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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91246876
Party	Plaintiff World Trade Centers Association, Inc.
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Attachments	Opposer Motion Suspend Pending Civil Action.pdf(409783 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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WORLD TRADE CENTERS :
ASSOCIATION, INC., :
 : Opposition No. 91246876
Opposer, :
 :
v. :
 :
INTERNATIONAL TRADE :
ORGANIZATION, INC. and DAVID H. LEE, :
 :
Applicants. :
-----X

**OPPOSER’S MOTION FOR SUSPENSION
PENDING DISPOSITION OF A CIVIL ACTION**

Pursuant to Trademark Rule 2.117(a), World Trade Centers Association, Inc. (“Opposer”) hereby requests that this proceeding be suspended pending disposition of the civil action captioned *World Trade Centers Association, Inc. v. Port Authority of New York and New Jersey*, No. 15-cv-07411 (S.D.N.Y. filed Sept. 18, 2015) (the “District Court Case”). A copy of the Amended Complaint, Counterclaims and the docket sheet from the District Court Case are attached as Exhibits A, B and C, respectively.

As a preliminary procedural matter, Opposer further respectfully requests that the Board stay the Opposition pending its decision of the instant motion for suspension and reset the time to answer as well as all other trial dates to run from either the conclusion of the District Court Case or the Board’s decision on this motion. *See* TBMP § 509.02 (2018) (recommending “that the motion request that the new period or periods be set to run from the date of the Board’s decision on the motion.”).

A Suspension is Warranted Because the District Court Case
is Likely to Have a Bearing on the Issues Before the Board

The Board's longstanding policy to suspend trademark oppositions in favor of civil actions is based on judicial economy. *See* TBMP § 509.02 (2018). Notably, "a decision by the district court may be binding on the Board whereas a determination by the Board as to [an applicant's] right to obtain or retain a registration would not be binding or res judicata in respect to the proceeding pending before the court." *New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1552 (TTAB 2011) (citing *Whopper-Burger, Inc. v. Burger King Corp.*, 171 USPQ 805, 807 (TTAB 1971)). The policy does not require the civil action to be dispositive of the Board proceeding. *Id.* Indeed, the civil action "need only have a bearing on the issues before the Board." *Id.* (citing Trademark Rules 2.117(a)). As long as the Board is able to ascertain that the federal court's decision "may have a bearing on the issues before the Board," it is not even necessary for an issue to be joined in either the civil action or the Board proceeding prior to the issuance of a suspension order. TBMP § 510.02(a).

Good cause exists for the requested suspension because Opposer is a party to the District Court Case and that case may have a bearing on the present Opposition. *See Argo & Co. v. Carpetsheen Mfg., Inc.*, 187 USPQ 366, 367 (TTAB 1975) (case suspended pending disposition of action between applicant and third party over ownership of applicant's mark). In fact, the Board has already suspended two unconnected Board proceedings in which Opposer has opposed a third-party application based on the very same registrations pleaded in this opposition. *See World Trade Centers Association, Inc. v. Doan*, Opp. No. 91230196, 14 TTABVUE 2 (May 4, 2017) ("Here, the District Court Case may have a bearing on this proceeding, for example, if the Court grants the Port Authority of New York and New Jersey's counterclaim for cancellation of Opposer's pleaded registrations"); *World Trade Centers Association, Inc. v. WTC Logistics*

Limited, No. 91232754, 23 TTABVUE (May 5, 2018). In addition, the Board also granted a motion to suspend filed by The Port Authority of New York and New Jersey in an opposition it filed against the same Applicants and/or related parties in this case concerning their application to register WORLD TRADE CITY, based on the District Court Case. *See Port Authority of New York and New Jersey v. International Export Import Organization, Inc. and David H. Lee*, Opposition No. 91237053, 11 TTABVUE 4 (March 12, 2018) (“The civil action pending in the Southern District [] meets the standard for suspending the Board proceeding, insofar as the civil action directly addresses Opposer’s claimed rights in its pleaded WORLD TRADE CENTER mark.”). Finally, and most compellingly, the Board suspended an opposition filed by Opposer against Applicants on this very same basis. *See World Trade Centers Association, Inc. v. International Trade Organization, Inc. and David H. Lee*, Opposition No. 91243135, 5 TTABVUE (September 25, 2018). As a result, judicial economy favors a stay of this proceeding.

CONCLUSION

For all of the foregoing reasons, Opposer respectfully request that the Board grant its Motion for Suspension.

Dated: New York, New York
March 13, 2019

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing OPPOSER'S MOTION FOR SUSPENSION
PENDING DISPOSITION OF A CIVIL ACTION is being served upon Applicants by emailing
a true copy thereof to:

DAVID H. LEE
INTERNATIONAL TRADE ORGANIZATION, INC.
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on March 13, 2019.

/tek/

Thomas E. Kearney

EXHIBIT A

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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	
WORLD TRADE CENTERS	:
ASSOCIATION, INC.,	:
	:
Plaintiff,	:
	:
- against -	:
	:
THE PORT AUTHORITY OF NEW YORK	:
AND NEW JERSEY,	:
	:
Defendant.	:
-----X	

1:15-cv-07411 (LTS) (AJP)

**AMENDED
 COMPLAINT**

Plaintiff World Trade Centers Association, Inc. (“WTCA” or “Plaintiff”), by its attorneys, Dorsey & Whitney LLP, for its Amended Complaint against defendant The Port Authority of New York and New Jersey (the “Port Authority” or “Defendant”) alleges as follows:

Introduction

1. WTCA is a non-profit trade association located in New York, New York, founded in 1970 to promote international business relationships and encourage participation in world trade. WTCA now has 320 members worldwide, including the Port Authority. WTCA is the

owner of the trademark WORLD TRADE CENTER, acquired through its own use and also by assignment from the Port Authority in 1986, and registered in its name with the U.S. Patent & Trademark Office (the “PTO”) in 1987.

2. For approximately thirty years, WTCA has licensed the Port Authority on a royalty-free basis to use the WORLD TRADE CENTER trademark specifically in connection with the physical building complex known by that name and located in lower Manhattan – both the complex destroyed in the tragic events of September 11, 2001 and the buildings that were rebuilt and subsequently opened. The Port Authority has repeatedly affirmed in writing the WTCA’s ownership of the WORLD TRADE CENTER mark and the Port Authority’s status as a licensee. For many years, WTCA and the Port Authority cooperated with each other regarding the commercial use and enforcement of the WORLD TRADE CENTER trademark.

3. However, the Port Authority has recently disputed WTCA’s ownership of its mark, tried to use its vastly larger size and resources to intimidate WTCA, asserted that it can use the WORLD TRADE CENTER trademark in connection with merchandise on a global basis without WTCA’s authorization or any quality-control oversight from WTCA, and otherwise claimed that it can disregard WTCA’s trademark rights.

4. Recently, without authorization from WTCA, the Port Authority began using a new trademark and logo for its One World Observatory that incorporates WTCA’s WORLD TRADE CENTER trademark, as part of a deliberate effort to endow the Port Authority’s new mark with the goodwill inherent in WTCA’s WORLD TRADE CENTER mark. The Port Authority has also, again without authorization from WTCA, been using WTCA’s WORLD TRADE CENTER mark on merchandise sold at the observatory, and advised WTCA of its plans to sell goods bearing WTCA’s WORLD TRADE CENTER trademark throughout the United

States and worldwide. With respect to that plan, the Port Authority has advised WTCA that WTCA has no ability to object to the plan, nor the use of the WORLD TRADE CENTER trademark worldwide in connection with goods, or to have any right to oversee the quality of those goods sold under its mark.

5. WTCA has attempted to maintain its formerly harmonious relationship with the Port Authority, but Defendant's present course of action and disregard of agreed-upon licensing terms and conditions has made that impossible. In order to halt Defendant's wrongful conduct, WTCA has had to commence this action, whose sole purpose is to protect its trademark rights. WTCA does not seek an award of monetary damages or profits earned to date from the Port Authority's wrongful activities. Nor does WTCA seek to prohibit the Port Authority from using the WORLD TRADE CENTER trademark as the name of the building complex located in lower Manhattan. But WTCA submits that the Court should hold the Port Authority to its obligations imposed by law and by contract, and prevent further misuse of WTCA's WORLD TRADE CENTER® mark in connection with goods.

Parties, Jurisdiction and Venue

6. Plaintiff WTCA is a non-profit trade association incorporated in Delaware and located in New York, New York.

7. Upon information and belief, the Port Authority is a body corporate and politic created by a compact between the States of New York and New Jersey, located in New York, New York.

8. This is a civil action arising out of Defendant's infringement of a federally registered trademark owned and used by WTCA, in violation of §§ 32(1) and 43(a) of the U.S.

Trademark Act of 1946, *as amended* (the “Lanham Act”), 15 U.S.C. §§ 1114(1), 1125(a), violations of New York State common law, and breach of contract.

9. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

10. Upon information and belief, this Court has personal jurisdiction over Defendant pursuant to CPLR 301 and 302 by virtue of its physical location within this State and this District, its commission of tortious conduct as described herein in the State of New York and this District, and its transaction of business within the State of New York and this District. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c).

WTCA and its WORLD TRADE CENTER Trademark

11. WTCA was formed in approximately 1969 by executives of the Port Authority and two other trade promotion facilities located in Tokyo, Japan and Houston, Texas that were then using the WORLD TRADE CENTER trademark in connection with trade promotion services. The organization was founded to serve members located around the world with an interest in promoting global trade and to establish a network of commonly licensed facilities under the WORLD TRADE CENTER trademark.

12. WTCA had used the WORLD TRADE CENTER trademark in connection with its trade association services since the 1960s through 1986. At the same time, the Port Authority was then using the WORLD TRADE CENTER mark to designate the building complex located in lower Manhattan whose predominant feature was the “Twin Towers.” In approximately 1986, the Port Authority and WTCA began to discuss how to allocate ownership of that trademark between them, and who would assume the financial and legal burden of initiating enforcement actions to protect the trademark against third-party infringers.

13. After a series of discussions, the Port Authority decided to assign the WORLD TRADE CENTER trademark, as well as certain registrations the Port Authority had obtained for that mark in New York State and Argentina, to WTCA in February 1986. A copy of the assignment memorializing that transfer is attached as Exhibit 1 (the “1986 Assignment”). As a result of that transfer, WTCA acquired both the right and the obligation to register, protect and enforce the WORLD TRADE CENTER trademark around the world.

14. Almost simultaneously, on March 6, 1986, WTCA and the Port Authority entered into a license agreement attached as Exhibit 2 (the “1986 License Agreement”) pursuant to which WTCA granted the Port Authority a non-exclusive, royalty-free license to use the WORLD TRADE CENTER mark specifically in connection with services aimed at fostering world trade. In the 1986 License Agreement, the Port Authority further agreed in paragraph 2 that it would not use the WORLD TRADE CENTER mark as a trademark for anything other than fostering world trade, absent written permission from WTCA, and that all of the Port Authority’s use of that mark would inure to WTCA’s benefit in the form of goodwill. *Id.*, ¶ 2.

15. Thereafter, since 1986, WTCA has expended substantial sums registering the WORLD TRADE CENTER trademark around the world and protecting that mark against infringement, including through enforcement actions that have taken place in the U.S. and overseas. WTCA licenses the WORLD TRADE CENTER trademark to association members located in the U.S. and many countries, and licensed WORLD TRADE CENTER facilities operate in U.S. cities like Boston, Baltimore, Miami, Long Beach, Los Angeles, Seattle, Savannah and, of course, New York. As a result of the decades of use by WTCA and its licensees of its WORLD TRADE CENTER trademark, both consumers and the trade identify that mark with WTCA, its association services, and the licensed WORLD TRADE CENTER

facilities. The WORLD TRADE CENTER trademark therefore symbolizes the goodwill embodied in the services offered by WTCA and its members and represents a valuable asset of WTCA.

16. WTCA obtained a registration for the trademark WORLD TRADE CENTER from the PTO on December 15, 1987, U.S. Reg. No. 1,469,489, covering “Association services, namely fostering and promoting world trade and international business relationships.” On January 26, 1993, WTCA also obtained from the PTO a registration for the trademark WTC, U.S. Reg. No. 1,749,086, covering the same services. These registrations are valid and subsisting, have been renewed by WTCA, and are incontestable under 15 U.S.C. § 1065.

17. Also since 1986, WTCA’s stewardship of the WORLD TRADE CENTER trademark has been repeatedly recognized and affirmed by the Port Authority at various points over that nearly three-decade period, with the involvement and approval of multiple sets of Port Authority managers and directors.

18. On November 13, 1995, for example, WTCA and the Port Authority reaffirmed the validity of the 1986 Assignment, through the execution of a confirmatory assignment that is attached as Exhibit 3.

19. In July 2001, WTCA entered into a series of trademark license agreements with subsidiaries of Silverstein Properties and Westfield Corporation, which were then operating the facilities at the New York WORLD TRADE CENTER complex, to use both the WORLD TRADE CENTER and WTC trademarks specifically in connection with various buildings and retail establishments located there. Following the destruction of the complex in September 2001, the ownership and operational structure of the New York WORLD TRADE CENTER® complex

changed, and new license agreements were entered into in 2006 covering the complex that was then in the planning stage and that has since been constructed.

20. Specifically, in November 2006, WTCA entered into various Amended and Restated Trademark License Agreements with both affiliates of Silverstein Properties and, in one instance, with a wholly owned and controlled subsidiary of the Port Authority, to use the WORLD TRADE CENTER and WTC trademarks on a royalty-free basis in connection with the new buildings to be built on the site of the New York WORLD TRADE CENTER complex (the “2006 License Agreement”). A copy of the 2006 License Agreement entered into by WTCA with a wholly owned and controlled subsidiary of the Port Authority is attached as Exhibit 4. This 2006 License Agreement covers the property now known as 1 World Trade Center.

21. The 2006 License Agreement was executed by the Port Authority on behalf of its wholly owned and controlled subsidiary and was negotiated by WTCA with the Port Authority, which at all times acted as the agent of those subsidiaries. Further, at all times during the negotiations concerning the 2006 License Agreement, the Port Authority itself manifested an intent to be bound by that Agreement.

22. The 2006 License Agreement recognized the WTCA as the exclusive owner of the WORLD TRADE CENTER and WTC trademarks, and that the use of such marks by the Port Authority could only occur pursuant to a license from the WTCA.

23. For example, in Section II(A)(1) of the 2006 License Agreement, the Port Authority-controlled subsidiary that was party thereto and designated as “Licensee” agreed that “all right, title and interest in and to all of the Licensed Property [defined as including the WORLD TRADE CENTER and WTC trademarks in Section I(A)(7), (11) and (19)] and all goodwill of the business symbolized by the Marks is and shall at all times be owned solely and

exclusively by Licensor [WTCA], its successors and assigns and that nothing in this Agreement shall give Licensee any right, title, or interest in any of the Licensed Property. . . . In consequence of Licensor's ownership of the Licensed Property and said goodwill, Licensee shall not initiate or undertake any acts inconsistent with such ownership." The 2006 License Agreement granted the "Licensee" the royalty-free right to use the WORLD TRADE CENTER and WTC marks specifically in connection with the planned Manhattan complex of buildings that has now been constructed, including the building now known as 1 World Trade Center. In Section II(C)(1) of the 2006 License Agreement, all rights not expressly granted to the "Licensees" were reserved by WTCA.

24. In addition, in paragraph II(B)(2) of the 2006 License Agreement, the Port Authority-controlled subsidiary Licensee agreed that it would "not affix or purport to authorize the affixation of the Marks or any of them to any goods for commercial distribution . . . unless and until Licensee has submitted a specimen of such goods to Licensor in advance of its use for Licensor's written consent, and Licensor has given such written consent"

25. More recently, as of May 4, 2011, the Port Authority's then Executive Director confirmed the validity of the 2006 License Agreement when he invoked such Agreement in assigning to a new Port Authority-controlled affiliate the rights granted by WTCA in the 2006 License Agreement covering the property now known as 1 World Trade Center (Exh. 4). A copy of this notice of assignment is attached as Exhibit 5, and, in it, the then-Executive Director of the Port Authority confirmed that both the assignor and assignee of the 2006 License Agreement covering the property now known as 1 World Trade Center were wholly owned by the Port Authority, and that the assignments were necessitated by "a corporate restructuring within the Port Authority with respect to 1 World Trade Center."

The Port Authority's Violations of WTCA's Legal and Contractual Rights

26. Notwithstanding the many decades over which the Port Authority has acknowledged WTCA's ownership of the WORLD TRADE CENTER and WTC trademarks and its status as a licensee, it has engaged in actions inconsistent with WTCA's status as the owner of such mark, thereby violating WTCA's legal and contractual rights.

27. Recently, WTCA learned that the Port Authority has decided to use the designation ONE WORLD OBSERVATORY in a logo design format to designate the observatory located at the top of the building known as 1 World Trade Center, the tallest building at the complex now located in lower Manhattan. Use of the ONE WORLD OBSERVATORY designation by itself is not inconsistent with the Port Authority's obligations as a licensee, but what is violative of WTCA's legal and contractual rights is the unauthorized combination of WTCA's WORLD TRADE CENTER trademark with the ONE WORLD OBSERVATORY designation to create a hybrid logo that is plainly designed to use WTCA's goodwill to boost the new logo that the Port Authority has decided it wants to use. A copy of this unauthorized logo into which WTCA's WORLD TRADE CENTER trademark has been engrafted is attached as Exhibit 6. Absent the consent of WTCA, the Port Authority cannot use the WORLD TRADE CENTER trademark in this manner, either under the Lanham Act or the 1986 and 2006 License Agreements.

