

Supreme Court justice is blind to Ellen Mariani petition

By Jerry Mazza

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Unfortunately, on Tuesday, February 19, 2013, Ellen Mariani's petition for [Writ of certiorari](#) fell on blind eyes as Justice Ruth Ginsburg Bader and the Supreme Court denied it. *Techlaw Journal* defines the legal term as "A document which a losing party files with the Supreme Court asking the Supreme Court to review the decision of a lower court. It includes a list of the parties, a statement of the facts of the case, the legal questions presented for review, and arguments as to why the Court should grant the writ."

Given Ellen Mariani's ongoing legal battle with the court system and U.S. Government for a dozen years, this decision does not come as a surprise. Sadly it is more bad news in a series of trials in the United States District Court for the Southern District of New York, and specifically in the courtroom of Judge Alvin K. Hellerstein, wherein the events of September 11, 2001 were discussed, including two airliners crashing into the Twin Trade Towers, the second one, United Airlines Flight 175 were said to have flown into the South Tower, leading to the death of the Appellant's husband Louis Neil Mariani.

Those last lines also ask of us all to believe why the world's largest military/intelligence defense system couldn't get a plane in the air to defend against the two-hour attack. Reading through an earlier [44-page appeal](#) of Ellen Mariani's dated 4/19/2012 to the Second Circuit Federal Court of Appeals, we find the following statements...

"1. Unfortunately, the effect of Judge Hellerstein's supervision and rulings has been that no trial has been held on any wrongful death or survivorship claim arising out of the 9/11 plane crashes. This was consistent with pressure exerted by Judge Hellerstein at many points. Settlements from the Victims Compensation Fund [nearly \$7 billion worth] have been sought and approved as to

all claims made to date. Yet Mariani believes that her claims and the claim of her deceased husband's Estate—settlement, made over her objection, are the only claim not yet the subject of an approved settlement or other final nonappealable order of the Court. The motion is also brought on the grounds that Appellant has challenged approval of a settlement which now appears to have been a “sweetheart” deal for the same defendants implicated in the District Court's laxity and insensitivity to partiality, namely aviation security defendants ICTS International NV and its U.S. affiliate Huntleigh USA Corporation, and defendant The Boeing Company. This motion is supported by the attached Declaration of Ellen Mariani, with extensive exhibits filed separately, and attached Memorandum of Points and Authorities, and the Record on Appeal as Extracted in the Joint Appendix on file herein (abbreviated as “JA”), and is based on these facts:

“1. Federal Judge Alvin K. Hellerstein has presided over all of the proceedings arising out of the terrorist acts that befell the United States of America on September 11, 2001, including but not limited to the crashing of United Airlines Flight 175 into the South Tower of the World Trade Center in New York City, leading to the death of Appellant's husband Louis Neil Mariani. The effect of Judge Hellerstein's supervision and rulings has been that no trial has been held on any wrongful death or survivorship claim arising out of any of the 9/11 plane crashes. Consistent with pressure exerted by Judge Hellerstein at numerous points, settlements have been sought and approved as to all claims made to date, and Mariani believes that her claims and the claim of her deceased husband's Estate—settlement of which was made over her objection—are the only claims not yet the subject of an approved settlement or other final nonappealable order of the Court.

“2. On 11/15/2010 Judge Hellerstein denied without elaboration the motion for an order authorizing her intervention in 03-cv-6940 in the district court (“the Mariani Action”), filed on the ground that *the Apellee John Ransmeier, supposedly her fiduciary, could not adequately protect Mariani's property interest in the Mariani Action, since he had a conflict of interest in that his law firm had represented aviation defendant United Airlines and other defendants during his prosecution of Mariani's claims against those same defendants, which Mariani did not discover until shortly before Ransmeier announced his intention to settle them.* Judge Hellerstein in the same order (the “11/15/10 Order”) approved a settlement nominally entered into between Ransmeier, United, UAL, and certain insurers, but not signed by another key defendant, aviation security provider ICTS International NV (“ICTS”) or its U.S. affiliate Huntleigh USA Corporation (“Huntleigh”), even though those two entities were named beneficiaries in the proposed release that accompanied the settlement agreement. Nor was the Boeing Company (“Boeing”), also a named defendant in the Mariani Action, mentioned in the settlement agreement or a signatory thereto. The 11/15/10 Order, together with certain related orders, is the subject of the instant appeal.

“3. The operative complaint in which the claims of the Louis Neil Mariani

Estate and of Ellen Mariani are pled includes without limitation the following

allegations directed specifically at ICTS, Huntleigh and Boeing:

–At all times pertinent, defendants Huntleigh [and] ICTS [] owned,

operated, controlled, manned, supervised and oversaw the security system

through which the terrorists penetrated... .

–Before and on September 11, 2001, defendant Boeing designed, manufactured, assembled, inspected, tested, distributed, serviced, maintained, monitored, repaired, marketed and introduced into the stream of commerce the aircraft, and its component parts, including, but not limited to, the aircraft’s cockpit security system, along with instructions and warnings for the aircraft and its component parts which it approved, wrote, prepared, provided, monitored and which were sold, delivered and provided to defendant United, and thereafter, Boeing monitored the aircraft for service and mechanical reliability and airworthiness.”

