

CLAIM OF 9/11 WIDOW ATTACKED IN NEW HAMPSHIRE

Prominent Politician Put Her in Peril, Lawyer Says

Concord, New Hampshire (12/31/2007)-- Hoping to do an end run around Ellen Mariani's federal appeal, the administrator for the estate of her late husband Neil has asked a New Hampshire judge to give him carte blanche authority so that he can avoid a 9/11 trial and dramatically limit her financial recovery, Mariani's attorney Bruce Leichty contended today.

Concord lawyer John Ransmeier on December 17 filed a motion in the New Hampshire court where the case of Louis (Neil) Mariani has been pending since his disappearance September 11, 2001, ostensibly in order to seek "instructions" from a probate judge, says Leichty. Neil Mariani was booked as a passenger on United Airlines Flight 175 which crashed into the south tower of the World Trade Center, and no trace of his remains was ever found.

In his motion Ransmeier has asked the probate court to allow him to settle Ellen Mariani's personal claim for loss of spousal consortium without her consent, and to cap the claim at a nominal unknown amount under \$150,000, and for authority to avoid a trial and to sign away any further rights of Mrs. Mariani to challenge any of the defendants named in Ransmeier's litigation pending in the federal district court for the Southern District of New York.

"Far from taking a neutral role and seeking 'instructions,' Mr. Ransmeier is effectively trying to steamroll this courageous widow who has always made it clear that her main interest has been seeking the truth," says Leichty, who began representing Mariani's interests in September 2007.

He said that Ransmeier's motion came two weeks after Ellen Mariani filed an appeal of a November 2007 order of New York federal judge Alvin Hellerstein. In his order, Hellerstein ruled that Mariani would not be allowed to intervene and be added as a party in Ransmeier's litigation, and that she could not reopen the separate New York case that she filed in 2001--the first case filed by a 9/11 widow against any airline or aviation security company.

The 2001 case was abruptly closed by Hellerstein in September 2007 along with Ransmeier's case after Ransmeier told Hellerstein that he had reached a settlement with his aviation defendants, even though no written settlement agreement has yet been prepared since that time, and no settlement has been approved, says Leichty. Mrs. Mariani says that her 2001 case was taken away from her in 2004 without her consent after she was advised by her then-attorney Paul McEachern to have Ransmeier take over as administrator for her deceased husband's estate.

The Court of Appeals for the Second Circuit was asked December 3, 2007 to overturn Hellerstein's decision based on its circular logic, since Hellerstein stated explicitly that Mrs. Mariani could not intervene because she wasn't a party, Leichty said. Leichty says he and his client conceded that after she was forced out of her plaintiff's role in 2004 she was no longer a party, but that "intervention" is always sought by a non-party, which is why the term is used. Leichty contends

Mariani has a strong case for being joined a co-plaintiff since Ransmeier's complaint explicitly includes a claim on her behalf for loss of spousal consortium, but that Ransmeier has failed to acknowledge the need to join her.

When Mariani protested being stripped of control over her New York lawsuit, the New Hampshire probate court upheld the right of Ransmeier to do so but also stated that Mrs. Mariani's loss of consortium claim still had to be treated as a viable claim in the new action that Ransmeier was charged with prosecuting.

Nevertheless, says Leichty, when he got involved in advocating for Mrs. Mariani, Ransmeier wasn't willing to go on record and say that Mrs. Mariani was owed anything for loss of consortium, and even though Ransmeier has now admitted that she is owed something for her claim, he is trying to impose a cap under New Hampshire law--even though the New York federal court has never ruled that New Hampshire law should be applied to her consortium claim. There is no limit to the recovery for loss of consortium under the law of the state of New York and possibly other states where the defendants' wrongful acts arguably occurred, says Leichty.

Ransmeier himself had argued at an earlier New Hampshire Probate Court hearing that regardless of the applicable law, the settlement value of the consortium claim was substantial, and that Mrs. Mariani needed to be subjected to an involuntary psychiatric examination in order to prove just how much her husband's death had affected her, says Leichty. Mariani says she saw this as a blatant attempt to further marginalize and discredit her, coming as it did more than four years after her husband's death. She resisted that effort and obtained an examination from a prominent psychologist of her own choosing, who concluded that she had "mild persecutory ideation" but also suggested that this was normal and reasonable in light of her actual experiences after 9/11.

Mariani was one of the first 9/11 widows to contend that the government's account of 9/11 didn't add up, and she has spoken at numerous 9/11 truth events throughout the country in the last several years. After being the first widow to sue the airlines and security companies--immediately prior to Congress's passage of legislation aimed at limiting the liability of the airlines and channeling survivors into a "Victim's Compensation Fund"--she subsequently resisted considerable pressure to join the Fund, and she also resisted pressure to self-medicate based on the emotional shock and distress she has suffered, she says, which would not have permitted her the stamina or clarity to continue her fight to find out exactly how and why her husband died.

Featured prominently in her opposition to this latest motion, says Leichty, is an admission by Ransmeier that his Concord law firm has represented some of the same aviation industry defendants who are named in the New York action which Ransmeier is prosecuting on behalf of Mariani and her stepdaughter. Ransmeier has

so far declined to identify the defendants or say if his firm, Ransmeier and Spellman, still represents those defendants or whether the firm did so at any time after he took over the causes of action or the Mariani estate in late 2004.