28. In addition, the 1986 and 2006 License Agreements state very plainly that, absent WTCA's written permission, the Port Authority cannot use the WORLD TRADE CENTER or WTC® trademarks in connection with goods or anything other than the specified licensed services of fostering world trade. Exh. 2, ¶ 1; Exh. 4, ¶ 2(B)(2). Notwithstanding this limited license, the Port Authority has begun selling merchandise upon which the WORLD TRADE

CENTER trademark appears at the observatory atop the building known as 1 World Trade Center, without asking WTCA for permission, or even disclosing that such merchandise is already on sale. Examples of the unauthorized use of the WORLD TRADE CENTER trademark in connection with merchandise are attached collectively as Exhibit 7. Without WTCA's authorization, the Port Authority cannot use WTCA's mark on any merchandise, and such use is a violation of both the Lanham Act and the 1986 and 2006 License Agreements.

29. Compounding the violations of WTCA's trademark and contractual rights, the Port Authority has advised WTCA that it plans to use the WORLD TRADE CENTER and/or WTC trademarks outside of the lower Manhattan complex and on a global basis outside of the U.S. in connection with merchandise without WTCA's authorization or permission, with the aim of earning tens of millions of dollars annually. This geographic scope of use is plainly not permitted under the 1986 License Agreement, the 2006 License Agreement or under U.S. law, but the Port Authority has simply decided unilaterally that it is free to disregard its legal and contractual obligations.

30. The Port Authority, in common with the rest of the trade, is well aware of the fact that the WORLD TRADE CENTER and WTC trademarks are owned by WTCA, and of the goodwill represented and symbolized thereby. Notwithstanding said awareness, and in fact by reason of same, the Port Authority has combined WTCA's mark with another mark owned by the Port Authority, used the WORLD TRADE CENTER trademark with merchandise without WTCA's authorization, and developed a national and global plan to use the WORLD TRADE CENTER and WTC trademarks around the world, without authorization from WTCA.

31. Such misconduct by the Port Authority is intended to, and is likely to, cause confusion, mistake or deception of the trade and public and to cause them to believe that the Port

Authority's goods and observatory services are authorized, sponsored or approved by WTCA or are otherwise affiliated or connected with WTCA or the services it offers.

32. The Port Authority's activities have caused and will continue to cause irreparable harm to WTCA and to the substantial goodwill embodied in the WORLD TRADE CENTER and WTC trademarks, and said acts will continue unless restrained by this Court.

33. WTCA has no adequate remedy at law.

FIRST CLAIM FOR RELIEF

Trademark Infringement – Section 32(1) of the Lanham Act

34. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 33 hereof as if fully set forth herein.

35. Defendant's misconduct constitutes trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. § 1114(1).

SECOND CLAIM FOR RELIEF

Unfair Competition and Use of False Designations of Origin – Section 43(a)(1)(A) of the Lanham Act

36. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 35 hereof as if fully set forth herein.

37. Defendant's misconduct constitutes unfair competition and the use of false designations of origin and false descriptions and representations in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

THIRD CLAIM FOR RELIEF

Common Law Trademark Infringement

38. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 37 hereof as if fully set forth herein.

39. Defendant's conduct constitutes trademark infringement in violation of New York common law.

FOURTH CLAIM FOR RELIEF

Common Law Unfair Competition

40. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 39 hereof as if fully set forth herein.

41. Defendant's conduct constitutes trademark infringement in violation of New York common law.

FIFTH CLAIM FOR RELIEF

Breach of Contract – 1986 License Agreement

42. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 41 hereof as if fully set forth herein.

43. WTCA and the Port Authority are bound by the 1986 License Agreement, which is a valid and legally binding contract.

44. WTCA has performed its obligations under the 1986 License Agreement.

45. The Port Authority has breached its obligations under the 1986 License Agreement as described herein.

46. As a consequence of the Port Authority's breach, WTCA has sustained damages that are difficult to quantify and/or inadequate to compensate WTCA for the harm suffered

because of the uniqueness of the WORLD TRADE CENTER and WTC trademarks, such that WTCA is entitled to the remedy of specific performance of all of the Port Authority's contractual obligations embodied in the 1986 License Agreement, and other equitable relief.

SIXTH CLAIM FOR RELIEF

Breach of Contract – 2006 License Agreement

47. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 46 hereof as if fully set forth herein.

48. WTCA and the Port Authority are bound by the 2006 License Agreement attached as Exhibit 4, which is a valid and legally binding contract.

49. WTCA has performed its obligations under the 2006 License Agreement.

50. The Port Authority has breached its obligations under the 2006 License Agreement as described herein.

51. As a consequence of the Port Authority's breach, WTCA has sustained damages that are difficult to quantify and/or inadequate to compensate WTCA for the harm suffered because of the uniqueness of the WORLD TRADE CENTER and WTC trademarks, such that WTCA is entitled to the remedy of specific performance of all of the Port Authority's contractual obligations embodied in the 2006 License Agreement, and other equitable relief.

SEVENTH CLAIM FOR RELIEF

Declaratory Judgment – 28 U.S.C. § 2201 et seq.

52. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 51 hereof as if fully set forth herein.

53. There is an actual controversy between the parties as to whether the Port Authority is bound by the restrictions contained in the 1986 and 2006 License Agreements that

prohibit the use of the WORLD TRADE CENTER and WTC trademarks in connection with goods without the consent of WTCA, and whether the Port Authority is free to sell goods under those trademarks in the U.S. and around the world without WTCA's authorization.

54. This controversy is of such immediacy and reality that WTCA is entitled to the entry of a declaratory judgment under 28 U.S.C. § 2201 confirming that the Port Authority is bound by the restrictions contained in the 1986 and 2006 License Agreements that prohibit the use of the WORLD TRADE CENTER and WTC trademarks in connection with goods without the consent of WTCA, and that the Port Authority is not free to sell goods under those trademarks in the U.S. and around the world without WTCA's authorization.

WHEREFORE, Plaintiff prays for a judgment:

1. Permanently enjoining and restraining Defendant, its officers, agents, affiliates, servants, employees, attorneys, successors or assigns, and all persons or entities acting in concert or participation with them, or any of them, from the continued use, without WTCA's written permission, of: (i) any trademarks, designations or logos that contain the words WORLD TRADE CENTER, WTC, or any variations thereof, in connection with goods; (ii) using any trademark, including but not limited to, the logo attached hereto as Exhibit 6, in connection with any goods or services, to the extent the WORLD TRADE CENTER or WTC marks are included therein or appears in close proximity thereto; or (iii) any other false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the minds of the trade or public or to deceive the trade or public into believing that Defendant's goods have been approved, authorized or sponsored by WTCA.

2. Permanently enjoining and restraining Defendant, its officers, agents, affiliates, servants, employees, attorneys, successors or assigns, and all persons or entities acting in concert

or participation with them or any of them, from taking or continuing any actions inconsistent with WTCA's sole and exclusive ownership of the WORLD TRADE CENTER, WTC, WORLD TRADE CENTERS ASSOCIATION and WTCA marks.

3. Permanently enjoining and restraining Defendant, its officers, agents, affiliates, servants, employees, attorneys, successors or assigns, and all persons or entities acting in concert or participation with them or any of them, from breaching the 1986 or 2006 License Agreements, and directing them to specifically perform their obligations under such contracts.

4. Declaring that Defendant is bound by the restrictions contained in the 1986 and 2006 License Agreements that prohibit the use of the WORLD TRADE CENTER and WTC trademarks in connection with goods without the consent of WTCA, and that Defendant is not free to sell goods under those trademarks in the U.S. and around the world without WTCA's authorization.

5. Directing Defendant to file with the Court and serve on counsel for Plaintiff, within thirty days after entry of any injunction issued by the Court in this action, a sworn written statement as provided in 15 U.S.C. § 1116.

6. Awarding Plaintiff its reasonable attorneys' fees, taxable costs and disbursements of this action, pursuant to 15 U.S.C. § 1117.

7. Awarding Plaintiff such other and further relief as the Court deems just and proper.

Dated: New York, New York
May 12, 2017

DORSEY & WHITNEY LLP

By: /s/ Bruce R. Ewing
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EXHIBIT B

in downtown Manhattan and the promotion of commerce at that site, including the promotion, offering and sale of goods and services. As a direct outgrowth of its long-standing operation of the lower Manhattan site, World Trade Center merchandise was marketed and sold on an ongoing basis to the general public from the mid-1970s through September 2001 in multiple gift shops located in Two World Trade Center, earning the Port Authority substantial revenues. Additionally, the Port Authority used the term WORLD TRADE CENTER, including in connection with other brands, terms and logos, in extensive marketing and advertising campaigns designed to attract shoppers and visitors to the retail and restaurant establishments located throughout the World Trade Center complex, as well as attract tenants for the World Trade Center site, including the buildings widely known as the “Twin Towers.”

2. WTCA was aware of and never opposed these extensive “World Trade Center” branded marketing and sales activities, including the sale of merchandise. WTCA did not oppose such activities because of: (a) the Port Authority’s long-standing, well-established right to use the world-famous WORLD TRADE CENTER and WTC marks (the “Marks”); and (ii) the absence of any actual and possible risk of confusion between, on the one hand, the commercial and real estate-related use of the Marks by the Port Authority, a government agency that owns, manages and operates skyscrapers, bridges, tunnels and airports known throughout the world and, on the other hand, WTCA, an obscure not-for-profit trade association with less than a few hundred members scattered across the globe, offering services and facilities of substantially varied nature and quality.

3. Following the reconstruction of the World Trade Center site, the Port Authority has continued what it legally pursued for decades before destruction of the Twin Towers on September 11, 2001 (“9/11”), namely, the commercial use of the famous term World Trade Center in connection with the lower Manhattan site. In other words, the only interruption since

at least the 1970s of the Port Authority's widespread use of the terms World Trade Center and WTC – in commercial activities directed to the trade and a global, general public – was a result of acts of terrorism that destroyed the downtown Manhattan site.

4. Enter WTCA, a not-for-profit corporation that offers certain “association services” for the promotion and furtherance of world trade. Following the reconstruction and revitalization of the lower Manhattan World Trade Center site (in which the WTCA had no role and to which WTCA contributed nothing), WTCA emerged with its demands. Dismayed that the Port Authority would not agree to WTCA's ultimatums, which were based upon a novel, broadly-defined scope of trademark rights, WTCA commenced this lawsuit.

Jurisdiction and Venue

5. This Court has subject matter jurisdiction over these Counterclaims under Fed. R. Civ. P. 13, 15 U.S.C. §§ 1119 and 1121, and 28 U.S.C §§ 1331, 1338(a)-(b), 2201 and 2202. This Court also has subject matter jurisdiction over these Counterclaims under 28 U.S.C. § 2201 *et seq.* because there is an actual controversy between the parties. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over Counterclaims arising under state law.

6. This Court has personal jurisdiction over Counterdefendant pursuant to CPLR 301 and 302 by virtue of WTCA's physical location within this State and this District, its commission of tortious conduct as described herein in the State of New York and this District, and its transaction of business within the State of New York and this District. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c).

The Parties

7. The Port Authority is a bi-state agency that owns, builds, operates, and maintains transportation and transit hubs in the New York and New Jersey region, including a network of aviation, rail, surface, transportation, and seaport facilities. The Port Authority is the owner of

the World Trade Center site in lower Manhattan and is responsible for construction of the One World Trade Center tower and the other buildings and structures at the World Trade Center site.

8. WTCA is a not-for-profit §501(c)(6) trade association founded in 1969 by past and then-current Port Authority employees, incorporated in Delaware and located in New York, New York. WTCA was founded to promote world trade and encourage cooperation amongst its members.

Background

History of the World Trade Center

The Twin Towers and the Events of September 11, 2001

9. The idea and concept of a “World Trade Center” in New York dates back to the late 1930s, when a “world trade center” pavilion dedicated to “world peace through trade” was erected at the 1939 World’s Fair in Flushing, NY.

10. Seven years later, in 1946, the New York State legislature authorized the creation of a “public benefit corporation”, defined as the “World Trade Corporation”, which was given the responsibility of taking preliminary steps—with public monies—to create a New York “world trade center.” The World Trade Corporation Act, L. 1946, c. 928, §§ 11450-1459. Governor Thomas E. Dewey thereafter appointed a board to develop plans for the project. The head of this public benefit corporation was one of the organizers of the New York World’s Fair “world trade center” pavilion.

11. The idea of a World Trade Center in New York had taken root. In the late 1950s the Downtown Lower Manhattan Association was formed to explore strategies to revitalize lower Manhattan, including in response to the migration of businesses and financial institutions to midtown Manhattan. One such strategy was the construction of a World Trade Center that would form the core of a revitalized lower Manhattan.

12. In 1960, the Port Authority was commissioned by the Downtown Lower Manhattan Association to study an initial plan for a World Trade Center along the East River of lower Manhattan. In 1961, the Port Authority issued a favorable report on the possibility of developing a World Trade Center in lower Manhattan.

13. That same year, the Port Authority adopted and began to use the mark and name WORLD TRADE CENTER to describe the complex of that name being planned for construction in lower Manhattan. In 1962, the legislatures of the States of New York and New Jersey enacted and codified the enabling statutes authorizing development of the “World Trade Center”, defined as the “port development project facility of commerce consisting of one or more buildings, structures, improvements.” N.Y. Unconsol. § 6602 (McKinney 2006); N.J. Stat. Ann. § 32:1-35.53 (2006).

14. By 1964, the Port Authority had unveiled architectural plans for the iconic “Twin Towers”, which would constitute the architectural focus and nerve center of the new World Trade Center. Designed by architect Minoru Yamasaki, the buildings created more than 10 million square feet of commercial real estate and, importantly, renewed interest in an otherwise foundering downtown Manhattan business district.

15. At the time the World Trade Center towers were completed in 1973, they were the tallest buildings in the world, and quickly obtained the iconic fame and recognition afforded only rarely to those architectural structures and major public works (of which the World Trade Center was both) of uncommon size, vision and magnitude.

16. The World Trade Center was a globally-recognized feat of modern architecture and engineering and immediately transformed the skyline of New York, not to mention the direction of commercial resources and energies in the City. Inevitably, the World Trade Center became a major tourist attraction with global appeal. The Observation Deck at the South Tower

opened in 1975, offering unparalleled vistas to multitudes of domestic and international visitors each year.

17. Beginning in the 1970s, the Port Authority operated multiple gift shops in Two World Trade Center, selling items such as t-shirts and key chains, snow globes and bean bag animals, holiday ornaments and posters, all emblazoned with the words “World Trade Center.” Photographs of several such items are attached as Exhibit A. The Port Authority earned substantial revenues from the sale of such “World Trade Center”-branded merchandise. In addition, the Port Authority produced and distributed thousands of posters, handbills and other forms of promotional and advertising materials, using the Marks, in order to drive shoppers, tourists, and Twin Tower tenants to the dozens of shops located in the concourse level of the World Trade Center. Photographs of several such items are attached as Exhibit B.

18. In 1976, the world-famous “Windows of the World” restaurant opened, eventually becoming one of the highest-grossing restaurant in the United States.

19. On September 11, 2001, in the worst act of terrorism committed on United States soil, all buildings of the World Trade Center site in lower Manhattan were destroyed, and thousands of lives were lost. Painstaking recovery efforts at the site, which became known colloquially and in the media as “Ground Zero,” were completed over the next nine months.

Redevelopment

20. In a testament to the resiliency and determined optimism of the people of New York and New Jersey, the Port Authority began redevelopment planning, including restoration of the Port Authority Trans-Hudson (PATH) rapid-transit rail service, as early as December 2001. The Port Authority, along with other stakeholders at the World Trade Center site, shared a marked determination to triumph over the tragedy of 9/11 with a forward-looking redevelopment

plan that would preserve and secure downtown Manhattan's commercial anchor while also honoring and memorializing the site's painful history.

21. By December 2003, design plans for a new, 1,776 foot One World Trade Center tower were unveiled. In January 2004, Architects Michael Arad and Peter Walker presented the winning design concept for The World Trade Center Memorial, and Santiago Calatrava presented design concepts for The World Trade Center Transportation Hub.

22. Today, these design plans have been mostly realized, and new architectural works of the rebuilt World Trade Center stand in lower Manhattan. These buildings honor the victims of the 9/11 attacks, commemorate the past, and are a testimony to the spirit and resilience of the people of New York and New Jersey. Like the former Twin Towers, One World Trade Center is an icon of modern architecture, a beacon over lower Manhattan, and a famous symbol of the City of New York.

23. Beyond construction of the new buildings, an important aspect of the World Trade Center site redevelopment is the creation of a site "identity" and brand that is forward-looking but nonetheless honors and evokes continuity with the past. The Port Authority has carefully considered the design of logos, signage and wayfinding that will unify the various architectural structures located at the World Trade Center site and create a recognizable identity for the site as a whole. The Port Authority has deployed substantial resources in creating this site identity and branding.

24. One World Observatory, the new observation deck at One World Trade Center, opened in May 2015. Every day, One World Observatory draws more than ten thousand international and domestic visitors. One World Observatory attracted approximately three million visitors in the first year of its operation alone.

