

# Helping 9/11 ill and injured an uphill task

Despite challenges, attorneys Bern and Napoli are waging a war for justice for first responders

**N**o one was surprised when eight years ago, a police officer who had contracted cancer while working on the search and recovery effort at the World Trade Center site knocked on the doors of Napoli Bern when he had nowhere else to turn.

Marc Bern and Paul Napoli met with the officer. It turns out he had gone to see several other attorneys and none of them would take his case.

Marc and Paul have been friends and colleagues for a long time. Their law firm goes to bat for people who have been seriously injured by harmful drugs, chemicals and other toxic substances as well as those who have been victims of financial fraud.

They have been squaring off against some of the most powerful interests in the U.S., if not the world, for tens of thousands of victims for close to 30 years.

"We have represented clients who have been harmed by diet drugs, pregnant mothers who were prescribed anti-depressants like Paxil and then gave birth to babies with serious deformities, and people who developed cancer after being exposed to ionizing radiation spewing

out of a nuclear power plant," Bern explains.

During his career, Marc has tried more than 100 cases before a jury and has won hundreds of judgments in excess of \$1 million each for sick and injured people.

"We are very proud that we have been able to win generous financial settlements over the years on behalf of people who have come to us for help after suffering a wide range of injuries," Paul Napoli says.

**Their desire to see that the real heroes of 9/11 would always be remembered prompted them to make a generous gift of \$200,000 to the New York City Police Museum in May.**

"It's a track record we are proud of."

"When that police officer showed up at our door the Victims Compensation Fund had been closed," Marc explained, "people like this officer had no way to get compensation for the serious illnesses they were getting."

"We could understand why the other lawyers were reluctant to take these battles on," Bern continued. "These cases are incredibly expensive to

pursue. It's very difficult to prove beyond a doubt that a cancer or other illness was caused by exposure to a specific toxic substance.

"On top of that you are going up against some formidable foes like New York City who have enormous resources at their disposal. But on September 11 our offices were half a block away from the site. We had a constant reminder of the attacks and we felt it was our duty and obligation to try and get justice for New York City's Bravest and Finest."

Shortly after that first police officer approached Marc and Paul about representation, the flood gates opened. Eight years later the firm is representing thousands of police officers and other first responders who became ill after working at the site in lower Manhattan and the Fresh Kills Landfill in Staten Island.

Their work, which both Marc and Paul agree has become more like a mission, has been costly and if they don't win a settlement on behalf of the client, the firm does not recoup the millions of dollars – now close to \$35 million – they spent on the complicated litigation.

While the total monetary investment made by Napoli Bern has topped \$35 million, the personal sacrifices – long hours and time away from their families – have been great as well.

The legal requirements were extremely complicated. Each of the cases had to be filed separately. The firm spent \$3,200,000 just on filing fees and that was just for starters.

Medical records for each person had to be gathered, hundreds of expert witnesses were hired, payments for special masters had to be made, database experts worked round the clock. It was an overwhelming amount of work. But they kept at it.



Attorneys Marc Bern (right) and Paul Napoli (left) are proud to be representing the men and women who sacrificed so much on September 11, 2001.

"What kept us going were the people we met," Paul said. "One of our clients told us that when he was growing up he wanted nothing more than to work as a New York City cop. As a police officer he spent some time at Ground Zero. A short time later he collapsed while chasing a perp. His lungs gave out. Before September 11 this guy had been a boxer. He had an incredibly active life.

"Doctors discovered his lungs had been severely impacted by the toxins he was breathing at the site and he was told he would probably need a double lung transplant. His health continued to decline and he had to retire. The sad thing is there are thousands more just like him."

The good news is that Marc and Paul have been very successful.

They were able to get compensation for people with certain types of cancers and they won a settlement of \$800 million to be shared

by the 10,000 people they represent.

Today the firm is busy advocating on behalf of people who are entitled to compensation from the James Zadroga Act, which was signed into law by President Obama in January.

Both Marc Bern and Paul Napoli say they have been continually inspired by the heroic and selfless actions on the part of the public safety personnel who responded to the attacks of 9/11, including the 3000 police officers they represent.

Their desire to see that the real heroes of 9/11 would always be remembered prompted them to make a generous gift of \$200,000 to the New York City Police Museum in May.

"We are committed to making sure that these heroes will never be forgotten," Paul says. "We have a great police department and the Hall of Heroes at the Police Museum will be a lasting tribute to those brave men and women who served us so well ten years ago on September 11."



Ground Zero may have been cleaned up, but the police officers, firefighters and other first responders who crawled through rubble searching for bodies are still fighting for coverage and compensation.