"This is a blatant and bizarre conflict of interest," says Leichty. "We don't know if Ransmeier sought permission from any of his aviation clients before stepping into the role of the administrator suing them, but we do know that he never sought permission of Mrs. Mariani. We also know that he now wants the right to absolve these clients of any further liability to Ellen."

Mariani has also flagged in her Opposition other signs that Ransmeier has breached his fiduciary duty to try to get the largest recovery possible for her and her stepdaughter, by failing to take steps to ensure that the case could be tried by attorneys retained and equipped to do so, and by failing to argue for the maximum amount of damages attributable both to the pre-impact pain and suffering that passengers experienced on Flight 175 and to Mariani's loss of her husband's companionship. Ransmeier had previously authorized a demand of \$60 million based on the 25 minutes that elapsed between the hijacking of Flight 175 and its crash into the World Trade Center--over 15 times what he is now proposing to accept, says Leichty.

Ransmeier has asserted that since any settlement will have to be approved by New York federal judge Alvin Hellerstein, that no proposed settlement or accounting has to be provided to the New Hampshire probate court. "But Ransmeier knows that Mrs. Mariani won't have any voice in New York federal court unless she wins her appeal," observes Leichty, and he questions whether Ransmeier wants Mrs. Mariani to have any voice at all.

"When Ransmeier filed this latest motion we had 10 calendar days from December 17 in which to file opposing papers on the other side of the country," noted Leichty, whose offices are in California. "No doubt the timing of the filing is just coincidence, but with Mrs. Mariani currently in Colorado--and her attorneys of record in New Hampshire apparently having abandoned her--we faced formidable obstacles just to go on record with our opposition and request a hearing."

Leichty says he expects a hearing to be set in Rockingham County Probate Court in New Hampshire within the next several weeks.

Ransmeier's conflict as a plaintiff suing his own aviation clients is only the most egregious of several different conflicts of interest implicating Ransmeier, that will be presented to the New Hampshire probate court at the hearing, according to Leichty. Ransmeier has continued to employ attorneys who represented Mrs. Mariani's stepdaughter--originally employed with the endorsement of Paul McEachern--and those attorneys in turn contracted with attorney Donald Migliori for settlement services, even though Migliori is a partner in the Motley Rice law firm based in South Carolina, which is the same law firm employing a former attorney for Mrs. Mariani, Mary Schiavo, whose legal services resulted in a claim of an attorney lien against Mrs. Mariani.

Leichty says that it has been difficult finding a New Hampshire attorney willing to openly challenge

Ransmeier. Ransmeier's 15-member law firm is one of a number of influential New Hampshire lawyers or law firms with ties to the Democratic Party who have been involved in Mariani's case in some way. Several attorneys with the Ransmeier firm have been repeat contributors to state and national Democratic causes and campaigns.

The first law firm to appear for Mrs. Mariani in New Hampshire was the firm of Shaheen and Gordon, headed by William Shaheen, until recently a co-chair of the New Hampshire presidential campaign of Hillary Clinton. Shaheen's wife was a three-term New Hampshire governor. William Shaheen resigned from the Clinton campaign December 13, 2007--the day before Ransmeier mailed his motion in the Mariani case to the probate court--ostensibly over careless remarks he had made about rival Barack Obama's history of drug use.

The Shaheen firm was referred to Mrs. Mariani by her first attorney, noted Chicago aviation disaster attorney Donald Nolan, who Mrs. Mariani terminated when she found out that he was talking behind her back with the special administrator of the 9/11 Victims' Compensation Fund, Kenneth R. Feinberg. The Shaheen firm then withdrew from representing Mrs. Mariani January 29, 2003, shortly after Mrs. Mariani terminated Nolan and after she began pressing for information on communications between Nolan and Feinberg and also after her stepdaughter's then-attorney, Jon Levenstein, began taking an openly adverse stance to her in the probate case.

Mariani's attorney at the time she was stripped of her role as administrator and plaintiff, Paul McEachern, is a former New Hampshire Democratic gubernatorial candidate who got Bill Clinton to come to the state to campaign for him; Clinton later referred to him as "good man;" and Mariani says that it was McEachern who recommended that she allow Ransmeier to replace her after her stepdaughter Lauren Peters filed a motion to remove her. Mariani maintains that her stepdaughter's attorneys conspired with George W. Bush loyalists to replace her after she began investigating U.S. government complicity in the 9/11 events and after she allowed attorney Philip Berg of Pennsylvania to file a second complaint naming President Bush as a 9/11 co-conspirator.

Mariani now says that Berg's action naming Bush was ill-advised and ill-timed, but that she still believes that the Bush administration isn't telling the truth about 9/11, and she has not given up on her fight for 9/11 truth and to expose the judicial and legal corruption she has faced since that time.

She wants to carry on her struggle for the truth regardless of where it leads, Mariani says, but is increasingly hampered by a lack of resources, since she has to survive on income that consists only of Social Security. Persons wanting to assist her may send contributions (not tax-deductible) to Ellen Mariani, P. O. Box 2792, Parker, CO 80134.