25. Consistent with decades-long commercial activity that was interrupted only by the destruction of the original World Trade Center site on 9/11, the Port Authority intends to sell branded-merchandise at the One World Observatory gift shop and at other retail shopping locations at the World Trade Center site and elsewhere. The Port Authority expects to generate millions of dollars in annual revenues from these sales, ultimately benefitting the citizens of New York and New Jersey, who funded the reconstruction of the downtown Manhattan site.

The WORLD TRADE CENTER and WTC Trademarks

26. The Port Authority commenced its use of the WORLD TRADE CENTER mark at least as early as 1961. Since that time, it has continuously used the WORLD TRADE CENTER mark on and in connection with the World Trade Center site located in lower Manhattan, both prior to and after September 11, 2001, including in connection with other terms, brands or distinctive logos, on or in connection with a wide and diverse array of goods, branded merchandise, and services offered at or in connection with the site.

27. WTCA uses the service mark “World Trade Centers Association” or “WTCA” only in connection with “association services in the nature of fostering and promoting world trade and international business relationships.”

28. WTCA does not itself use the service marks “World Trade Center” or “WTC” in connection with “association services in the nature of fostering and promoting world trade and international business relationships.”

29. Rather, WTCA simply sells naked “naming rights” to “World Trade Center” and “WTC,” which it promotes only as a “concept” and which does not function as a source-identifier of services provided by WTCA. WTCA grants virtually any third party permission to use these marks – if they are willing to pay WTCA’s price.

30. WTCA has exercised little if any quality control and has failed to maintain even minimum, standards for those third parties willing to pay WTCA for the right to use “World Trade Center” and “WTC.” Thus, for example, with naming rights purchased from WTCA, the Suite 1 tenant of an unremarkable storefront in Hackensack, New Jersey – apparently a real estate office –until recently called itself the “World Trade Center of Northern New Jersey.” Other purported “World Trade Centers” or “WTCs” have been inactive or dormant for decades, occupy unbranded or derelict buildings, or offer no trade services at all.

31. WTCA has never used the designations “World Trade Center” and “WTC” (other than as a naked naming right), and has itself never used these designations in connection with services or goods, including merchandise.

32. WTCA has never had a *bona fide* intention to use “World Trade Center” and “WTC” in connection with any goods, including merchandise, and did not have such a *bona fide* intention to use these marks in late 2011 and early 2012, when it filed numerous intent-to-use trademark applications for “World Trade Center” and “WTC” with the USPTO. Specifically, WTCA had no contemporaneous business plans to use the Marks in connection with goods. WTCA’s business records show that it filed these intent-to-use applications in order to block the Port Authority from filing its own applications with the USPTO, and prevent the Port Authority from entering into potential merchandise licensing or distribution agreements with third parties.

The 1986 Assignment

33. On February 18, 1986, the Port Authority executed a “Confirmatory Assignment” providing certain narrowly-defined WORLD TRADE CENTER service mark registrations to WTCA (the “Assignment”, Clt. Ex. A). The Assignment makes no reference to trademark or rights to use any marks in connection with goods. Specifically, the Assignment assigned to WTCA two Argentine Service Mark registrations not relevant to this litigation, as well as six

New York State service mark registrations (“State Service Marks”) (collectively, “Service Marks”). The six New York State Service Marks cover the following services:

- Reg. No. S-9095: “Advising businessman [*sic*] as to prospective customers and suppliers for products and services.”
- Reg. No. S-9096: “Operating facilities for commodities trading; promotion of financial commerce exchange.”
- Reg. No. S-9097: “Erecting international trade facilities.”
- Reg. No. S-9098: “Telecommunications services; facilitating communications between the international business community.”
- Reg. No. S-9099: “Commuter rail services.”
- Reg. No. S-9100: “Restaurant services; conducting exhibitions, seminars and business conferences; instructional services in international trade.”

34. The Assignment states: “Port Authority reserves to itself the right and license to use said service mark for the existing and future services.”

35. The Port Authority in fact reserved such rights by continuing to offer goods and services under and in connection with the WORLD TRADE CENTER and WTC Marks, and by maintaining the goodwill in these Marks.

36. Following execution of the Assignment, the Port Authority continued to conduct business in all of its pre-1986 service and merchandising spheres, including the sale of “World Trade Center”-branded goods to the general public. Such activity was interrupted only by the events of 9/11 and attendant redevelopment period.

37. Shortly after execution of the 1986 Assignment, the WTCA and the Port Authority executed a document titled “License Agreement,” dated March 6, 1986 (“1986 License”), granting the Port Authority a non-exclusive license to use the Mark “for the service of fostering world trade and for such additional trade services as [WTCA] may from time to time approve in writing.” The consideration under the 1986 License was \$10.00, paid to the WTCA.

This license is on a WTCA standard form membership agreement, and is narrower than the rights reserved by the Port Authority in the 1986 Assignment.

38. On information and belief, the attorney involved in drafting and negotiating the Assignment and 1986 License had a conflict of interest because he represented both WTCA and the Port Authority in connection with these transactions.

39. The 1986 License defines the “Licensed Marks” as specifically those Service Marks that were the subject of the Assignment, and grants to the Port Authority the right to use the Service Marks “for the service of fostering world trade.”

40. Accordingly, the 1986 License reflects that WTCA had not obtained any rights to the Marks other than the specific, narrowly-defined Service Marks described therein, because under the Assignment the Port Authority had retained for itself the right and license to use WORLD TRADE CENTER and WTC in connection with existing and future services and goods. Consistent with the axiom that one cannot license rights one does not own, WTCA could and did attempt to license-back to the Port Authority only those narrowly-defined Service Marks it may have obtained, or thought it obtained, in the first place – that is, the right to use the Marks in connection with the service of fostering world trade.

41. The 1986 License contains certain pro-forma minimum “quality control” provisions.

42. On information and belief, WTCA did not exercise quality control, or engage in consistent activities in the nature of quality control, over any of its purported licensees, including the Port Authority.

43. The Assignment was restated and re-executed in substantially identical form in a document titled “Confirmatory Assignment Instrument” (the “1995 Assignment”), executed by the Port Authority in November 13, 1995. At WTCA’s request, the Port Authority executed the

1995 Assignment in order to provide WTCA with what was at the time contemporaneously-executed documentation to submit to the New York Secretary of State in order to formally record the assignment of the State Service Marks to WTCA. In this instrument, the WTCA ratified the Port Authority's reservation to itself of the right and license to use said service mark for the existing and future services.

44. Nowhere does the 1995 Assignment reference goods, products or merchandise, even though as of 1995, the Port Authority had been using the WORLD TRADE CENTER Marks in connection with such products for over two decades. Following execution of the 1995 Assignment, the Port Authority continued to conduct business in all of its pre-1995 service and merchandising spheres, including the sale of "World Trade Center"-branded goods to the general public. Such activity was interrupted only by the events of 9/11 and attendant redevelopment period.

45. In July 2001, just months before the September 11 attacks, in connection with the 2001 net leasing of the World Trade Center site, Silverstein Properties and Westfield Corporation created bankruptcy-remote, specific purpose entities ("SPEs") to operate facilities at the World Trade Center site pursuant to the terms of long term net leases. In connection with the 2001 net lease transactions, the SPEs requested through the Port Authority that the WTCA grant direct licenses to the SPEs in order to alleviate the net lessees' concern that they needed rights from WTCA in order to fully exercise their rights to operate under the net leases.

46. Pursuant to a July 18, 2001 letter agreement between the Port Authority and WTCA: (1) the Port Authority granted a rent free sublease to the WTCA (in order to maintain WTCA's rights to occupy space in the building); and (2) in return, the WTCA (a) gave direct licenses in the Marks to each of the SPEs, and (b) provided the Port Authority with a letter ("the 2001 Letter") confirming the Port Authority's reservation of rights in the Mark under the 1986

Confirmatory Assignment and stating that such reservation includes the right to sublicense the Mark, including to the SPEs.

47. In the 2001 Letter, WTCA confirmed the rights reserved by the Port Authority under the Assignment by letter that stated:

“[T]his letter shall serve to confirm that the rights reserved by the Port Authority in the sentence “PORT AUTHORITY reserves to itself the right and license to use said service mark for the existing and future services”, which appears in that certain Confirmatory Assignment dated February 18, 1986, from the Port Authority of New York and New Jersey to The World Trade Centers Association, pertaining to the service mark “World Trade Center” (the “Service Mark”) includes the royalty-free right of the Port Authority to sublicense the Service Mark for the existing and future services contemplated in such Confirmatory Assignment.”

48. The Port Authority’s reservation of rights in the Marks was also memorialized in the April 26, 2001 public board minutes, which state: “In 1986, the Port Authority transferred to the WTCA its ownership of certain registered service marks pertaining to the World Trade Center name, **with a reservation of the right to use such marks in the future.**” (Emphasis added.)

49. The 2001 licenses from the WTCA to the SPEs were expressly made subject to the Port Authority’s license rights:

...Licensee hereby accepts a royalty-free, fully paid-up, worldwide non-exclusive license (“License”) to use the Marks . . . **it being understood that, subject to the license rights of the Port Authority and those in privity with it under the Marks,** Licensor shall not be granting licenses to use the Marks to denote properties in New York City other than (i) the Premises or (ii) other parts of the facility in New York City currently known as the World Trade Center.

2001 Licenses, § II(B) (emphasis added).

This Agreement shall not alter the Port Authority’s license rights under the Marks.

2001 Licenses, § VII(B) (emphasis added).

50. In 2006, in connection with reorganization of certain transactions and activities related to the World Trade Center site redevelopment, WTCA granted certain additional licenses to the SPEs, including entities known as 1 WORLD TRADE CENTER LLC and WTC RETAIL LLC (the “2006 Licenses”). These entities are specific-purpose entities whose specific rights and obligations relate solely to operation of lower Manhattan properties at the World Trade Center site under certain net leases with third party lessees. Although the Port Authority had a membership interest in the 1 WORLD TRADE CENTER LLC and WTC RETAIL LLC SPEs, it was not a party to these licenses, and these licenses in no way relate to or impair the Port Authority’s right to use the Marks.

51. Accordingly, these licenses are not relevant to and are unenforceable against the Port Authority.

52. Like the 2001 Licenses, the 2006 Licenses contain provisions clarifying that WTCA’s non-exclusive grant of rights to 1 WORLD TRADE CENTER LLC and WTC RETAIL LLC was always subject to, and did not alter, the Port Authority’s own rights: “Licensee hereby accepts a royalty-free, fully paid-up, worldwide non-exclusive license (“License”) to use the Marks ... **it being understood that, subject to the license rights of the Port Authority and those in privity with it under the Marks**, Licensor shall not be granting licenses to use the Marks to denote properties in New York City other than (i) the Premises or (ii) other parts of the facility in New York City currently known as the World Trade Center”; and **“This Agreement shall not alter the Port Authority’s license rights under the Marks.”**

53. Until it recently sought to misappropriate for itself certain of the commercial opportunities associated with redevelopment of the World Trade Center site, there is no evidence that WTCA exercised or attempted to exercise any quality control, or engage in any activities in the nature of quality control, over the SPEs who are the purported licensees of the 2006 Licenses.

Nor did WTCA exercise or attempt to exercise any quality control, or engage in any activities in the nature of quality control over the Port Authority.

54. WTCA has not used WORLD TRADE CENTER mark in connection with the services claimed under the State Service Mark Registrations or in connection with any similar services in New York State.

(a) Specifically, WTCA has not offered services in the nature of “operating facilities for commodities trading; promotion of financial commerce exchange” at all.

(b) Specifically, WTCA has not offered services in the nature of “erecting international trade facilities” at all.

(c) Specifically, WTCA has not offered services in the nature of “telecommunications services” at all.

(d) Specifically, WTCA has not offered services in the nature of “commuter rail services” at all.

(e) Finally, WTCA has not offered services in the nature of “restaurant services; conducting exhibitions, seminars and business conferences; instructional services in international trade” under the service mark WORLD TRADE CENTER (though it may have done so under the designations WTCA or WORLD TRADE CENTERS ASSOCIATION, or may have offered to its members certain services offered by the World Trade Institute, which was owned and operated by the Port Authority until 1997).

55. As a result of the reservation of rights in the Assignment and the 1995 Assignment, the 2001 Letter and the Port Authority’s ongoing and continuous use in commerce of the WORLD TRADE CENTER and WTC Marks, the Port Authority, not WTCA, has priority of right in these Marks, and owns the goodwill in, and right, title and interest to, the Marks in

connection with goods and services offered at or in connection with the World Trade Center site. Accordingly, most of WTCA's state registrations, as well as its federal trademark applications for WORLD TRADE CENTER and WTC are invalid. Accordingly, the Port Authority is the proper owner of the Marks, including the Service Marks, in connection with all of the activities it conducts at or in connection with the World Trade Center site, including the sale of branded merchandise.

56. The Port Authority's ongoing rights in the Marks, including in connection with goods, is wholly unrelated to WTCA's "association services" (which are not even offered by WTCA under the Marks). Indeed, in refusing WTCA's federal applications for registration of the trademarks WORLD TRADE CENTER and WTC in connection with goods, the USPTO's trademark examiner noted that "association services ... are not related to ... goods."

57. In the alternative, while WTCA may have succeeded to or acquired by its own use in commerce the goodwill associated with a narrow sliver of services in the nature of association services for promoting world trade, WTCA has no right or interest in the Marks, including the Service Marks, broader than this, and has no right or interest in the Marks sufficient to interfere with the Port Authority's activities at the World Trade Center site. Nor was any attempted assignment to WTCA of rights to the Marks broader than those actually used by WTCA in commerce effective. Therefore the Port Authority, not WTCA, owns and has always owned the remaining goodwill in, and right, title and interest to, the WORLD TRADE CENTER and WTC Marks, including in connection with goods.

58. The Port Authority has not breached any provision of the license agreements, because: (1) WTCA has not alleged any use of the Marks by the Port Authority that is inconsistent with the scope of an alleged license for association services and services related to world trade; (2) the uses of the Marks complained of in WTCA's Complaint constitute

geographically descriptive fair use because they describe the premises and observation deck located at ONE WORLD TRADE CENTER; and/or (3) the Port Authority's use of the Marks is consistent with the broader scope of rights it retained under the 1986 Assignment, as ratified by the 1995 Assignment, the 2001 Letter, and the 2001 and 2006 License Agreements between WTCA and the SPEs, each of which contains explicit reference to the Port Authority's own, separate rights. The Port Authority retained and has the right to use the Mark for all existing and future services and activities related to the New York World Trade Center site.

WTCA's State Service Mark Registrations Are Invalid Because WTCA is Not the Valid Owner

59. Many of the State Service Mark Registrations that are the subject of the 1986 Assignment should be adjudged to be the property of their proper owner, the Port Authority.

60. The Port Authority is the proper owner of these State Service Marks because at all times after the Assignment and 1995 Assignment, it retained the right to and continued to use these State Service Marks in connection with the underlying business and goodwill they represent.

61. Second, because WTCA did not succeed to the goodwill of these State Service Marks and, since the time of the 1986 Assignment, has not carried out the services covered by these State Service Marks, WTCA has abandoned these State Service Marks, requiring that these State Service Mark Registrations be held invalid as held by WTCA and requiring transfer of these State Service Mark Registrations to their proper owner, the Port Authority.

62. The specimens of use that WTCA filed in connection with its State Service Mark Registrations show that WTCA was never validly assigned the State Service Marks and did not succeed to the goodwill associated with the State Service Marks or, in the alternative, abandoned the State Service Marks.

63. Specifically, on information and belief, in or about November 1995, WTCA submitted applications to the New York Secretary of State for renewal of the six State Service Mark Registrations and to record the Assignment of the Service Marks from the Port Authority to WTCA (the “1995 Renewals”).

64. On information and belief, at the time of the 1995 Renewals, WTCA did not use or continue to use the State Service Marks in connection with the following services: “Operating facilities for commodities trading; promotion of financial commerce exchange” (Reg. No. S-9096); “Erecting international trade facilities” (Reg. No. S-9097); “Telecommunications services” (S-9098); “Commuter rail services” (Reg. No. S-9099); and “Restaurant services; conducting exhibitions, seminars and business conferences; instructional services in international trade” (Reg. No. S-9100).

65. On information and belief, in or about late October 2005, WTCA submitted applications to the New York Secretary of State for renewal of the six State Service Mark Registrations (the “2005 Renewals”).

66. On information and belief, at the time of the 2005 Renewals, WTCA did not use or continue to use the State Service Marks in connection with the following services: “Operating facilities for commodities trading; promotion of financial commerce exchange” (Reg. No. S-9096); “Erecting international trade facilities” (Reg. No. S-9097); “Telecommunications services” (S-9098); “Commuter rail services” (Reg. No. S-9099); and “Restaurant services; conducting exhibitions, seminars and business conferences; instructional services in international trade” (Reg. No. S-9100).

67. In connection with the 2005 Renewals, WTCA submitted purported “specimens of use” consisting of letterhead. These purported specimens of use are insufficient and invalid because they do not show the “use in commerce” of the State Service Marks, because they do not

show use in connection with the services claimed under the State Service Marks described above. On information and belief, WTCA submitted these inadequate specimens of use because it was not using the State Service Marks in connection with the services claimed under the State Service Marks described above.

68. In or about November 2015, WTCA submitted applications to the New York Secretary of State for renewal of the six State Service Mark Registrations (the “2015 Renewals”).

