

## **UPDATE FOR THE ELLEN MARIANI LEGAL DEFENSE FUND, SEPTEMBER 7, 2014**

Prepared by Vincent Gillespie, Secretary-Treasurer of the Ellen Mariani Legal Defense Fund

### **Background:**

Ellen Mariani last saw her husband, Louis Neil Mariani, shortly before he boarded United Air Lines Flight 175 on 9/11/2001. Ellen was the first person in the nation to file a lawsuit arising from a 9/11 death, and she pursued litigation for over 11 years beginning in December 2001 against United Air Lines; Huntleigh USA, the passenger screening company at Logan Airport in Boston; ICTS, an Israeli security company and the parent of Huntleigh; Boeing; and other defendants. Ellen was determined to not only obtain compensation for the loss of her husband but to also discover the truth about what really happened on 9/11. She endured years of outrageous and improper treatment from her own attorneys -- until hiring Bruce Leichty in 2007 -- and also from the judiciary in New Hampshire and New York federal courts.

In 2012, after the federal Court of Appeals in New York City slammed the door on her efforts to address an unfair settlement struck in her name, and a conflict of interest of the probate administrator for her deceased husband's estate, and improprieties associated with the judge who presided over the case in Federal District Court (Judge Alvin Hellerstein), she and her final attorney, Bruce Leichty, decided that they should appeal to the U.S. Supreme Court. The Ellen Mariani Legal Defense Fund was formed to raise money for that effort. Vincent Gillespie (this writer) and Christopher Bollyn (an excellent 9/11 researcher and author) were [officers in that fund](#). The fund succeeded in raising the needed money and Bruce Leichty went ahead and filed the appeal with the US Supreme Court, but that court refused to hear it. In September of 2013 Ellen and Bruce opted to end their efforts to challenge the Federal Settlement (which had previously been procured improperly and without Ellen's consent and basically forced upon her) and Ellen settled the remaining issues in her New Hampshire probate court case.

### **Post-settlement considerations**

The settlement agreement entered into by Ellen in September of 2013 did not permit Ellen to pursue further litigation against any of the defendants in the 9/11 federal case or parties to the probate case. It did allow for her trusted attorney, Bruce Leichty, to petition the Supreme Court once again from a belated order entered in May 2013 imposing sanctions on him (similar

sanctions were imposed on Ellen Mariani, but she agreed to forego any challenge as part of the settlement -- no money had to be paid by either Bruce or Ellen as a result of the order). In this surprise May 2013 order, made long after it had ruled on the substance of the appeal (on 6/26/12), the Second Circuit Federal Court of Appeals labeled certain conduct of Bruce and Ellen “anti-Semitic” and hurled other unwarranted and slanderous names and accusations against them. Bruce and Ellen had attempted to bring to the attention of the Appeals Court the connections between Judge Hellerstein’s lawyer son and his Tel Aviv law firm with certain insiders and partners of ICTS and Boeing.

For a time Bruce was considering the pursuit of a new Supreme Court petition. For complex legal reasons the filing deadline for that petition, he indicated, was not necessarily fixed, and therefore the option of another type of Supreme Court petition existed for an extended period of time. Ultimately, however, Bruce decided that he would not petition the Supreme Court based on the extremely low likelihood of getting relief on any petition -- particularly in a highly political case in which the Supreme Court had previously expressed no interest -- and based on the strain on his wounded law practice (more on that below).

### **Present status of Ellen Mariani Legal Defense Fund**

The formal role of the Ellen Mariani Legal Defense Fund in raising money for Ellen’s case has ended. The Fund is no longer accepting donations (as of several months ago). However, we will keep the website (marianilawsuit.com) up for some time so that the information about the case remains available to readers. It is also possible that if pertinent 9/11 related information comes to light we will post it there. Also, Bruce Leichty has indicated that he has been subjected to some unusual and unjust additional sanctions in California, which he is currently challenging; and there may be further reason to report those developments on this page. (He is not saying more about this at this time on account of pending litigation.)