Again, “[D]efendants[], supposedly her fiduciary, could not adequately protect Mariani’s property interest in the Mariani Action, since he had a conflict of interest in that his law firm had represented aviation defendant United Airlines and other defendants during his prosecution of Mariani’s claims against those same defendants, which Mariani did not discover until shortly before Ransmeier announced his intention to settle them. Judge Hellerstein in the same order (the “11/15/10 Order”) approved a settlement nominally entered into between Ransmeier, United, UAL, and certain insurers, but not signed by another key defendant, aviation security provider ICTS International NV (“ICTS”) or its U.S. affiliate Huntleigh USA Corporation (“Huntleigh”), even though those two entities were named beneficiaries in the proposed release that accompanied the settlement agreement. Nor was the Boeing Company (“Boeing”), also a named defendant in the Mariani Action, mentioned in the settlement agreement or a signatory thereto. The 11/15/10 Order, together with certain related orders, is the subject of the instant appeal.”

The preceding section was repeated to make sure you see the betrayal, the bald-faced conflict of interests. As you read on, the facts alleged keep getting stranger and stranger, including more conflict of interest arrangements between more American and Israeli organizations, and including the Israel-based law firm of Judge Hellerstein’s son Joseph Z. Hellerstein, which represented joint ventures and affiliates of some of the defendants.

Also, we find Judge Hellerstein encouraging all clients to seeking to take a financial settlement instead of going for a trial. The stipulation of the Victims Compensation Fund is that you can’t have a trial and take VCF “hush” money. So the Judge advised all plaintiffs “to take the money and move on.” After all, “money,” Hellerstein said, “is the universal lubricant,” so in effect you might as well forget about trials, truth, and all that folderol. Is that what we should expect from a judge, of all people?

That this a travesty of justice, not only to Mariani but the many other families who demanded justice not cash. This travesty has gone on till the relentless Judge Hellerstein, whittled away all the truth-seeking plaintiffs but Mariani, leaving her holding the bag of defeat, with neither the truth nor reparation for her lost husband. In the process, she became a hero to all followers of the 9/11 Truth Movement, for her raw courage, to speak out against the illegal anomalies of the Victims Compensation Fund and the U.S. Government’s Conspiracy against the truth. The

winners here were the law firms, the most notable Motley Rice, and the airlines who received close to \$8 billion in tax credits and cash.

Today, as Mrs. Mariani resides out west with her daughters and grandchildren, perhaps she has won true wealth and peace among those who love her, beyond the labyrinth of illegality and cronyism that characterized her trials.

Since Ellen Mariani opted not to take the “hush” money, her step-daughter Lauren Mariani Peters, Neil’s blood child, stood to get a portion of the settlement to which a beneficiary of the probate estate was entitled. This is unlike Ellen who was supposed to get BOTH that plus a widow’s recovery. The concern is that Lauren Peters will get her full share but that Ellen will be “dinged” for the legal expenses of the Estate for having sought to protect herself from John Ransmeier.

Yet, Saint Ellen of the Victims Families perseveres, surviving the mauling at the stake of American justice, from top to bottom. The experience of her life should be an example to Americans of all ages in her relentless struggle to get at the truth of 9/11, and not to compromise for comfort or fear’s sake.

To Mariani’s relentless lawyer Bruce Leichty, I would give thanks on behalf of the American people for his belief in the American legal system and pushing it to its ragged edges to find justice for a widow left out to dry in the icy winds of winter. Though in this case as I’ve said, Justice remained blind, and the cloth of bias was not removed from her sight. Both Mariani and Leichty represent the best in the American character. And the words American Exceptionalism take on a true meaning with their names.

To all those brave and generous people who came to Ellen’s aide to raise the \$11,000 plus for the Supreme Court appeal costs, I salute you one and all. You, too, are among the best, the truest and strongest souls America has to offer. Now that we know we’re out there, let us realize our fraternity is a balm, [a balm in Gilead](#).

“[A balm in Gilead](#)” is a reference from the [Old Testament](#), but the lyrics of this [spiritual](#) refer to the [New Testament](#) concept of [salvation](#) through [Jesus Christ](#). The Balm of Gilead is interpreted as a spiritual medicine that is able to heal Israel (and sinners in general). In the Old Testament, the balm of [Gilead](#) is taken most directly from Jeremiah chapter 8 v. 22: “Is there no balm in Gilead? Is there no physician there? Why then is there no healing for the wounds of my [God’s] people?” (Another allusion can also be found in [Jeremiah](#) chapter 46, v. 2 and 11: “This is the message (of the Lord) against the army of [Pharaoh](#) Neco ... Go up to Gilead and get [balm](#), O Virgin Daughter of Egypt, but you multiply remedies in vain; here is no healing for you” – see also Jeremiah chapter 22, v. 6.) [\[1\]](#).

To heal, I would urge Ellen to outlive this bad dream. And to enjoy a full life that consists both of seeking fairness and enjoying one’s family. Certainly, none of us wants Ellen just to roll over and play dead in New Hampshire now where the hostilities will resume. Knowing Ellen as I do, I don’t think that’s an option for her. Thus I say, “Forward, brave lady, forward!”

Jerry Mazza is a freelance writer, life-long resident of New York City. An EBook version of his book of poems "State Of Shock," on 9/11 and its after effects is now available at [Amazon.com](https://www.amazon.com) and [Barnesandnoble.com](https://www.barnesandnoble.com). He has written hundreds of articles on politics and government as Associate Editor of [theintrepidreport.com](https://www.theintrepidreport.com) (formerly Online Journal). Reach him at gvmaz@verizon.net.