69. On information and belief, at the time of the 2015 Renewals, WTCA did not itself use or continue to use the State Service Marks in connection with the following services: “advising businessman [*sic*] as to prospective customers and suppliers for products and services” (Reg. No. S-9095); “Operating facilities for commodities trading; promotion of financial commerce exchange” (Reg. No. S-9096); “Erecting international trade facilities” (Reg. No. S-9097); “Telecommunications services; facilitating communications between the international business community” (S-9098); “Commuter rail services” (Reg. No. S-9099); and “Restaurant services; conducting exhibitions, seminars and business conferences; instructional services in international trade” (Reg. No. S-9100). Nor did WTCA exercise quality control over any members who may have offered such services in the State of New York such that the WTCA could avail itself of its members’ use in renewing the State Service Marks.

70. In connection with the 2015 Renewals, WTCA submitted purported “specimens of use” consisting of an image of 7 World Trade Center – a property that is not owned or operated by WTCA. These purported specimens of use are insufficient and invalid because they do not show any “use in commerce” of the State Service Marks in connection with the claimed services. On information and belief, WTCA submitted these inadequate specimens of use

because it was not using the State Service Marks in connection with any of the services claimed under the State Service Marks.

71. Accordingly, the Port Authority should be adjudged the proper owner of the State Service Mark Registrations.

WTCA's Federal Trademark Registrations Should Be Cancelled

72. WTCA is the record owner of U.S. Trademark Reg. Nos. 1,469,489 and 1,749,086 for the service marks WORLD TRADE CENTER and WTC respectively, each covering "Association services, namely fostering and promoting world trade and international business relationships" (the "Federal Registrations"). The Federal Registrations are invalid for multiple reasons and should be cancelled.

The Federal Registrations are Void Ab Initio

73. First, the Federal Registrations must be cancelled because they are void *ab initio*.

74. WTCA filed its service mark application for WORLD TRADE CENTER on or about September 26, 1986, on the basis of applicant's use in commerce pursuant to Section 1(a) of the Lanham Act, claiming a date of first use in commerce of March 1961.

75. WTCA filed its service mark application for WTC on or about May 21, 1992, on the basis of applicant's use in commerce pursuant to Section 1(a) of the Lanham Act, claiming a date of first use in commerce of April 17, 1968.

76. WTCA itself was using neither the WORLD TRADE CENTER nor WTC service mark in commerce in connection with the aforementioned "association services" as of the application filing dates of its use-based applications for the Federal Registrations.

77. WTCA has only ever offered its "association services" under the designations WORLD TRADE CENTERS ASSOCIATION or WTCA.

78. While WTCA's members may offer "association services" to other WTCA members or to members of their respective business communities, WTCA has failed to exercise quality control over the nature and quality of services offered by such members, with the effect that such members' use of the Marks in connection with "association services" does not inure to the benefit of WTCA.

79. Accordingly, the Federal Registrations are void *ab initio* pursuant to Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), and must be cancelled.

WTCA Has Abandoned the Federal Registrations

80. Second, the Federal Registrations are invalid and must be cancelled because WTCA has abandoned them. As noted above, since the time that WTCA obtained the Federal Registrations for WORLD TRADE CENTER and WTC, it has not exercised quality control over its member-licensees. Instead, WTCA has exploited the WORLD TRADE CENTER and WTC designations only in connection with the naked naming rights it sells to third parties. Such naked licensing of the Marks by WTCA has resulted in abandonment and forfeiture of whatever rights WTCA may have ever possessed in the Marks, warranting cancellation of its Federal Registrations.

WTCA Procured the Federal Registrations by Fraud

81. Third, the Federal Registrations are invalid and must be cancelled due to fraud in the applications for such registrations.

The WORLD TRADE CENTER Federal Registration

82. On or about September 26, 1986, WTCA filed an application for registration of WORLD TRADE CENTER in connection with "association services, namely fostering and promoting world trade and international business relationships." In its application, WTCA claimed a date of first use in commerce of March 1961, and submitted the sworn statement that

the service mark was “adopted and first used in connection with the services by applicant’s predecessor ... the Port Authority of New York and New Jersey ... and is now in use in ... commerce by applicant for said services.” WTCA also submitted a sworn declaration signed by Guy Tozzoli, the former president of WTCA, affirming that, “to the best of his knowledge and belief no other person, firm, corporation or association has the right to use [WORLD TRADE CENTER] in commerce ... that said mark has been used substantially exclusively and continuously by applicant for said services in interstate commerce for at least the five years next proceeding [*sic*] the date of this application and has become distinctive of applicant’s services in such commerce; that all statements made herein of his own knowledge are true ... and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both ... and that such willful false statements may jeopardize the validity of the application ... or any registration resulting therefrom.”

83. The Port Authority of New York and New Jersey is not WTCA’s legal predecessor, as WTCA falsely represented to the USPTO.

84. Neither the Port Authority (as purported “predecessor”) nor WTCA had used WORLD TRADE CENTER in connection with “association services” as of the claimed date of first use in commerce of March 1961. Indeed, WTCA did not exist until 1968 and was not formally established until 1969.

85. WTCA had not “substantially exclusively and continuously” used WORLD TRADE CENTER in connection with “association services” in interstate commerce for the five years preceding the date of WTCA’s application for WORLD TRADE CENTER, and WORLD TRADE CENTER had not become distinctive of any services offered by WTCA.

86. On information and belief, WTCA willfully falsely and fraudulently concealed from the USPTO the Port Authority’s right to use the designation WORLD TRADE CENTER,

given that the Port Authority reserved to itself such rights under the Assignment and 1995 Assignment and, on information and belief, WTCA was aware of such rights retained by the Port Authority when it submitted its trademark application to the USPTO.

87. On information and belief, WTCA willfully falsely and fraudulently concealed from the USPTO prior third party use of the designation WORLD TRADE CENTER even though WTCA was aware of such use when it submitted its trademark application to the USPTO.

88. On information and belief, WTCA selected a date of first use in commerce of March 1961 in order to falsely and fraudulently claim senior rights over other known third party first use dates of “World Trade Center” or “WTC,” such as use in Houston, Los Angeles, Dallas and New Orleans.

89. On information and belief, WTCA made such sworn false statements and omissions with knowledge of their falsity, and with the intent to induce the USPTO examining attorney to rely on such false statements and omissions when issuing U.S. Reg. No. 1,469,489.

90. On information and belief, the USPTO examining attorney relied on these false and fraudulent statements and omissions in issuing U.S. Reg. No. 1,469,489, and would not have issued such registration but for WTCA’s false and fraudulent statements and omissions.

91. Due to WTCA’s fraudulent acts described above, U.S. Trademark Reg. No. 1,469,489 should be cancelled pursuant to 15 U.S.C. § 1119.

The WTC Federal Registration

92. On or about May 21, 1992, WTCA filed an application for registration of the designation WTC in connection with association services. In its application, WTCA submitted a sworn statement that the “above-identified applicant has adopted and is using the service mark shown in the accompanying drawing for ‘association services....’” WTCA also affirmed that “applicant is the owner of the mark sought to be registered” and that to the best of its belief, “no

other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely ... to cause confusion, or to cause mistake, or to deceive.” Finally, WTCA affirmed that “all statements made herein ... are true ... and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both ... and that such willful false statements may jeopardize the validity of the application ... or any registration resulting therefrom.”

93. In connection with its application, WTCA submitted a specimen of use consisting of what appears to be a pamphlet. Nowhere on the pamphlet do the letters “WTC” appear. The specimen of use certainly does not show use of WTC in connection with “association services.”

94. On information and belief, WTCA submitted a false and misleading specimen of use to the USPTO, which did not show use of WTC in connection with “association services” because WTCA had in fact never offered “association services” under the designation WTC.

95. On information and belief, WTCA willfully falsely and fraudulently concealed from the USPTO the Port Authority’s right to use the designation WTC (because the Port Authority never transferred or attempted to transfer this mark to WTCA under either the Assignment or 1995 Assignment, having retained and/or reserved such rights).

96. On information and belief, WTCA made such sworn false statements and omissions with knowledge of their falsity, and with the intent to induce the USPTO examining attorney to rely on such false statements when issuing U.S. Reg. No. 1,749,086.

97. On information and belief, the USPTO examining attorney relied on these false and fraudulent statements and omissions in issuing U.S. Reg. No. 1,749,086, and would not have issued such registration but for WTCA’s false and fraudulent statements and omissions.

98. Due to WTCA's fraudulent acts described above, U.S. Trademark Reg. No. 1,469,489 should be cancelled pursuant to 15 U.S.C. § 1119.

WTCA's Federal Trademark Applications Should Be Refused Or Transferred to the Port Authority

99. On or about November 15 and November 16, 2011, WTCA filed the following U.S. Trademark Applications on an intent-to-use basis with the USPTO, each in connection with goods: U.S. Trademark App. Nos. 85/474,746 (Class 16), 85/474,760 (Class 25) and 85/474,748 (Class 18) for WORLD TRADE CENTER, and U.S. Trademark App. Nos. 85/473,617 (Class 16), 85/473,927 (Class 25) and 85/473,613 (Class 18) for WTC.

100. On or about January 27, 2012, WTCA filed the following U.S. Trademark Applications on an intent-to-use basis with the USPTO, each in connection with goods: U.S. Trademark App. Nos. 85/527,100 (Class 14) and 85/527,008 (Class 09) for WORLD TRADE CENTER, and U.S. Trademark App. Nos. 85/527,119 (Class 14) and 85/527,029 (Class 09) for WTC.

101. In connection with each of the foregoing applications, WTCA filed a sworn statement that, "The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services." WTCA also filed a sworn declaration that, "The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both ... and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that ... he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or ... he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the

identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true.”

102. At the time it filed the foregoing applications, WTCA had no *bona fide* intent to use the designations WORLD TRADE CENTER and WTC in connection with the goods claimed under the foregoing applications.

103. At the time it filed the foregoing applications, WTCA possessed no documents or business plans demonstrating applicant’s intent to use the Marks in connection with the goods claimed under the foregoing applications.

104. WTCA filed these intent-to-use applications in bad faith, with the intent to block the Port Authority from filing its own trademark applications for WORLD TRADE CENTER and WTC in connection with goods, and to frustrate and harass the Port Authority’s efforts to lawfully exercise its rights in and to the WORLD TRADE CENTER and WTC Marks.

105. On information and belief, WTCA willfully falsely and fraudulently concealed from the USPTO the Port Authority’s right to use the designations WORLD TRADE CENTER and WTC in connection with goods (because the Port Authority had retained and/or reserved such rights).

106. On information and belief, WTCA made these and other such sworn false statements and omissions with knowledge of their falsity, and with the intent to induce the USPTO examining attorney to rely on such false statements when approving the foregoing trademark applications for publication.

107. On information and belief, the USPTO examining attorney relied on these false and fraudulent statements and omissions in approving the foregoing trademark applications for

publication, and would not have so approved them but for WTCA's false and fraudulent statements and omissions.

108. Due to WTCA's fraudulent acts described above, U.S. Trademark App. Nos. 85/474,746, 85/474,760, 85/527,100, 85/527,008 and 85/474,748 for WORLD TRADE CENTER and U.S. Application Nos. 85/473,617, 85/473,927, 85/527,119, 85/527,029 and 85/473,613 for WTC should be refused or transferred to the Port Authority pursuant to this Court's power to order cancellation of applications that are related to an existing trademark registration or a claim of infringement based on an existing registration and/or to rectify the register with respect to trademark registrations. In the alternative, WTCA should be enjoined from further prosecuting and pursuing registration of the foregoing trademark applications pursuant to 15 U.S.C. § 1116.

FIRST COUNTERCLAIM

Declaratory Judgment of Noninfringement

109. The Port Authority repeats and realleges Paragraphs 1 through 108 of these Counterclaims as though fully set forth herein.

110. WTCA does not have rights in the marks sufficient to permit it to interfere with the Port Authority's use of the Marks in connection with goods or services offered at or in connection with the World Trade Center site.

111. WTCA abandoned the rights in and to the marks that it asserts in this action through its naked licensing and lack of quality control over its licensees and members.

112. The Port Authority has made continuous use the WORLD TRADE CENTER and WTC Marks for over fifty years in connection with its commercial activities at the World Trade Center site, including in connection with goods and merchandise and in connection with other marks and distinctive logos, with no evidence of actual or likely consumer confusion.

113. WTCA may not enforce any claimed rights in its alleged WORLD TRADE CENTER and WTC marks against the Port Authority.

114. In addition, WTCA is judicially and equitably estopped from asserting the claims alleged in the Complaint.

115. Because the Port Authority reserved rights to itself under the Assignment, with such reservation confirmed by the WTCA in the 1995 Assignment and the 2001 Letter, the Port Authority's continued use of the Marks is not likely to cause confusion, mistake or deception among relevant consumers, and the Port Authority is entitled to the issuance of a declaratory judgment that the Port Authority's use of the Marks does not violate the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, and does not constitute infringement, unfair competition, false advertising or deceptive acts and practices with respect to any purported rights claimed by WTCA under the Lanham Act or other federal law, state statutory law, or state common law.

116. In addition, and in the alternative, the Port Authority is entitled to the issuance of a declaratory judgment declaring and adjudging that the Port Authority's use of the terms WORLD TRADE CENTER and/or WTC in connection with the term "ONE" or any other term, designation or logo, is a fair use within the meaning of § 33(b)(4) of the Lanham Act, 15 U.S.C. § 1115(b)(4), does not violate the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, and does not constitute infringement, unfair competition, false advertising or deceptive acts and practices with respect to any purported rights claimed by WTCA under the Lanham Act or other federal law, state statutory law, or state common law.

SECOND COUNTERCLAIM

Declaratory Judgment Of Invalidity of License, or No Breach of License

117. The Port Authority repeats and realleges Paragraphs 1 through 116 of these Counterclaims as though fully set forth herein.

118. The Port Authority reserved rights to itself under the Assignment, with such reservation confirmed by the WTCA in the 1995 Assignment and 2001 Letter.

119. The Port Authority's use of the WORLD TRADE CENTER mark complies with the terms of any applicable licenses or agreements, and therefore does not breach any such licenses.

120. The Port Authority has not breached the 1986 License Agreement because, at all times, it acted consistent with its rights to use the Marks under the reservation of rights contained in the 1986 Assignment.

121. WTCA's licenses are invalid due to WTCA's lack of quality control over its licensees and members, resulting in abandonment of the asserted marks and invalidation of the licenses.

122. The Port Authority is not a party to the 2006 Licenses, and therefore WTCA cannot enforce such licenses against it.

123. Because the licenses asserted by WTCA in this action are invalid, or the Port Authority is not in breach of any such asserted licenses, the Port Authority is entitled to the issuance of a declaratory judgment declaring and adjudging that the Port Authority's use of the Marks does not breach such licenses.

THIRD COUNTERCLAIM

Declaratory Judgment Of Ownership

124. The Port Authority repeats and realleges Paragraphs 1 through 123 of these Counterclaims as though fully set forth herein.

125. WTCA does not own rights in the Marks in connection with the World Trade Center site in New York because the Port Authority reserved such rights to itself under valid and binding agreements with WTCA.

126. WTCA abandoned the rights in and to the marks that it asserts in this action through its naked licensing and lack of quality control over its licensees and members.

127. The Port Authority has made continuous use of the WORLD TRADE CENTER and WTC Marks for over fifty years in connection with its commercial activities at the World Trade Center site, including in connection with goods and merchandise. The Port Authority has built substantial goodwill in and to the Marks, which are world-famous.

128. Accordingly, the Port Authority is entitled to the issuance of a declaratory judgment declaring and adjudging that the Port Authority owns and/or has the right to use and exploit the WORLD TRADE CENTER and WTC Marks at or in connection with all activities conducted at the World Trade Center site in New York without interference from WTCA, and is the proper owner of certain of the New York State Service Marks for which the goodwill was never transferred to WTCA.

FOURTH COUNTERCLAIM

Cancellation of Federal Trademark Registrations Pursuant to 15 U.S.C. §§ 1051(a), 1119

129. The Port Authority repeats and realleges Paragraphs 1 through 128 of these Counterclaims as though fully set forth herein.

130. As set forth above, WTCA has never used the designations WORLD TRADE CENTER or WTC set forth in the Federal Registrations in connection with its “association services.”

131. Rather, WTCA has only offered such “association services” under the designations WORLD TRADE CENTERS ASSOCIATION or WTCA.

132. As set forth above, WTCA has not exercised quality control over members or licensees who may use the Marks in connection with “association services.”

133. Accordingly, at the time WTCA filed its use-based applications for each of the Federal Registrations, WTCA had not actually used the subject marks in commerce in connection with the claimed services.

134. As a result, the Federal Registrations are void *ab initio* and invalid, and must be cancelled.

135. In addition, because WTCA has failed to exercise quality control over licensees of the subject marks of its Federal Registrations, it has abandoned such marks, requiring their cancellation.

136. In addition, as set forth above, in applying for and maintaining the Federal Registrations, WTCA made numerous false statements and representations of material facts, concealed material facts, and submitted false and misleading specimens of use.

137. On information and belief, at the time that WTCA caused its applications and renewal documents to be submitted to the USPTO, it knew that the material statements and representations therein were false, knew that it was concealing material facts, and knew that the specimens of use were false and misleading.

138. On information and belief, WTCA made false statements and representations of material fact and concealed material facts with the intent of deceiving the USPTO, and for the purpose of inducing the USPTO to issue registrations for the Federal Registrations.