### **A review of the work of the Ellen Mariani Legal Defense Fund:**

The fundraising part of this project was a success, even though the litigation part was not. We started in August of 2012. We needed to collect a minimum of \$11,000 by 11/1/2012 in order for Bruce to proceed and file his opening brief in Ellen’s Petition For Writ of Certiorari to the US Supreme Court. We put out a newsletter and connected with various online alternative

news and information websites and generally put the word out and donations started to come in. I (Vincent Gillespie) was interviewed on several internet radio shows, including Kevin Barrett's radio show. We got a big boost when Richard Gage of [Architects and Engineers For 911 Truth](#) agreed to publish an article on 10/17/12 based on our news release in that organization's newsletter which is widely read by people who are concerned about 911 Truth. ([Click here to read the article.](#)) Donations started coming in at a faster rate. However, when we got close to the 11/1/12 deadline, although many donations were coming in daily, we had collected only about half of the \$11,000 we needed. Then in the last few days before the deadline, three generous people -- one from Canada, one from Austria and one from Pennsylvania -- all stepped up at just about the same time and offered to cover the remaining balance. (The check from the gentleman in Pennsylvania arrived on the same day that the other two gentlemen made their offers and so we accepted the former and declined the other two offers.) With the donation from the gentleman in Pennsylvania and other donations that continued to come in we actually collected \$13,628, exceeding the minimum of \$11,000 that we needed to collect by 11/1/12. Bruce then went ahead and prepared and filed the opening brief. ([Click here to read it.](#))

Subsequently, after reading the [Opposition Brief](#) filed by one of the defendants, Probate Administrator John Ransmeier, Bruce decided that it would be beneficial to file a Reply Brief. However, if this brief was going to be prepared and filed we needed to raise an additional \$2,500. Bruce and Ellen had not originally planned on filing a Reply Brief. The decision to attempt to proceed with this brief and to collect this additional money was made on short notice, and the Ellen Mariani Legal Defense Fund was given only a few days to come up with that money. Two generous donors -- one from Canada and one from Australia -- stepped up and quickly provided most of that money. An anonymous donor provided the rest. So we were able to come up with the \$2,500 in time, and Bruce prepared and filed the [Reply Brief](#).

Subsequently, from May through September of 2013, four more donations came in providing another \$98.75. Thus, the total amount collected was \$16,278. Note: the actual amount donated online was slightly more than what we collected because Paypal and WePay (an alternative online payment service that we used along with Paypal) took a portion of the online payments as a fee for their services. Paypal was taking 2.9% plus 0.30 cents for each online donation and Wepay was taking the same or a similar amount.

All donated funds went to reduce the appellate legal expenses of Ellen Mariani, living on a Social Security stipend pending the outcome of her case, for fees and costs incurred by Bruce Leichty. Bruce and Ellen have asked me to again express their appreciation to all donors, large and small, since they could not have undertaken the Supreme Court challenge and "speaking truth to power" without this timely cash assistance.

This success in raising funds was attributable to the generosity of many concerned citizens from all around the world. Donations came in from Germany, Canada, Australia, Austria, England, the US and a number of other European countries. As I wrote previously, it was heartening to see the concern from so many people around the globe regarding a widow's pursuit of 9/11 truth.

Although the fundraising part of this project was a success, the actual appeal was not successful. The U.S. Supreme Court refused to hear it. As previously noted, a petition for writ of certiorari to the Supreme Court -- the only type of appeal Bruce could file on Ellen's behalf -- is really only an application requesting permission to brief the error below. It is up to the discretion of the Supreme Court whether or not to grant the application.

The surprise receipt of another order from the Court of Appeals in May 2013 left Ellen and Bruce with some very tenuous legal arguments that might have still been made to the Supreme Court, but the chances of success were very slim, especially given the obvious hostility of the judiciary to pretty much every legal move that Bruce was making. With no good options left, Ellen finally decided to try to cut her losses and entered into Probate Court settlement negotiations -- also fraught with hostility toward her, but that is another story -- which resulted in a settlement in September 2013.

**Additional issues:**

There may be additional news which will be posted here relating to Ellen's case or other 9/11 litigation.