

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
:  
IN RE SEPTEMBER 11 LITIGATION :  
:  
----- x  
:  
IN RE SEPTEMBER 11 PROPERTY DAMAGE :  
AND BUSINESS LOSS LITIGATION :  
:  
----- x

21 MC 97 (AKH)  
21 MC 101 (AKH)  
This document relates to:  
All Cases

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

WHEREAS, defendant America West Airlines, Inc. ("America West") represents that on September 11, 2001,

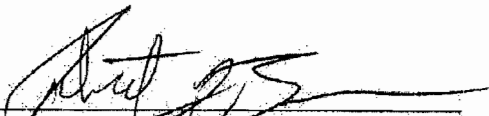
1. it did not utilize or operate out of any gates which required passengers to pass through (a) the Terminal B Main or Middle checkpoints or Terminal C checkpoint at Boston Logan International Airport or (b) the checkpoint at the Portland International Jetport;
2. it did not provide or participate or share in providing security or contracting for the provision of security at or in connection with (a) the Terminal B Main or Middle checkpoints or Terminal C checkpoint at Boston Logan International Airport, (b) the checkpoint at the Portland International Jetport, or (c) American Airlines Flight 11, United Airlines Flight 175 or Colgan Air Flight 5930; and
3. there are no other remaining claims or cross-claims pending against it in 21 MC 97 or 21 MC 101 or any other actions pending against it in any court arising out of, relating to or resulting from the events of September 11, 2001;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys of record for the respective parties hereto that the Cross-Claims by the Cross-Claim Plaintiffs World Trade Center Properties LLC, 1 World Trade Center LLC, 2 World Trade Center LLC, 4 World Trade Center LLC, 5 World Trade Center LLC and 7 World Trade Company, L.P. ("WTCP Entities"), contained in the Amended Cross-Claims by the WTCP Entities Against Certain Defendants In Plaintiffs' Amended Flight 11 Master Liability


Liability Complaint and Cross-Claims by the WTCP Entities Against Certain Defendants In Plaintiffs' Amended 175 Master Liability Complaint, against defendant America West, are hereby dismissed without prejudice and without costs to either party as against the other.

WTCP Entities reserve the right to recommence their Cross-Claims if WTCP Entities learn facts which suggest that any representation recited in the first paragraph above is untrue. America West agrees that any such reinstatement of the Cross-Claims will relate back to the date of the original filing and that it will not assert a statute of limitations defense to the refiled claims.

Dated: July 5, 2007  
New York, New York

  
Robert J. Brown, Esq.  
BROWN GAVALAS  
& FROMM LLP  
355 Lexington Avenue  
New York, New York 10017  
(212) 983-8500


Attorneys for Defendant  
America West Airlines, Inc.

  
Jason T. Cohen (JC/0530))  
FLEMMING ZULACK WILLIAMSON  
ZAUDERER LLP  
One Liberty Plaza  
New York, New York 10006-1404  
(212) 412-9500

Attorneys for Cross-Claim Plaintiffs  
World Trade Center Properties LLC  
1 World Trade Center LLC  
2 World Trade Center LLC  
4 World Trade Center LLC  
5 World Trade Center LLC  
7 World Trade Company, L.P.

SO ORDERED.

Dated: New York, New York  
July 22, 2007

  
Alvin K. Hellerstein  
United States District Judge