139. On information and belief, the USPTO was deceived by WTCA's false statements and representations of material facts and concealment of material facts. Had the USPTO known of the true facts, it would have refused to register the Federal Registrations.

140. WTCA's Federal Registrations are invalid and unenforceable because they were procured through false and fraudulent representations and concealment of material facts.

141. The Port Authority has been and is being damaged by the registration of the Federal Registrations with the USPTO.

142. As a result, the Federal Registrations should be ordered cancelled by this Court.

FIFTH COUNTERCLAIM

**Refusal, Transfer, or Injunction Against the Pursuit, of Federal Trademark Applications -
15 U.S.C. §§ 1051(b), 1116 and 1119**

143. The Port Authority repeats and realleges Paragraphs 1 through 142 of these Counterclaims as though fully set forth herein.

144. As set forth above, at the time WTCA filed its intent-to-use applications for WORLD TRADE CENTER and WTC in connection with goods, WTCA had no *bona fide* intent to use such marks in commerce in connection with the goods claimed in such applications.

145. WTCA's sole and/or primary purpose for filing the aforementioned intent-to-use application was to block the Port Authority from obtaining its own registrations of WORLD TRADE CENTER and WTC in connection with goods, and to frustrate and harass the Port Authority's efforts to lawfully exercise its rights in and to the WORLD TRADE CENTER and WTC trademarks.

146. As set forth above, in its intent-to-use applications for WORLD TRADE CENTER and WTC, WTCA made numerous false statements and representations of material facts and concealed material facts.

147. On information and belief, at the time that WTCA caused its applications to be submitted to the USPTO, it knew that the material statements and representations therein were false and knew that it was concealing material facts.

148. On information and belief, WTCA made these false statements and representations of material fact, and concealment of material facts, with knowledge of their falsity, with the intent of deceiving the USPTO, and for the purpose of inducing the USPTO to approve such applications for publication.

149. On information and belief, the USPTO was deceived by WTCA's false statements and representations of material facts and concealment of material facts. Had the USPTO known of the true facts, it would not have approved such applications for publication.

150. WTCA's applications are invalid and unenforceable because WTCA lacked a *bona fide* intent to use the Marks in commerce in connection with the goods claimed under the applications, and/or because the applications contain false and fraudulent representations and concealment of material facts.

151. The Port Authority has been and is being damaged by the USPTO's approval of the applications for publication.

152. Determination of registrability of the applications is directly related to the Port Authority's challenge to WTCA's existing Federal Registrations, and to WTCA's claim of trademark infringement based on the existing Federal Registrations.

153. As a result the applications should be ordered refused by this Court, or transferred to their proper owner, the Port Authority, pursuant to this Court's power to rectify the trademark register.

154. In the alternative, the Court should enjoin WTCA from further prosecuting or pursuing registration of the applications pursuant to 15 U.S.C. § 1116.

SIXTH COUNTERCLAIM

Breach of Contract – 1986 Assignment and 2001 Letter

155. The Port Authority repeats and realleges Paragraphs 1 through 154 of these Counterclaims as though fully set forth herein.

156. Under the 1986 Assignment, the Port Authority reserved “to itself the right and license to use [the WORLD TRADE CENTER] service mark for the existing and future services.”

157. The reservation of rights set forth in the 1986 Assignment was confirmed and ratified by the 1995 Assignment.

158. The reservation of rights set forth in the 1986 Assignment was further confirmed and ratified by WTCA in 2001 when, pursuant to a July 18, 2001 letter agreement and in consideration for the Port Authority’s grant to the WTCA of a rent-free sublease in the World Trade Center, WTCA provided the Port Authority with the 2001 Letter confirming the Port Authority’s reservation of rights in the Mark under the 1986 Confirmatory Assignment.

159. WTCA is bound by: (a) the 1986 Assignment, (b) the July 18, 2001 letter agreement, (c) the 2001 Letter, and (d) the terms, promises, covenants and obligations set forth in each of the above agreements, which are valid and legally binding agreements.

160. The Port Authority has performed its obligations under these agreements.

161. WTCA has breached these agreements by, *inter alia*: (a) interfering with the Port Authority’s lawful exercise of its rights in and to the WORLD TRADE CENTER and WTC Marks, (b) attempting to seek royalties from the Port Authority for its activities at the Site, and (c) commencing this litigation.

162. As a consequence of WTCA’s breach, the Port Authority has sustained damages that are difficult to quantify and/or inadequate to compensate the Port Authority for the harm suffered thereby, such that the Port Authority is entitled to equitable relief, including an order

enjoining and restraining WTCA from interfering with the Port Authority's lawful exercise of its rights in and to the WORLD TRADE CENTER and WTC Marks.

PRAYER FOR RELIEF

WHEREFORE, the Port Authority respectfully requests that the Court enter judgment as follows:

- A. Dismissing the Complaint in its entirety with prejudice;
- B. Declaring that the Port Authority's use of "WORLD TRADE CENTER" and "WTC" does not constitute infringement, unfair competition, false advertising or deceptive acts or practices with respect to any rights claimed by Plaintiff-Counterdefendant under the Lanham Act or other federal law, state statutory law, or state common law;
- C. Declaring that the Port Authority's use of "WORLD TRADE CENTER" and "WTC" does not breach any license or other agreement asserted by Plaintiff in the Complaint;
- D. Declaring that the Port Authority owns and/or has the right to use and exploit the WORLD TRADE CENTER and WTC Marks at or in connection with the World Trade Center site in New York without interference from WTCA, and is the proper owner of certain internet domain names associated with the World Trade Center site in New York and of the New York State Service Marks for which the goodwill was never transferred to WTCA;
- E. Issuing an Order Directing the Director of the USPTO to cancel WTCA's Federal Registrations, U.S. Trademark Reg. Nos. 1,469,489 and 1,749,086, pursuant to 15 U.S.C. § 1119;
- F. Issuing an Order Directing the Director of the USPTO to refuse WTCA's pending applications for WORLD TRADE CENTER and WTC in connection with goods, U.S. Trademark App. Nos. 85/474,746, 85/474,760, 85/527,100, 85/527,008, 85/474,748, 85/473,61716, 85/473,927, 85/527,119, 85/527,029 and 85/473,613 or ordering them to be

transferred to the Port Authority pursuant to 15 U.S.C. § 1119; or, in the alternative, enjoining WTCA from prosecuting or pursuing registration of these pending trademark applications pursuant to 15 U.S.C. § 1116;

G. Permanently enjoining and restraining WTCA from interfering with the Port Authority's lawful exercise of its rights in and to the WORLD TRADE CENTER and WTC Marks;

H. Awarding the Port Authority its reasonable attorneys' fees and costs incurred in this action pursuant to 15 U.S.C. § 1120;

I. Determining that this is an exceptional case, and awarding the Port Authority its reasonable attorneys' fees and costs incurred in this action, and other equitable and monetary relief; and

J. Granting the Port Authority such other and further relief as this Court may deem just and proper.

DEMAND FOR A JURY TRIAL

Counterclaimant hereby demands a jury trial on all claims and on all issues triable by a jury.

Dated: May 12, 2017
New York, New York

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EXHIBIT C

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:15-cv-07411-LTS-RWL**

World Trade Centers Association, Inc. v. The Port Authority of
New York and New Jersey
Assigned to: Judge Laura Taylor Swain
Referred to: Magistrate Judge Robert W. Lehrburger
Cause: 15:44 Trademark Infringement

Date Filed: 09/18/2015
Jury Demand: Defendant
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

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Date Filed	#	Docket Text
09/18/2015	<u>1</u>	COMPLAINT against The Port Authority of New York and New Jersey. (Filing Fee \$ 400.00, Receipt Number 0208-11406317)Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(Ewing, Bruce) (Entered: 09/18/2015)
09/18/2015	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 09/18/2015)
09/18/2015	<u>3</u>	CIVIL COVER SHEET filed. (Ewing, Bruce) (Entered: 09/18/2015)
09/18/2015	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to The Port Authority of New York and New Jersey, re: <u>1</u> Complaint,. Document filed by World Trade Centers Association, Inc.. (Ewing, Bruce) (Entered: 09/18/2015)
09/18/2015	<u>5</u>	AO 120 FORM TRADEMARK – NOTICE OF SUBMISSION BY ATTORNEY. AO 120 Form Patent/Trademark for case opening submitted to court for review.(Ewing, Bruce) (Entered: 09/18/2015)
09/18/2015	<u>6</u>	NOTICE OF APPEARANCE by Elizabeth Rozon Baksh on behalf of World Trade Centers Association, Inc.. (Baksh, Elizabeth) (Entered: 09/18/2015)
09/18/2015	<u>7</u>	NOTICE OF APPEARANCE by Fara S. Sunderji on behalf of World Trade Centers Association, Inc.. (Sunderji, Fara) (Entered: 09/18/2015)
09/21/2015		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Laura Taylor Swain. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (dgo) (Entered: 09/21/2015)
09/21/2015		Magistrate Judge Andrew J. Peck is so designated. (dgo) (Entered: 09/21/2015)
09/21/2015		Case Designated ECF. (dgo) (Entered: 09/21/2015)
09/21/2015	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to The Port Authority of New York and New Jersey. (dgo) (Entered: 09/21/2015)
09/21/2015	<u>9</u>	AO 120 FORM TRADEMARK – CASE OPENING – SUBMITTED. In compliance with the provisions of 15 U.S.C. 1116, the Director of the U.S. Patent and Trademark Office is hereby advised that a court action has been filed on the following trademark(s) in the U.S. District Court Southern District of New York. Director of the U.S. Patent and Trademark Office electronically notified via Notice of Electronic Filing (NEF). (dgo) (Entered: 09/21/2015)
09/30/2015	<u>10</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. The Port Authority of New York and New Jersey served on 9/29/2015, answer due 10/20/2015. Service was accepted by David Baranowski/Service of Process Clerk. Document filed by World Trade Centers Association, Inc.. (Ewing, Bruce) (Entered: 09/30/2015)
10/12/2015	<u>11</u>	LETTER MOTION for Extension of Time <i>to respond to plaintiff's Complaint</i> , addressed to Judge Laura Taylor Swain from Leon Medzhibovsky, dated 10/12/2015. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 10/12/2015)
10/15/2015	<u>12</u>	INITIAL CONFERENCE ORDER: Initial Conference set for 12/18/2015 at 10:30 AM in Courtroom 12D, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain. (See Order.) (Signed by Judge Laura Taylor Swain on 10/15/2015) (ajs)

		(Entered: 10/15/2015)
10/21/2015	<u>13</u>	ORDER granting <u>11</u> Letter Motion for Extension of Time. The requested extension is granted. DE #11 resolved. (Signed by Judge Laura Taylor Swain on 10/20/2015) (tro) (Entered: 10/21/2015)
10/21/2015		Set/Reset Deadlines: The Port Authority of New York and New Jersey answer due 12/4/2015. (tro) (Entered: 10/21/2015)
10/26/2015	<u>14</u>	AFFIDAVIT OF SERVICE of Initial Conference Order served on Leon Medzhilbovsky/DLA Piper LLP on 10/23/15. Service was made by By Hand. Document filed by World Trade Centers Association, Inc.. (Ewing, Bruce) (Entered: 10/26/2015)
12/04/2015	<u>15</u>	MOTION to Dismiss <i>Count I of the Complaint</i> . Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 12/04/2015)
12/04/2015	<u>16</u>	DECLARATION of / CERTIFICATION of Leon Medzhibovsky in Support re: <u>15</u> MOTION to Dismiss <i>Count I of the Complaint</i> .. Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 12/04/2015)
12/04/2015	<u>17</u>	MEMORANDUM OF LAW in Support re: <u>15</u> MOTION to Dismiss <i>Count I of the Complaint</i> . . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 12/04/2015)
12/07/2015	<u>18</u>	LETTER addressed to Judge Laura Taylor Swain from Bruce R. Ewing dated December 7, 2015 re: plaintiff will file opposition to motion to dismiss without further amendment. Document filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 12/07/2015)
12/08/2015	<u>19</u>	NOTICE OF APPEARANCE by Joseph Kernen on behalf of The Port Authority of New York and New Jersey. (Kernen, Joseph) (Entered: 12/08/2015)
12/08/2015	<u>20</u>	NOTICE OF APPEARANCE by Michael Sidney Wigotsky on behalf of The Port Authority of New York and New Jersey. (Wigotsky, Michael) (Entered: 12/08/2015)
12/11/2015	<u>21</u>	RULE 26(f) DISCOVERY PLAN REPORT.Document filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 12/11/2015)
12/16/2015	<u>22</u>	LETTER addressed to Judge Laura Taylor Swain from Bruce R. Ewing dated December 16, 2015 re: response to the Court's inquiry regarding the postponement of the pre-trial conference. Document filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 12/16/2015)
12/17/2015	<u>23</u>	MEMO ENDORSEMENT on re: <u>22</u> Letter response to the Court's inquiry regarding the postponement of the pre-trial conference, filed by World Trade Centers Association, Inc. ENDORSEMENT: The conference will go forward as scheduled. (Signed by Judge Laura Taylor Swain on 12/16/2015) (spo) (Entered: 12/17/2015)
12/18/2015	<u>24</u>	PRE-TRIAL SCHEDULING ORDER: Amended Pleadings due by 2/16/2016. Joinder of Parties due by 2/16/2016. Motions due by 9/30/2016. Expert Discovery due by 8/31/2016. Discovery due by 6/30/2016. Final Pretrial Conference set for 12/16/2016 at 11:00 AM before Judge Laura Taylor Swain. The parties must make their FRCP 26(a)(1) disclosures by January 5, 2016. The parties must notify the Court by January 8, 2016, as to whether they agree to go into the Court-annexed mediation program. (As further set forth in this Order.) (Signed by Judge Laura Taylor Swain on 12/18/2015) (spo) (Entered: 12/18/2015)
12/18/2015		Minute Entry for proceedings held before Judge Laura Taylor Swain: Initial Pretrial Conference held on 12/18/2015. IPTC held. PTC Scheduling Order to follow. FPTC is scheduled for 12/16/2016 at 11:00am. (Final Pretrial Conference set for 12/16/2016 at 11:00 AM in Courtroom 12D, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain.) (lan) (Entered: 12/23/2015)
12/21/2015	<u>25</u>	DECLARATION of Bruce R. Ewing in Opposition re: <u>15</u> MOTION to Dismiss <i>Count I of the Complaint</i> .. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 Part 1, # <u>3</u> Exhibit 2 Part 2, # <u>4</u> Exhibit 3 Part 1, # <u>5</u> Exhibit 3 Part 2)(Ewing, Bruce) (Entered: 12/21/2015)

12/21/2015	<u>26</u>	MEMORANDUM OF LAW in Opposition re: <u>15</u> MOTION to Dismiss <i>Count I of the Complaint</i> . . Document filed by World Trade Centers Association, Inc.. (Ewing, Bruce) (Entered: 12/21/2015)
12/30/2015	<u>27</u>	LETTER addressed to Judge Laura Taylor Swain from Michael S. Wigotsky, dated 12/30/2015, re: time for The Port Authority of New York and New Jersey to file a Reply re: Motion to Dismiss. Document filed by The Port Authority of New York and New Jersey.(Wigotsky, Michael) (Entered: 12/30/2015)
01/04/2016	<u>28</u>	TRANSCRIPT of Proceedings re: Initial Pretrial Conference held on 12/18/2015 before Judge Laura Taylor Swain. Court Reporter/Transcriber: Shari Riemer, (518) 581-8973. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/28/2016. Redacted Transcript Deadline set for 2/8/2016. Release of Transcript Restriction set for 4/7/2016.(ca) (Entered: 01/04/2016)
01/04/2016	<u>29</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Initial Pretrial Conference proceeding held on 12/18/2015 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(ca) (Entered: 01/04/2016)
01/06/2016	<u>30</u>	MEMO ENDORSEMENT on re: <u>27</u> LETTER addressed to Judge Laura Taylor Swain from Michael S. Wigotsky, dated 12/30/2015, re: time for The Port Authority of New York and New Jersey to file a Reply re: Motion to Dismiss. ENDORSEMENT: SO ORDERED. (Replies due by 1/7/2016.) (Signed by Judge Laura Taylor Swain on 1/5/2016) (adc) (Entered: 01/06/2016)
01/07/2016	<u>31</u>	LETTER MOTION for Leave to File Excess Pages <i>re: Reply to Motion to Dismiss</i> , addressed to Judge Laura Taylor Swain from Michael S. Wigotsky, dated 1/7/2016,. Document filed by The Port Authority of New York and New Jersey.(Wigotsky, Michael) (Entered: 01/07/2016)
01/07/2016	<u>32</u>	REPLY MEMORANDUM OF LAW in Support re: <u>15</u> MOTION to Dismiss <i>Count I of the Complaint</i> . . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 01/07/2016)
01/08/2016	<u>33</u>	ORDER granting <u>31</u> Letter Motion for Leave to File Excess Pages. The page extension request is granted. DE #31 resolved. (Signed by Judge Laura Taylor Swain on 1/7/2016) (cf) (Entered: 01/08/2016)
01/08/2016	<u>34</u>	LETTER addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated 1/8/16 re: Mediation. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 01/08/2016)
01/08/2016	<u>35</u>	STIPULATED PROTECTIVE ORDER regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Laura Taylor Swain on 1/8/2016) (spo) (Entered: 01/08/2016)
01/11/2016	<u>36</u>	MEMO ENDORSEMENT on re: <u>34</u> Letter re: Mediation, filed by The Port Authority of New York and New Jersey. ENDORSEMENT: The parties must revisit the issue of settlement after initial discovery and inform the Court in writing by April 15, 2016, as to whether a reference to the Court-annexed mediation program or to a Magistrate Judge would be helpful. (Signed by Judge Laura Taylor Swain on 1/11/2016) (spo) (Entered: 01/11/2016)
02/24/2016	<u>37</u>	NOTICE OF APPEARANCE by Daniel Poul Goldberger on behalf of World Trade Centers Association, Inc.. (Goldberger, Daniel) (Entered: 02/24/2016)
04/15/2016	<u>38</u>	LETTER addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated 4/15/16 re: the Court's Jan. 11, 2016 Order. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 04/15/2016)
04/15/2016	<u>39</u>	LETTER addressed to Judge Laura Taylor Swain from Bruce Ewing dated April 15, 2016 re: the Court's Jan. 11, 2016 Order. Document filed by World Trade Centers

