

## 9/11 - NY Judge Rules Against 9-11 Widow

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### 9/11 - NY Judge Rules Against 9-11 Widow

Lawyer says court's decision designed to suppress Ellen Mariani's quest for truth

By Mark Anderson

NEW YORK—Ellen Mariani is vowing to appeal a federal court order “preventing her from having a direct role in the 9-11 wrongful death action arising from her husband’s murder on United Airlines Flight 175,” her new attorney, Bruce Leichty of California, informed American Free Press.

Flight 175 was flown into the south tower of the World Trade Center, according to the official account of the 9-11-01 terrorist attacks.

This order of Judge Alvin Hellerstein has temporarily derailed Mariani’s attempt to challenge the mysterious settlement of her deceased husband’s claims against United Airlines, said Leichty. But he vowed that his advocacy on behalf of Mariani’s interests has just begun, and said that Hellerstein’s order shows “blatant prejudice” against the 9-11 widow.

“This New York federal court is supposed to be one of the most distinguished in the nation,” he said, “but it doesn’t take any more than a glance at this order to see its utter intellectual bankruptcy, and one could reasonably suspect that the true motivation for the order is to suppress Ellen Mariani’s ongoing efforts on behalf of 9/11 truth.”

Mariani retained Leichty to advise her on a tangled legacy of ineffective and disloyal legal counsel and to protect her remaining interests as both a beneficiary of her husband’s estate and a 9-11 truth advocate, according to Mariani. Shortly after retaining Leichty, she was informed that the claims of her husband’s Estate had been settled without her participation. (AFP Oct. 1, 2007).

“The timing was very curious,” Leichty informed AFP. “Judge Hellerstein also took the unusual steps of closing both the case that Ellen had filed in 2001—the first wrongful death case filed against the airlines after 9-11—and the case that had been filed by her stepdaughter, Lauren Peters.”

These two cases were closed subject to the condition that any party who objected by October 31 could ask the judge to restore them to his calendar, Leichty noted. When Mariani objected, however, she was rebuffed. Federal court cases are usually not declared “closed” at all until there is either a judgment or a dismissal, which can be entered after a settlement. But Leichty said neither a judgment nor a dismissal was entered in the more active of the two Mariani cases that Judge Hellerstein closed.

“When I saw the judge’s order closing these two cases and spoke with Ellen, and realized that she had not been provided any details on a settlement, we both smelled a rat,” Leichty said. He then recognized that Judge Hellerstein might not regard Mariani as a party in her deceased husband’s action. She is a beneficiary of her husband’s Estate, but the administrator of that estate has the responsibility for litigating Ellen’s late husband’s claims.

Leichty filed a motion on Oct. 31 with the cooperation of New York lawyer Carl Person, to explicitly make Mariani a party in the pending New York 9-11 litigation. That motion for intervention was backed up by Mariani’s testimony that she was deprived of a voice in the litigation in 2004, and by evidence that Mariani’s own claim for her loss of spousal consortium had nonetheless survived intact and needed to be protected by direct intervention.

But, as Leichty noted, Judge Hellerstein on Nov. 5 ruled that the intervention motion would be denied on the sole ground that Mariani was not a party. “This is circular logic and nonsense since all intervention motions are filed by persons who are not yet parties,” Leichty pointed out.

According to Leichty, Mariani has the option of appealing this order and also of protesting the way that the estate’s claims have been handled in New Hampshire Probate Court, where Mariani says that the current administrator has squandered his opportunity to get at the truth about 9-11 and also the value of her claims and those of the estate, by never seriously preparing for trial.

“The New Hampshire administrator is a lawyer named John Ransmeier who has repeatedly turned a blind eye to Ellen’s requests since his appointment,” Leichty alleged.

Mariani was essentially forced to step down from her position as administrator of the estate in 2004 under “highly questionable circumstances” after she began investigating possible U.S. government complicity in the events of 9-11 and the cover-up, said Leichty. At the time, her attorney in New Hampshire was a prominent former gubernatorial candidate, Paul MacEachern, who suggested Ransmeier as a replacement administrator.

“First MacEachern failed to protect Ellen, but even after that, based on a clear order of the New Hampshire Probate Court, John Ransmeier had his own duty to join Ellen as his co-plaintiff or to at least protect her consortium claim, which he has failed and refused to do,” alleges Leichty.

Instead, according to Leichty, Ransmeier’s attorneys entered into an engagement agreement without Mariani’s consent with Donald Migliori, an attorney from a large South Carolina law firm, Motley Rice, which employs one of Mariani’s former attorneys as a 9-11 plaintiffs’ litigator—former George H.W. Bush Department of Transportation appointee Mary Schiavo.

Mariani had accused Schiavo, among other things, of convening a secret meeting with defendants’ counsel without her knowledge, after which Schiavo terminated Mariani as a client. Schiavo has the highest security clearance permitted to plaintiffs’ attorneys in the 9-11 litigation.

According to Leichty, his complaints about this conflict of interest “have fallen on deaf ears.”

Leichty says that the estate and its attorneys have confirmed to him that there is nothing yet in writing—about 12 weeks after the alleged settlement—to show that the case of Mariani’s deceased husband has indeed been settled, except for a single line written by attorney Migliori.

Leichty also discovered that when Migliori purported to settle the case for the estate, Migliori was the last remaining “plaintiffs’ liaison” attorney in the consolidated New York litigation—and the liaison attorneys had assumed responsibility for conducting any trials required.

Migliori told Judge Hellerstein that he settled 13 other cases along with Mariani’s.

“Speaking as someone who has both tried and settled cases, the circumstances raise the question about what kind of pressure Ransmeier and Migliori were under to agree to whatever settlement the airline and security company defendants were offering at the time,” said Leichty.

While Ransmeier is defending the [undisclosed] value of the settlement, Leichty and Mariani say the proposed amount is much smaller than what one would expect from a wrongful death action arising out of an event as epic as 9-11.

Hellerstein has said during the 9-11 litigation that he does not favor trials but that plaintiffs should settle and “move on” with their lives, Mariani observed. “Money is the universal lubricant,” he was quoted as saying at one hearing.

Leichty believes that the litigation in Hellerstein’s courtroom has been stacked against truth advocates from the inception, because much of the evidence discovered is subject to confidentiality orders, or has been kept from view by the government by being labeled “sensitive security information,” and also because Congress capped the liability of the airline and security company defendants at the amount of their insurance policies. That in turn has created “a limited pool of money for claimants, who have reason to fear that if they wait for a trial, the pool will be exhausted,” said Leichty, who added that only law firms with the ability to finance the huge cost of the litigation could meaningfully participate—and for that reason they also have a built-in incentive to settle rather than risk trials.

Leichty said that the plaintiffs’ attorneys, including Mariani’s attorneys, have not argued the constitutionality of the secrecy and cap provisions as they should have.

“The probate administrator may still need Ellen’s consent to finalize his settlement, so she is not powerless,” added Leichty, “but the hour for truth advocates is late.”

Mariani has resisted pressure to simply “play along”—at considerable cost to her and at some future risk, noted Leichty.

Mariani said she is dependent on the efforts of 9-11 truth advocates to continue battling the various elements who would like to “buy off gadflies” and sweep the events of 9-11 under the rug forever.

“I will never give up,” said Mariani. “With enough support, I intend to do whatever I can to get to the truth of what happened to my husband on September 11, 2001, and to hold accountable all of those responsible.”

For those who would like to support Mariani’s ongoing efforts, please send letters of support

and donations to Ellen Mariani, P.O. Box 2792, Parker, CO 80134.

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