Mariani's strong objection, none of the amounts of any settlement in a 9/11 action had been publicly disclosed, and yet no major media have chosen to cover the disclosure of the size of the settlement or Mariani's objection to it, or to comment on its size as compared to recoveries in other high profile wrongful death litigation. Phillips says Ransmeier and attorneys for the probate estate have brazenly stonewalled Mariani in her attempts to find out how much of the settlement they intend to take for themselves, but Phillips believes it will be massive, unless the tide can be turned by the Supreme Court.

"This case involves the biggest terrorist event in the nation's history, without any trial to show what actually happened, and it is a case that raises many issues of national importance. Not just Ellen Mariani but the whole country needs to know what happened on 9/11," says Phillips. "This is in addition to the fact that widows have a special place of protection in our

legal heritage based on biblical admonition."

Ellen Mariani needs to raise \$11,000 by 11/1/12 in order to proceed with her appeal to the US Supreme Court. The Ellen Mariani Legal Defense Fund was unable to raise the money by our previous deadline to collect the funds, which was 9/11/12. [However, Ellen's attorney, Bruce Leichty, filed an application for an extension of time to file with the US Supreme Court and an extension was granted, with a new filing date of 11/23/12.](#) This means that we can continue our fundraising efforts up until 11/1/12 (which would leave Bruce Leichty three weeks and one day to prepare and file the brief). Phillips stated that if the fund succeeds in raising the \$11,000 by 11/1/12 Ellen Mariani's case will be appealed to the US Supreme Court. He also said that if the money cannot be raised in time she will not be able to do so; however, any funds collected regardless of the outcome will be used to protect Mariani and defray whatever legal expenses are incurred by Mariani in protecting her remaining rights and/or legal fees and expenses already incurred. Added Phillips: "All of the contributions received will be for the legal expenses of Ellen Mariani who has dedicated her last decade to 9/11 truth. Not one cent will go for the administrative costs of the group which has organized the Legal Defense Fund. We are working on a volunteer basis." A website has been put up where online donations can be made at www.marianilawsuit.com. Alternatively, checks or money orders can be sent by November 1, 2012 to: Ellen Mariani Legal Defense Fund, c/o Vincent Gillespie, Secretary-Treasurer, P. O. Box 1284, Greenfield, Mass. 01302. (Checks or money orders should be made payable to "Ellen Mariani Legal Defense Fund.")