		Association, Inc..(Goldberger, Daniel) (Entered: 04/15/2016)
04/20/2016	<u>40</u>	MEDIATION REFERRAL ORDER: It is hereby ORDERED that this case is referred for mediation to the Court–annexed Mediation Program. The parties are hereby notified that Local Rule 83.12 shall govern the mediation and are directed to participate in the mediation in good faith. The mediation will have no effect upon any scheduling Order issued by this Court without leave of this Court. The parties must begin to meet with the mediator by June 17, 2016. Mediator to be Assigned by 5/2/2016. Mediator Expertise Request due by 4/25/2016. (Signed by Judge Laura Taylor Swain on 4/19/2016) (spo) (Entered: 04/20/2016)
04/20/2016		Transmission to Mediation Clerk. Transmitted re: <u>40</u> Mediation Referral Order to the Mediation Clerk for case processing. (spo) (Entered: 04/20/2016)
04/22/2016		NOTICE OF MEDIATOR ASSIGNMENT – Notice of assignment of mediator. Mediator Schedule due by 5/23/2016.(cda) (Entered: 04/22/2016)
05/19/2016		MEDIATOR SESSION SCHEDULED First Mediation Session scheduled for 6/2/2016, 9:30 AM at the Offices of the Defendant counsel located at DLA Piper US LLP (NY).(cda) (Entered: 05/19/2016)
06/06/2016		Mediator Session Held on 6/2/2016 at Office of the Defendant's Counsel.(mf) (Entered: 06/06/2016)
06/17/2016	<u>42</u>	JOINT LETTER MOTION for Extension of Time to Complete Discovery addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated 6/17/16. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 06/17/2016)
06/20/2016	<u>43</u>	REVISED PRE–TRIAL SCHEDULING ORDER granting <u>42</u> Letter Motion for Extension of Time to Complete Discovery. All applications to amend pleadings, or join parties, or amendments or joinders as of right, must be made no later than September 30, 2016. All non–expert witness discovery in this matter must be completed by October 31, 2016. All expert witness discovery must be completed by December 31, 2016. The parties are directed to appear before the undersigned in Courtroom No. 12D, 500 Pearl Street, New York, NY 10007, for a final pre–trial conference on April 21, 2017, at 11:00 a.m. DE #42 resolved. IT SO SO ORDERED. (As further set forth in this Order) (Signed by Judge Laura Taylor Swain on 6/20/2016) (kl) (Entered: 06/20/2016)
06/20/2016		Set/Reset Deadlines: (Discovery due by 10/31/2016., Expert Discovery due by 12/31/2016.), Set/Reset Hearings:(Final Pretrial Conference set for 4/21/2017 at 11:00 AM in Courtroom 12D, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain.) (kl) (Entered: 06/20/2016)
06/20/2016		Set/Reset Deadlines: Motions due by 9/30/2016. (kl) (Entered: 06/20/2016)
07/15/2016	<u>44</u>	LETTER MOTION for Conference <i>pre–motion conference</i> addressed to Judge Laura Taylor Swain from Bruce R. Ewing dated July 15, 2016. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Ewing, Bruce) (Entered: 07/15/2016)
07/15/2016	<u>45</u>	NOTICE OF APPEARANCE by Airina Lynn Rodrigues on behalf of The Port Authority of New York and New Jersey. (Rodrigues, Airina) (Entered: 07/15/2016)
07/18/2016	<u>46</u>	MEMO ENDORSEMENT on re: <u>44</u> LETTER MOTION for Conference <i>pre–motion conference</i> addressed to Judge Laura Taylor Swain from Bruce R. Ewing dated July 15, 2016. filed by World Trade Centers Association, Inc. ENDORSEMENT: This case is referred to Magistrate Judge Peck for discovery disputes. The Plaintiff is directed to contact Judge Peck's chambers to request a conference. (Signed by Judge Laura Taylor Swain on 7/18/2016) (cf) (Entered: 07/18/2016)
07/18/2016	<u>47</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Specific Non–Dispositive Motion/Dispute: Discovery Disputes. Referred to Magistrate Judge Andrew J. Peck. (Signed by Judge Laura Taylor Swain on 7/18/2016) (mro) (Entered: 07/18/2016)

07/20/2016	<u>48</u>	ORDER SCHEDULING DISCOVERY CONFERENCE granting <u>44</u> Letter Motion for Conference: Discovery Hearing set for 7/26/2016 at 02:00 PM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Andrew J. Peck. Counsel are advised that my chambers (Room 1370, 500 Pearl Street) are to be provided with a courtesy copy of all papers hereafter filed with the Court. The parties are to follow the "Individual Practices of Magistrate Judge Andrew J. Peck," a copy of which is attached. (Signed by Magistrate Judge Andrew J. Peck on 7/19/2016) (tn) (Entered: 07/20/2016)
07/20/2016	<u>49</u>	LETTER RESPONSE to Motion addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated 7/20/16 re: <u>44</u> LETTER MOTION for Conference <i>pre-motion conference</i> addressed to Judge Laura Taylor Swain from Bruce R. Ewing dated July 15, 2016. . Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Medzhibovsky, Leon) (Entered: 07/20/2016)
07/22/2016	<u>50</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Bruce R. Ewing dated July 22, 2016 re: response to letter dated July 20, 2016. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Ewing, Bruce) (Entered: 07/22/2016)
07/26/2016		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Discovery Hearing held on 7/26/2016. Status conf. 9/7 at 10AM Discovery disputes resolved; defendant to produce ESI by 8/31. See transcript for details. Defendant to serve "protective" answer (dispute pending motion) by 8/8. (Kelly, Diane) (Entered: 07/27/2016)
07/27/2016	<u>51</u>	AMENDED ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Specific Non-Dispositive Motion/Dispute; Discovery Disputes. Referred to Magistrate Judge Andrew J. Peck. (Signed by Judge Laura Taylor Swain on 7/27/2016) (cf) Modified on 7/27/2016 (cf). (Entered: 07/27/2016)
07/27/2016	<u>52</u>	SECOND AMENDED ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Andrew J. Peck. (Signed by Judge Laura Taylor Swain on 7/27/2016) (tro) (Entered: 07/27/2016)
08/05/2016	<u>53</u>	LETTER MOTION for Extension of Time to File Answer <i>And Counterclaims</i> addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated 8/5/16. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 08/05/2016)
08/08/2016	<u>54</u>	ORDER granting <u>53</u> Letter Motion for Extension of Time to Answer. Approved. The Port Authority of New York and New Jersey answer due 8/12/2016. (Signed by Magistrate Judge Andrew J. Peck on 8/8/2016) (mro) (Entered: 08/08/2016)
08/12/2016	<u>55</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – NOTICE of PROTECTIVE ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Medzhibovsky, Leon) Modified on 9/7/2016 (dgo). (Entered: 08/12/2016)
08/16/2016	<u>56</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 7/26/2016 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Karen Gorklaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/9/2016. Redacted Transcript Deadline set for 9/19/2016. Release of Transcript Restriction set for 11/17/2016.(McGuirk, Kelly) (Entered: 08/16/2016)
08/16/2016	<u>57</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 7/26/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar

		days...(McGuirk, Kelly) (Entered: 08/16/2016)
09/02/2016	<u>58</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Bruce R. Ewing dated September 2, 2016 re: Courts Discovery Order at July 26 Conference. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Ewing, Bruce) (Entered: 09/02/2016)
09/06/2016	<u>59</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated 9/6/16 re: Response to World Trade Centers Association, Inc. September 2, 2016 letter. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A)(Medzhibovsky, Leon) (Entered: 09/06/2016)
09/06/2016	<u>60</u>	NOTICE OF APPEARANCE by Amanda Mary Prentice on behalf of World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 09/06/2016)
09/06/2016	<u>61</u>	NOTICE of Reply to Counterclaims re: <u>55</u> Notice (Other). Document filed by World Trade Centers Association, Inc.. (Ewing, Bruce) (Entered: 09/06/2016)
09/07/2016		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Leon Medzhibovsky to RE-FILE Document No. <u>55</u> Notice (Other).. The filing is deficient for the following reason(s): Wrong Event type used to file the pleading.. Re-file the pleading using the event type Answer/Counterclaim found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (dgo) (Entered: 09/07/2016)
09/07/2016	<u>62</u>	ANSWER to <u>1</u> Complaint, with JURY DEMAND., COUNTERCLAIM against World Trade Centers Association, Inc.. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Medzhibovsky, Leon) (Entered: 09/07/2016)
09/07/2016	<u>63</u>	ANSWER to <u>62</u> Counterclaim. Document filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 09/07/2016)
09/07/2016		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 9/7/2016. Status conf. 10/5 at 2 PM Disc cutoff 11/18 fact, 1/30/17 expert. SJ motion due 2/17/17.Defendant to complete ESI production by 9/16/16.Disc disputes resolved – see transcript. (Kelly, Diane) Modified on 9/8/2016 (ca). (Entered: 09/07/2016)
09/07/2016	<u>64</u>	RULE 502(d) ORDER: The production of privileged or work-product protected documents, electronically stored information ("ESI") or information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d). Nothing contained herein is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production. (Signed by Magistrate Judge Andrew J. Peck on 9/7/2016) (tn) (Entered: 09/07/2016)
09/16/2016	<u>65</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated Sept 16, 2016 re: Production of Documents. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 09/16/2016)
09/20/2016	<u>66</u>	TRANSCRIPT of Proceedings re: Conference held on 9/7/2016 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Sonya Ketter Huggins, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/14/2016. Redacted Transcript Deadline set for 10/24/2016. Release of Transcript Restriction set for 12/22/2016.(Siwik, Christine) (Entered: 09/20/2016)
09/20/2016	<u>67</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 9/7/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this

		transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Siwik, Christine) (Entered: 09/20/2016)
10/05/2016	<u>68</u>	NOTICE OF APPEARANCE by Francis W Ryan on behalf of The Port Authority of New York and New Jersey. (Ryan, Francis) (Entered: 10/05/2016)
10/05/2016		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 10/5/2016. Status conf 11/4 at 9:30 AM. (Kelly, Diane) (Entered: 10/05/2016)
10/19/2016	<u>69</u>	TRANSCRIPT of Proceedings re: conference held on 10/5/2016 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Tara Jones, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/14/2016. Redacted Transcript Deadline set for 11/25/2016. Release of Transcript Restriction set for 1/20/2017.(McGuirk, Kelly) (Entered: 10/19/2016)
10/19/2016	<u>70</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 10/5/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 10/19/2016)
10/28/2016	<u>71</u>	LETTER MOTION for Conference <i>regarding the entry of a protective order</i> addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated Oct. 28, 2016. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A)(Medzhibovsky, Leon) (Entered: 10/28/2016)
10/28/2016	<u>72</u>	LETTER MOTION for Extension of Time <i>complete depositions</i> addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated Oct. 28, 2016. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit 01, # <u>2</u> Exhibit 02, # <u>3</u> Exhibit 03)(Medzhibovsky, Leon) (Entered: 10/28/2016)
10/31/2016	<u>73</u>	LETTER MOTION for Conference re: <u>71</u> LETTER MOTION for Conference <i>regarding the entry of a protective order</i> addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated Oct. 28, 2016. <i>Letter in opposition</i> addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 10/31/2016. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 10/31/2016)
10/31/2016	<u>74</u>	LETTER MOTION for Extension of Time <i>Re: Dkt. No. 72 – letter in opposition</i> addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 10/31/2016. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Prentice, Amanda) (Entered: 10/31/2016)
10/31/2016	<u>75</u>	LETTER REPLY to Response to Motion addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated Oct. 31, 2016 re: <u>74</u> LETTER MOTION for Extension of Time <i>Re: Dkt. No. 72 – letter in opposition</i> addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 10/31/2016. . Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A)(Medzhibovsky, Leon) (Entered: 10/31/2016)
11/01/2016	<u>76</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated Nov. 1, 2016 re: ongoing discovery and scheduling issues. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit 01)(Medzhibovsky, Leon) (Entered: 11/01/2016)
11/02/2016	<u>77</u>	LETTER MOTION for Discovery <i>Re: Dkt. No. 76 – letter in opposition</i> addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 11/02/2016. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Prentice, Amanda) (Entered: 11/02/2016)

11/02/2016	<u>78</u>	MEMO ENDORSEMENT on re: <u>76</u> Letter re: ongoing discovery and scheduling issues, filed by The Port Authority of New York and New Jersey. ENDORSEMENT: The 11/4 depositions are adjourned – counsel shall cooperate and discuss and agree on new dates, and report same to the Court at the 11/4 conference. (Signed by Magistrate Judge Andrew J. Peck on 11/2/2016) (cla) (Entered: 11/02/2016)
11/02/2016	<u>79</u>	ORDER denying <u>77</u> Letter Motion for Discovery Re: Dkt. No. 76 – letter in opposition. Denied. See prior endorsed order from earlier this morning. (Signed by Magistrate Judge Andrew J. Peck on 11/2/2016) (cla) (Entered: 11/02/2016)
11/02/2016	<u>80</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated Nov. 2, 2016 re: Discovery Issues. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Medzhibovsky, Leon) (Entered: 11/02/2016)
11/02/2016	<u>81</u>	MEMO ENDORSEMENT on re: <u>80</u> Letter re: Discovery Issues, filed by The Port Authority of New York and New Jersey. ENDORSEMENT: 1. The number of letter is overwhelming and excessive. 2. Rule 1 requires counsel to cooperate – you must do so in face sanctions. 3. Until you all start cooperating, the Court at Friday's conf. will sanction one or both sides, under Rule 37, § 1927 and/or the Court's inherent power. (Signed by Magistrate Judge Andrew J. Peck on 11/2/2016) (cla) (Entered: 11/02/2016)
11/03/2016	<u>82</u>	JOINT LETTER addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 11/03/2016 re: Joint Letter re: Discovery Issues. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 11/03/2016)
11/04/2016	<u>83</u>	NOTICE OF APPEARANCE by Laura Mary Lestrade on behalf of World Trade Centers Association, Inc.. (Lestrade, Laura) (Entered: 11/04/2016)
11/04/2016		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 11/4/2016. Instead of disputed Rule 30(b)(6) topics, can serve limited and targeted contention interrogatories w/o prejudice to renewing 30(b)(6) request if the int. responses are not sufficient. (Kelly, Diane) (Entered: 11/04/2016)
11/04/2016	<u>84</u>	MEMO ENDORSEMENT on re: <u>82</u> Letter re: Discovery Issues, filed by World Trade Centers Association, Inc.; terminating <u>71</u> Letter Motion for Conference; terminating <u>72</u> Letter Motion for Extension of Time; terminating <u>73</u> Letter Motion for Conference ; terminating <u>74</u> Letter Motion for Extension of Time. ENDORSEMENT: 1. Fact disc cut off extension to 1/6/17 is approved. No further extensions. 2. This letter and today's conference resolves Dkt. Nos. 71–74. (Signed by Magistrate Judge Andrew J. Peck on 11/4/2016) (cla) (Entered: 11/04/2016)
11/04/2016		Set/Reset Deadlines: Fact Discovery due by 1/6/2017. (cla) (Entered: 11/04/2016)
11/30/2016	<u>85</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – LETTER MOTION for Discovery <i>WTCA Letter regarding privilege issue</i> addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 11/30/2016. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) Modified on 12/22/2016 (db). (Entered: 11/30/2016)
12/02/2016		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 12/2/2016. Status conf 1/4 at 9:30 AM Disc cutoff 2/28/17 fact, 3/30/17 expert. SJ motion due 4/21/17. (Kelly, Diane) (Entered: 12/02/2016)
12/05/2016	<u>86</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 11/4/2016 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Pamela Utter, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/27/2016. Redacted Transcript Deadline set for 1/5/2017. Release of Transcript Restriction set for 3/5/2017.(McGuirk, Kelly) (Entered: 12/05/2016)
12/05/2016	<u>87</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/4/16 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely

		electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 12/05/2016)
12/05/2016	<u>88</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated December 5, 2016 re: Sealing of Document. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 12/05/2016)
12/06/2016	<u>89</u>	MEMO ENDORSEMENT on re: <u>88</u> Letter re: Sealing of Document, filed by The Port Authority of New York and New Jersey. ENDORSEMENT: Approved. Dkt No 85 to remain sealed. (Signed by Magistrate Judge Andrew J. Peck on 12/6/2016) (cla) (Entered: 12/06/2016)
12/06/2016		Transmission to Sealed Records Clerk. Transmitted re: <u>89</u> Memo Endorsement, to the Sealed Records Clerk for the sealing or unsealing of document or case. (cla) (Entered: 12/06/2016)
12/13/2016	<u>90</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 12/2/2016 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Samuel Mauro, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2017. Redacted Transcript Deadline set for 1/13/2017. Release of Transcript Restriction set for 3/13/2017.(McGuirk, Kelly) (Entered: 12/13/2016)
12/13/2016	<u>91</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 12/2/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 12/13/2016)
12/13/2016	<u>92</u>	TRANSCRIPT of Proceedings re: CORRECTED TRANSCRIPT held on 12/2/2016 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Samuel Mauro, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2017. Redacted Transcript Deadline set for 1/13/2017. Release of Transcript Restriction set for 3/13/2017.(McGuirk, Kelly) (Entered: 12/13/2016)
12/13/2016	<u>93</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE CORRECTED proceeding held on 12/2/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 12/13/2016)
12/15/2016	<u>94</u>	MEMORANDUM OPINION AND ORDER: re: <u>15</u> MOTION to Dismiss <i>Count 1 of the Complaint</i> filed by The Port Authority of New York and New Jersey. For the foregoing reasons, Defendants motion to dismiss WTCA's trademark infringement claim is denied. This Memorandum and Order resolves docket entry number 15. The final pretrial conference is rescheduled to July 21, 2017, at 11:00 a.m., and the related deadlines are modified accordingly. (See docket entry no. 43, 4-9.). SO ORDERED. (Signed by Judge Laura Taylor Swain on 12/15/2016) (ama) (Entered: 12/15/2016)
12/15/2016		Set/Reset Hearings: Final Pretrial Conference set for 7/21/2017 at 11:00 AM before Judge Laura Taylor Swain. (ama) (Entered: 12/15/2016)
12/22/2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney Amanda Mary Prentice to RE-FILE Document <u>85</u> LETTER MOTION for Discovery WTCA Letter regarding privilege issue addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 11/30/2016. Use the event type Letter found under the event list Other Documents. (db) (Entered: 12/22/2016)

