

9-11-2010

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Recommended Citation

Roger Williams University School of Law, "Newsroom: Adjunct Professor Migliori on Final 9/11 Case" (2010). *Life of the Law School (1993-)*. 74.

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Newsroom

Adjunct Professor Migliori on Final 9/11 Case

The New York Times spoke with Adjunct Professor Donald Migliori for a story titled, "Among 9/11 Families, a Last Holdout Remains."

The New York Times spoke with Adjunct Professor Donald Migliori for a story titled, "[Among 9/11 Families, a Last Holdout Remains](#)," by Benjamin Weiser.



Sept. 11, 2010: In the nine years since Sept. 11, 2001, the legal claims for people who were injured or killed in the attacks have almost entirely been resolved. Thousands of victims and families entered a special compensation fund created by Congress and were paid more than \$7 billion; a much smaller group chose to file lawsuits, which have been settled over time for about \$500 million.

All, that is, but one.

The holdout is the family of Mark Bavis, a passenger on United Airlines Flight 175, the second plane to strike the World Trade Center. Ever since the family filed suit in 2002, it has spurned efforts to negotiate, despite settlement attempts and a court mediation session.

They recognize that they could have obtained a quicker resolution by settling; they say the case is not about money. They say they want to prove in a public courtroom what they and their lawyers believe was a case of gross negligence by United and other defendants that allowed the hijackers to board Flight 175 and the attacks to occur.

The victim's brother, Michael, who was his identical twin, said in an interview that the family had never considered settling out of court. "Settlement has not been in our vocabulary," he said.

The family's lawyers said they filed papers on Friday proposing that a federal judge in Manhattan schedule a trial date.



[RWU Law Adjunct Professor] **Donald A.**

Migliori, a lawyer with Motley Rice, the firm that represents the Bavisés and was involved in more than 50 other cases, said the firm's investigation had focused on failures at airport security checkpoints, flawed cockpit doors, inadequate training and how the industry ignored confidential government warnings about terrorist threats.

"The security breaches that day," he said, "were absolutely known to these defendants before 9/11, and should have been addressed before this could happen."

United and other defendants, including Boeing and a firm that ran the checkpoint at Logan International Airport in Boston, where Flight 175 took off, all denied liability. At one point, United offered not to contest liability in the case and proposed a trial only on the issue of damages. But the family objected, and the judge rejected the airline's motion.

This week, a United spokeswoman said, "This was a tragic event, and we are actively working to resolve this case." Boeing declined to comment.

For full story, click [here](#).

[http://www.nytimes.com/2010/09/11/nyregion/11family.html?_r=1&scp=1&sq=migliori&st=cse]