12/23/2016	<u>95</u>	LETTER MOTION for Extension of Time to File Answer addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated Dec. 23, 2016. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 12/23/2016)
12/23/2016	<u>96</u>	ORDER granting <u>95</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint. Approved. (The Port Authority of New York and New Jersey answer due 1/10/2017). (Signed by Magistrate Judge Andrew J. Peck on 12/23/2016) (cla) (Entered: 12/23/2016)
01/04/2017	<u>97</u>	NOTICE OF APPEARANCE by Melissa Anne Reinckens on behalf of The Port Authority of New York and New Jersey. (Reinckens, Melissa) (Entered: 01/04/2017)
01/04/2017		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 1/4/2017. Status conf. 2/3/17 at 9:30 AMAJP holds that document at issue retains privilege under the Court's broad F.R.Evid. 502(d) Order. (Kelly, Diane) (Entered: 01/04/2017)
01/10/2017	<u>98</u>	ANSWER to <u>1</u> Complaint, with JURY DEMAND. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 01/10/2017)
01/11/2017	<u>99</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 1/4/2017 before Judge Gerard E. Lynch. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/1/2017. Redacted Transcript Deadline set for 2/13/2017. Release of Transcript Restriction set for 4/11/2017.(McGuirk, Kelly) (Entered: 01/11/2017)
01/11/2017	<u>100</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 1/4/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 01/11/2017)
01/18/2017	<u>101</u>	Objection <i>Plaintiff's Fed. R. Civ. P. Rule 72 Objection to January 4, 2017 Order Regarding Defendant's Waiver of Privilege</i> . Document filed by World Trade Centers Association, Inc.. (Goldberger, Daniel) (Entered: 01/18/2017)
01/18/2017	<u>102</u>	DECLARATION of Daniel P. Goldberger in Support re: <u>101</u> Objection (non-motion). Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Goldberger, Daniel) (Entered: 01/18/2017)
01/30/2017	<u>103</u>	NOTICE OF APPEARANCE by Michelle Kaki Ng on behalf of World Trade Centers Association, Inc.. (Ng, Michelle) (Entered: 01/30/2017)
01/31/2017	<u>104</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Daniel Goldberger dated January 31, 2017 re: Joint Letter Regarding Status Conference and Discovery Schedule. Document filed by World Trade Centers Association, Inc..(Goldberger, Daniel) (Entered: 01/31/2017)
02/01/2017	<u>105</u>	RESPONSE re: <u>101</u> Objection (non-motion) <i>TO WORLD TRADE CENTERS ASSOCIATION, INC.S, FED. R. CIV. P. RULE 72 OBJECTION TO JAN. 4, 2017 ORDER</i> . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 02/01/2017)
02/01/2017	<u>106</u>	DECLARATION of LEON MEDZHIBOVSKY in Support re: <u>105</u> Response. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Medzhibovsky, Leon) (Entered: 02/01/2017)
02/02/2017	<u>107</u>	MEMO ENDORSEMENT on re: <u>104</u> Letter filed by World Trade Centers Association, Inc. ENDORSEMENT: 1. The 2/3 conf is adjourned to 3/10 at 9:30 AM.Total Number of Pages: 2. Discovery cutoff (fact) extended to 3/28, expert cutoff 5/19 (expert report 3/30 and 4/28). 3. Motions due 6/9. (Expert Discovery due by

		5/19/2017., Fact Discovery due by 3/28/2017., Motions due by 6/9/2017., Status Conference set for 3/10/2017 at 09:30 AM before Magistrate Judge Andrew J. Peck.) (Signed by Magistrate Judge Andrew J. Peck on 2/2/2017) (cla) (Entered: 02/02/2017)
02/08/2017	<u>108</u>	REPLY MEMORANDUM OF LAW re: <u>102</u> Declaration in Support, <u>101</u> Objection (non-motion) <i>Re: Plaintiff's Fed. R. Civ. P. 72 Objection to January 4, 2017 Order Regarding Defendant's Waiver of Privilege.</i> Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 02/08/2017)
02/08/2017	<u>109</u>	DECLARATION of Daniel P. Goldberger in Support re: <u>108</u> Reply Memorandum of Law,. Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 02/08/2017)
02/13/2017	<u>110</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 02/13/2017 re: Conference scheduling. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 02/13/2017)
02/13/2017	<u>111</u>	MEMO ENDORSEMENT on re: <u>110</u> Letter filed by World Trade Centers Association, Inc. ENDORSEMENT: I chose 3/10 because I have a trial the week of March 13. I will schedule you for 3/17 at 9:30 AM but if the trial is still going on, you may get bumped. The 3/10 conf is cancelled. (Status Conference set for 3/17/2017 at 09:30 AM before Magistrate Judge Andrew J. Peck.) (Signed by Magistrate Judge Andrew J. Peck on 2/13/2017) (cla) (Main Document 111 replaced on 2/16/2017) (cla). (Main Document 111 replaced on 2/16/2017) (cla). (Entered: 02/13/2017)
02/14/2017	<u>112</u>	LETTER addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 2-14-2017 re: WTCA's Rule 72 Objection. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 02/14/2017)
02/15/2017	<u>113</u>	LETTER MOTION for Leave to File Surreply addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated Feb. 15, 2017. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A)(Medzhibovsky, Leon) (Entered: 02/15/2017)
02/16/2017	<u>114</u>	MEMO ENDORSEMENT: on re: <u>112</u> Letter filed by World Trade Centers Association, Inc. ENDORSEMENT: The filing of the referenced submission is approved. DE # 112 resolved. SO ORDERED. (Signed by Judge Laura Taylor Swain on 2/15/2017) (ama) (Entered: 02/16/2017)
02/16/2017		Terminate Transcript Deadlines (ama) (Entered: 02/16/2017)
02/21/2017	<u>115</u>	ORDER granting <u>113</u> LETTER MOTION for Leave to File Surreply addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated Feb. 15, 2017. Document filed by The Port Authority of New York and New Jersey. The request is granted. The Port Authority is directed to file the Surreply. DE #113 resolved. So ordered. (Signed by Judge Laura Taylor Swain on 2/21/2017) (rjm) (Entered: 02/21/2017)
02/21/2017	<u>116</u>	REPLY re: <u>101</u> Objection (non-motion) – <i>Surreply In Support of Defendant, The Port Authority Of New York And New Jersey's Response To Reply By Plaintiff World Trade Centers Association, Inc.'s, Fed. R. Civ. P. Rule 72 Objection To January 4, 2017 Order Regarding Defendants Waiver Of Privilege.</i> Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 02/21/2017)
03/10/2017	<u>117</u>	LETTER MOTION for Extension of Time to Complete Discovery addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated March 10, 2017. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 03/10/2017)
03/10/2017	<u>118</u>	ORDER: granting <u>117</u> Letter Motion for Extension of Time to Complete Discovery. Fact disc cutoff 4/7/17. No change to other deadlines. SO ORDERED. (Signed by Magistrate Judge Andrew J. Peck on 03/10/2017) (ap) (Entered: 03/10/2017)
03/10/2017		Set/Reset Deadlines: Fact Discovery due by 4/7/2017. (ap) (Entered: 03/10/2017)
03/13/2017	<u>119</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Bruce R. Ewing dated March 13, 2017 re: request for adjournment of status conference. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 03/13/2017)

03/15/2017	<u>120</u>	MEMO ENDORSEMENT on re: <u>119</u> Letter re: request for adjournment of status conference filed by World Trade Centers Association, Inc. ENDORSEMENT: At parties' request, the 3/17/17 conf. is adjourned to 4/12/17 at 9:30 AM. (Status Conference set for 4/12/2017 at 09:30 AM before Magistrate Judge Andrew J. Peck.) (Signed by Magistrate Judge Andrew J. Peck on 3/15/2017) (cla) (Entered: 03/15/2017)
03/28/2017	<u>121</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Bruce R. Ewing dated March 28, 2017 re: request for a one-week extension of time to complete fact discovery. Document filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 03/28/2017)
03/28/2017	<u>122</u>	MEMO ENDORSEMENT on re: <u>121</u> Letter re: request for a one-week extension of time to complete fact discovery filed by World Trade Centers Association, Inc. ENDORSEMENT: OK Approved. (Fact Discovery due by 4/14/2017.) (Signed by Magistrate Judge Andrew J. Peck on 3/28/2017) (cla) (Entered: 03/28/2017)
04/11/2017	<u>123</u>	MOTION for Brenna Kelly to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-13531053. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Affidavit in Support, # <u>2</u> Certificates of Good Standing, # <u>3</u> Text of Proposed Order)(Kelly, Brenna) (Entered: 04/11/2017)
04/12/2017		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>123</u> MOTION for Brenna Kelly to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-13531053. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 04/12/2017)
04/12/2017		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 4/12/2017. Status conf. 5/11 at 9:30 AM Court holds oral argument and rules that the "Perpetual Licensing Study" is not privileged. Parties to work out other perpetual document privilege and redaction issues. (Kelly, Diane) (Entered: 04/12/2017)
04/12/2017	<u>124</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>123</u> Motion for Brenna Kelly to Appear Pro Hac Vice. (Signed by Magistrate Judge Andrew J. Peck on 4/12/2017) (cla) (Entered: 04/12/2017)
04/13/2017	<u>125</u>	ORDER RESCHEDULING STATUS CONFERENCE: The status conference originally scheduled for May 11, 2017 at 9:30 AM is rescheduled at the parties' request to May 10, 2017 at 9:30 AM before Magistrate Judge Andrew J. Peck in Courtroom 20D, 500 Pearl Street. (Status Conference set for 5/10/2017 at 09:30 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Andrew J. Peck.) (Signed by Magistrate Judge Andrew J. Peck on 4/13/2017) (ras) Modified on 4/13/2017 (ras). Modified on 4/24/2017 (ras). (Entered: 04/13/2017)
04/21/2017	<u>126</u>	ENDORSED LETTER addressed to Magistrate Judge Andrew J. Peck, from Leon Medzhibovsky, dated April 21, 2017 re: Reconsideration and Extension of time to respond. ENDORSEMENT: 1. Reconsideration denied as to the "final" Licensing Study. 2. AS to drafts of the Licensing study, the Port Authority is to explain whether th claim is as to the entirety of all drafts (and how many there are), or redactions within the drafts, and what if anything was produced to WTCA as to the drafts (it appears from your letter that redacted copies were produced). Finally, in an in camera submission, the Port Authority is to explain whether what it wishes to redact is the same as what is in the final Licensing Study or how it differs. 3. Response to this order due by 4/25, and any submission by WTCA due by 4/27. (Responses due by 4/25/2017.) (Signed by Magistrate Judge Andrew J. Peck on 4/21/2017) (ap) (Entered: 04/24/2017)
04/27/2017	<u>127</u>	TRANSCRIPT of Proceedings re: argument held on 4/12/2017 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Jennifer Thun, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/18/2017. Redacted Transcript Deadline set for 5/30/2017. Release of Transcript Restriction set for 7/26/2017.(McGuirk, Kelly) (Entered: 04/27/2017)

04/27/2017	<u>128</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 4/12/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 04/27/2017)
05/10/2017		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 5/10/2017. Status conf 5/30 at 2 PMExpert disc 6/14. SJ motion due 6/14. Priv. issue letter by 5/23, opp by 5/25Court holds that the draft of the "Perpetual Licensing Study" are not protocol by the deliberative process privilege – see transcript (Kelly, Diane) (Entered: 05/10/2017)
05/10/2017	<u>129</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – JOINT LETTER MOTION for Leave to File Amended Pleadings <i>of the Parties</i> addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated May 10, 2017. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) Modified on 6/23/2017 (ldi). (Entered: 05/10/2017)
05/11/2017	<u>130</u>	STIPULATION AND ORDER: NOW THEREFORE, the parties, by and through their undersigned counsel, hereby stipulate that, following the Court's approval of this Stipulation, they shall file amended pleadings pursuant to the following schedule: The parties shall file their amended pleadings on ECF on the next business day following the Court's approval of this Stipulation. Each party shall file a responsive pleading on or before May 24, 2017. Motions terminated: <u>129</u> JOINT LETTER MOTION for Leave to File Amended Pleadings <i>of the Parties</i> addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated May 10, 2017, filed by World Trade Centers Association, Inc. Response due by 5/24/2017. (Signed by Magistrate Judge Andrew J. Peck on 5/10/2017) (ap) (Entered: 05/11/2017)
05/11/2017	<u>131</u>	MEMO ENDORSEMENT: on re: <u>129</u> JOINT LETTER MOTION for Leave to File. ENDORSEMENT: OK. APPROVED. Amended Pleadings <i>of the Parties</i> addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated May 10, 2017, filed by World Trade Centers Association, Inc. (Brief due by 6/14/2017.) (Signed by Magistrate Judge Andrew J. Peck on 5/10/2017) (ap) (Entered: 05/11/2017)
05/12/2017	<u>132</u>	FILING ERROR – DEFICIENT PLEADING – FILED AGAINST PARTY ERROR AMENDED COMPLAINT amending <u>1</u> Complaint, against World Trade Centers Association, Inc..Document filed by World Trade Centers Association, Inc.. Related document: <u>1</u> Complaint, filed by World Trade Centers Association, Inc..(Ewing, Bruce) Modified on 5/15/2017 (pc). (Entered: 05/12/2017)
05/12/2017	<u>133</u>	AMENDED COUNTERCLAIM amending <u>62</u> Answer to Complaint, Counterclaim,, against World Trade Centers Association, Inc..Document filed by The Port Authority of New York and New Jersey. Related document: <u>62</u> Answer to Complaint, Counterclaim,, filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Medzhibovsky, Leon) (Entered: 05/12/2017)
05/15/2017		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Bruce Roy Millar Ewing to RE-FILE Document No. <u>132</u> Amended Complaint,. The filing is deficient for the following reason(s): the wrong party/parties whom the pleading is against were selected. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (pc) (Entered: 05/15/2017)
05/15/2017	<u>134</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against The Port Authority of New York and New Jersey.Document filed by World Trade Centers Association, Inc.. Related document: <u>1</u> Complaint, filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 05/15/2017)
05/24/2017	<u>135</u>	REPLY re: <u>133</u> Amended Counterclaim, . Document filed by World Trade Centers Association, Inc.. (Ewing, Bruce) (Entered: 05/24/2017)

05/24/2017	<u>136</u>	ANSWER to <u>134</u> Amended Complaint, with JURY DEMAND. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 05/24/2017)
05/26/2017	<u>137</u>	LETTER addressed to Judge Laura Taylor Swain from Bruce R. Ewing dated May 26, 2017 re: request permission to correct filing error. Document filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 05/26/2017)
05/26/2017	<u>138</u>	MEMO ENDORSEMENT: on re: <u>137</u> Letter filed by World Trade Centers Association, Inc. ENDORSEMENT: Approved. (Signed by Magistrate Judge Andrew J. Peck on 5/26/2017) (ap) (Entered: 05/26/2017)
05/30/2017	<u>139</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 5/10/2017 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Tara Jones, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/20/2017. Redacted Transcript Deadline set for 6/30/2017. Release of Transcript Restriction set for 8/28/2017.(McGuirk, Kelly) (Entered: 05/30/2017)
05/30/2017	<u>140</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 5/10/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 05/30/2017)
05/30/2017		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 5/30/2017. Status conf 5/31 at 2 PM Court rules re privileged documents in dispute – see transcript. Defendant can depose knowledgeable WTCA witness re the WTCA 70% document reduction – see transcript. Defendant can ask up to 3 RFAs to Plaintiff, with 5 bus. day response – see transcript (Kelly, Diane) (Entered: 05/30/2017)
05/31/2017		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 5/31/2017. SJ motion due 6/28. Misc. issues re privilege etc. resolved – see transcript. Parties to address SJ issue – sequential (4 briefs) or simultaneous (6 briefs) – and advise ct. by 6/5. Priv. follow up letter due by 6/9. (Kelly, Diane) Modified on 6/2/2017 (jwh). (Entered: 05/31/2017)
05/31/2017	<u>141</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, <u>134</u> Amended Complaint, against The Port Authority of New York and New Jersey. Document filed by World Trade Centers Association, Inc.. Related document: <u>1</u> Complaint, filed by World Trade Centers Association, Inc., <u>134</u> Amended Complaint, filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Prentice, Amanda) (Entered: 05/31/2017)
06/05/2017	<u>142</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Leon Medzhibovsky dated June 5, 2017 re: summary judgment briefing. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 06/05/2017)
06/09/2017	<u>143</u>	MEMO ENDORSEMENT: on re: <u>142</u> Letter filed by The Port Authority of New York and New Jersey. ENDORSEMENT: Approved. So Ordered. (Motions due by 7/12/2017. Responses due by 7/26/2017. Replies due by 8/2/2017.) (Signed by Magistrate Judge Andrew J. Peck on 6/6/2017) (ap) (Entered: 06/09/2017)
06/09/2017	<u>144</u>	LETTER addressed to Magistrate Judge Andrew J. Peck from Ewing, Bruce dated 6/9/2017 re: Special Master. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 06/09/2017)
06/20/2017	<u>145</u>	ORDER: re: <u>101</u> Objection (non-motion) filed by World Trade Centers Association, Inc. After careful consideration of Judge Peck's order and the submissions of both parties, the Court concludes that Judge Peck's order was neither clearly erroneous nor contrary to law. Plaintiff's objection is, therefore, overruled and Judge Peck's order stands. This order resolves Docket Entry No. 101. SO ORDERED. (Signed by Judge Laura Taylor Swain on 6/20/2017) (ama) (Entered: 06/20/2017)

06/28/2017	<u>146</u>	MOTION for Partial Summary Judgment . Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 06/28/2017)
06/28/2017	<u>147</u>	BRIEF re: <u>146</u> MOTION for Partial Summary Judgment . . Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 06/28/2017)
06/28/2017	<u>148</u>	RULE 56.1 STATEMENT. Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 06/28/2017)
06/28/2017	<u>149</u>	DECLARATION of Ewing, Bruce in Support re: <u>146</u> MOTION for Partial Summary Judgment .. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Ex. 1, # <u>2</u> Ex. 2, # <u>3</u> Ex. 3, # <u>4</u> Ex. 4, # <u>5</u> Ex. 5, # <u>6</u> Ex. 6, # <u>7</u> Ex. 7, # <u>8</u> Ex. 8, # <u>9</u> Ex. 9, # <u>10</u> Ex. 10, # <u>11</u> Ex. 11, # <u>12</u> Ex. 12, # <u>13</u> Ex. 13, # <u>14</u> Ex. 14, # <u>15</u> Ex. 15, # <u>16</u> Ex. 16, # <u>17</u> Ex. 17, # <u>18</u> Ex. 18, # <u>19</u> Ex. 19, # <u>20</u> Ex. 20, # <u>21</u> Ex. 21, # <u>22</u> Ex. 22, # <u>23</u> Ex. 23, # <u>24</u> Ex. 24, # <u>25</u> Ex. 25, # <u>26</u> Ex. 26, # <u>27</u> Ex. 27, # <u>28</u> Ex. 28, # <u>29</u> Ex. 29, # <u>30</u> Ex. 30, # <u>31</u> Ex. 31, # <u>32</u> Ex. 32, # <u>33</u> Ex. 33, # <u>34</u> Ex. 34, # <u>35</u> Ex. 35, # <u>36</u> Ex. 36, # <u>37</u> Ex. 37, # <u>38</u> Ex. 38, # <u>39</u> Ex. 39, # <u>40</u> Ex. 40, # <u>41</u> Ex. 41, # <u>42</u> Ex. 42, # <u>43</u> Ex. 43, # <u>44</u> Ex. 44, # <u>45</u> Ex. 45, # <u>46</u> Ex. 46, # <u>47</u> Ex. 47, # <u>48</u> Ex. 48, # <u>49</u> Ex. 49, # <u>50</u> Ex. 50, # <u>51</u> Ex. 51, # <u>52</u> Ex. 52, # <u>53</u> Ex. 53, # <u>54</u> Ex. 54, # <u>55</u> Ex. 55, # <u>56</u> Ex. 56, # <u>57</u> Ex. 57, # <u>58</u> Ex. 58, # <u>59</u> Ex. 59, # <u>60</u> Ex. 60, # <u>61</u> Ex. 61, # <u>62</u> Ex. 62, # <u>63</u> Ex. 63, # <u>64</u> Ex. 64, # <u>65</u> Ex. 65, # <u>66</u> Ex. 66, # <u>67</u> Ex. 67, # <u>68</u> Ex. 68, # <u>69</u> Ex. 69, # <u>70</u> Ex. 70, # <u>71</u> Ex. 71, # <u>72</u> Ex. 72, # <u>73</u> Ex. 73, # <u>74</u> Ex. 74, # <u>75</u> Ex. 75)(Prentice, Amanda) (Entered: 06/28/2017)
06/28/2017	<u>150</u>	DECLARATION of Richie, Scott in Support re: <u>146</u> MOTION for Partial Summary Judgment .. Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 06/28/2017)
06/28/2017	151	SEALED DOCUMENT placed in vault.(rz) (Entered: 06/29/2017)
07/06/2017	<u>152</u>	ENDORSED LETTER: addressed to Magistrate Judge Andrew J. Peck, from Leon Medzhibovsky, dated June 26, 2017, re: Response. ENDORSEMENT: Application DENIED. (Signed by Magistrate Judge Andrew J. Peck on 7/5/2017) (ap) (Entered: 07/06/2017)
07/07/2017	<u>153</u>	ENDORSED LETTER: addressed to Magistrate Judge Andrew J. Peck, from Leon Medzhibovsky, dated July 6, 2017, re: Schedule. ENDORSEMENT: Below schedule approved. (Motions due by 8/1/2017. Responses due by 8/25/2017. Replies due by 9/8/2017.) (Signed by Magistrate Judge Andrew J. Peck on 7/7/2017) (ap) (Entered: 07/07/2017)
07/18/2017	<u>154</u>	LETTER addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated July 18, 2017 re: request an adjournment of the pre-trial conference scheduled for July 21, 2017. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 07/18/2017)
07/19/2017	<u>155</u>	MEMO ENDORSEMENT: on re: <u>154</u> Letter, filed by The Port Authority of New York and New Jersey. ENDORSEMENT: The conference is adjourned to November 21, 2017, at 3:00 PM and the related deadlines are modified accordingly. DE #154 resolved. (Final Pretrial Conference set for 11/21/2017 at 3:00 PM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 7/19/2017) (ap) (Entered: 07/19/2017)
07/21/2017	<u>156</u>	TRANSCRIPT of Proceedings re: Conference held on 5/30/2017 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Pamela Utter, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/11/2017. Redacted Transcript Deadline set for 8/21/2017. Release of Transcript Restriction set for 10/19/2017.(Jackson, Jasmine) (Entered: 07/21/2017)
07/21/2017	<u>157</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 5/30/2017 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Jackson, Jasmine) (Entered: 07/21/2017)

07/25/2017	<u>158</u>	TRANSCRIPT of Proceedings re: Conference held on 5/31/2017 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Pamela Utter, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/15/2017. Redacted Transcript Deadline set for 8/25/2017. Release of Transcript Restriction set for 10/23/2017.(Siwik, Christine) (Entered: 07/25/2017)
07/25/2017	<u>159</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 5/31/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Siwik, Christine) (Entered: 07/25/2017)
07/31/2017	<u>160</u>	LETTER MOTION for Extension of Time (<i>Summary Judgment Briefing Deadlines</i>) addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated July 31, 2017. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 07/31/2017)
08/01/2017	<u>161</u>	ORDER: granting <u>160</u> Letter Motion for Extension of Time. The revised briefing schedule is approved. DE #160 resolved. Motions due by 8/7/2017. Response due by 8/31/2017. Reply due by 9/14/2017. (Signed by Judge Laura Taylor Swain on 8/1/2017) (ap) (Entered: 08/01/2017)
08/01/2017		Set/Reset Deadlines: Responses due by 8/31/2017 Replies due by 9/14/2017. (ap) (Entered: 08/01/2017)
08/07/2017	<u>162</u>	CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> . Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 08/07/2017)
08/07/2017	<u>163</u>	MEMORANDUM OF LAW in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> ., <u>146</u> MOTION for Partial Summary Judgment . . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 08/07/2017)
08/07/2017	<u>164</u>	AFFIDAVIT of Robert DiChiara in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> ., <u>146</u> MOTION for Partial Summary Judgment .. Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 08/07/2017)
08/07/2017	<u>165</u>	AFFIDAVIT of Barry Weintrob in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> ., <u>146</u> MOTION for Partial Summary Judgment .. Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 08/07/2017)
08/07/2017	<u>166</u>	DECLARATION of Leon Medzhibovsky in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> ., <u>146</u> MOTION for Partial Summary Judgment .. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit 01, # <u>2</u> Exhibit 02, # <u>3</u> Exhibit 03, # <u>4</u> Exhibit 04, # <u>5</u> Exhibit 05, # <u>6</u> Exhibit 06, # <u>7</u> Exhibit 07, # <u>8</u> Exhibit 08, # <u>9</u> Exhibit 09-10, # <u>10</u> Exhibit 11 - Part 01, # <u>11</u> Exhibit 11 - Part 02, # <u>12</u> Exhibit 11 - Part 03, # <u>13</u> Exhibit 11 - Part 04, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13-14, # <u>16</u> Exhibit 15 - Part 01, # <u>17</u> Exhibit 15 - Part 02, # <u>18</u> Exhibit 16, # <u>19</u> Exhibit 17-20, # <u>20</u> Exhibit 21, # <u>21</u> Exhibit 22, # <u>22</u> Exhibit 23, # <u>23</u> Exhibit 24, # <u>24</u> Exhibit 25-26, # <u>25</u> Exhibit 27, # <u>26</u> Exhibit 28-31, # <u>27</u> Exhibit 32, # <u>28</u> Exhibit 33, # <u>29</u> Exhibit 34-35, # <u>30</u> Exhibit 36, # <u>31</u> Exhibit 37, # <u>32</u> Exhibit 38-40, # <u>33</u> Exhibit 41, # <u>34</u> Exhibit 42, # <u>35</u> Exhibit 43-60, # <u>36</u> Exhibit 61 - Part 01, # <u>37</u> Exhibit 61 - Part 02, # <u>38</u> Exhibit 62, # <u>39</u> Exhibit 63, # <u>40</u> Exhibit 64-76, # <u>41</u> Exhibit 77, # <u>42</u> Exhibit 78-90, # <u>43</u> Exhibit 91, # <u>44</u> Exhibit 92, # <u>45</u> Exhibit 93, # <u>46</u> Exhibit 94, # <u>47</u> Exhibit 95, # <u>48</u> Exhibit 96-118, # <u>49</u> Exhibit 119, # <u>50</u> Exhibit 120-121, # <u>51</u> Exhibit 122, # <u>52</u> Exhibit 123-136, # <u>53</u> Exhibit 137)(Medzhibovsky, Leon) (Entered: 08/07/2017)
08/08/2017	<u>167</u>	RULE 56.1 STATEMENT. Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 08/08/2017)

08/08/2017	<u>168</u>	COUNTER STATEMENT TO <u>148</u> Rule 56.1 Statement. Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 08/08/2017)
08/08/2017	169	SEALED DOCUMENT placed in vault.(mps) (Entered: 08/08/2017)
08/22/2017	<u>170</u>	LETTER addressed to Judge Laura Taylor Swain from Bruce R. Ewing dated August 22, 2017 re: request for deadlines set forth in DKT. Nos. 24 and 155 be modified or stayed. Document filed by World Trade Centers Association, Inc..(Ewing, Bruce) (Entered: 08/22/2017)
08/24/2017	<u>171</u>	MEMO ENDORSEMENT: on re: <u>170</u> Letter filed by World Trade Centers Association, Inc. ENDORSEMENT: The Final Pretrial Conference is adjourned to April 13, 2018, at 11:00 a.m. and the related deadlines are suspended pending further Order of The Court. DE # 170 resolved. SO ORDERED., (Final Pretrial Conference set for 4/13/2018 at 11:00 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 8/24/2017) (ama) (Entered: 08/24/2017)
08/31/2017	<u>172</u>	REPLY MEMORANDUM OF LAW in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment.</i> , <u>146</u> MOTION for Partial Summary Judgment . . Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 08/31/2017)
08/31/2017	<u>173</u>	DECLARATION of Scott Richie, Esq. in Support re: <u>146</u> MOTION for Partial Summary Judgment .. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Prentice, Amanda) (Entered: 08/31/2017)
08/31/2017	<u>174</u>	DECLARATION of Thomas Kearney in Support re: <u>146</u> MOTION for Partial Summary Judgment .. Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 08/31/2017)
08/31/2017	<u>175</u>	DECLARATION of Ewing, Bruce in Support re: <u>146</u> MOTION for Partial Summary Judgment .. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 76, # <u>2</u> Exhibit 77, # <u>3</u> Exhibit 78, # <u>4</u> Exhibit 79, # <u>5</u> Exhibit 80, # <u>6</u> Exhibit 81, # <u>7</u> Exhibit 82, # <u>8</u> Exhibit 83, # <u>9</u> Exhibit 84, # <u>10</u> Exhibit 85, # <u>11</u> Exhibit 86, # <u>12</u> Exhibit 87, # <u>13</u> Exhibit 88, # <u>14</u> Exhibit 89, # <u>15</u> Exhibit 90, # <u>16</u> Exhibit 91, # <u>17</u> Exhibit 92, # <u>18</u> Exhibit 93, # <u>19</u> Exhibit 94, # <u>20</u> Exhibit 95, # <u>21</u> Exhibit 96, # <u>22</u> Exhibit 97, # <u>23</u> Exhibit 98, # <u>24</u> Exhibit 99, # <u>25</u> Exhibit 100, # <u>26</u> Exhibit 101, # <u>27</u> Exhibit 102, # <u>28</u> Exhibit 103, # <u>29</u> Exhibit 104, # <u>30</u> Exhibit 105, # <u>31</u> Exhibit 107, # <u>32</u> Exhibit 108, # <u>33</u> Exhibit 109, # <u>34</u> Exhibit 110, # <u>35</u> Exhibit 111, # <u>36</u> Exhibit 112, # <u>37</u> Exhibit 113, # <u>38</u> Exhibit 114, # <u>39</u> Exhibit 115, # <u>40</u> Exhibit 116, # <u>41</u> Exhibit 117, # <u>42</u> Exhibit 118, # <u>43</u> Exhibit 119, # <u>44</u> Exhibit 120, # <u>45</u> Exhibit 121, # <u>46</u> Exhibit 122, # <u>47</u> Exhibit 123, # <u>48</u> Exhibit 125, # <u>49</u> Exhibit 126, # <u>50</u> Exhibit 127, # <u>51</u> Exhibit 128, # <u>52</u> Exhibit 129, # <u>53</u> Exhibit 130, # <u>54</u> Exhibit 131, # <u>55</u> Exhibit 132, # <u>56</u> Exhibit 133, # <u>57</u> Exhibit 134, # <u>58</u> Exhibit 135, # <u>59</u> Exhibit 136, # <u>60</u> Exhibit 137, # <u>61</u> Exhibit 138, # <u>62</u> Exhibit 139, # <u>63</u> Exhibit 140, # <u>64</u> Exhibit 141, # <u>65</u> Exhibit 142, # <u>66</u> Exhibit 143, # <u>67</u> Exhibit 146)(Prentice, Amanda) (Entered: 08/31/2017)
09/06/2017	176	SEALED DOCUMENT placed in vault.(mps) (Entered: 09/06/2017)
09/14/2017	<u>177</u>	JOINT LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated September 14, 2017. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 09/14/2017)
09/15/2017	<u>178</u>	ORDER granting <u>177</u> Letter Motion for Extension of Time to File Response/Reply. The requested extension is granted. DE #177 resolved. So Ordered. (Signed by Judge Laura Taylor Swain on 9/14/17) (yv) (Entered: 09/15/2017)
09/27/2017	<u>179</u>	JOINT LETTER MOTION for Leave to File Excess Pages <i>and to set briefing schedule for the Motion for Sanctions</i> addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated September 27, 2017. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 09/27/2017)
09/27/2017	<u>180</u>	ORDER: granting <u>179</u> Letter Motion for Leave to File Excess Pages. The Proposed briefing schedule is approved. The page limit for the principal briefs is extended to 30 pages only. DE # 179 resolved. SO ORDERED. (Signed by Judge Laura Taylor Swain on 9/27/2017) (ama) (Entered: 09/27/2017)

09/27/2017		Set/Reset Deadlines: Motions due by 9/28/2017. (ama) (Entered: 09/27/2017)
09/28/2017	<u>181</u>	MOTION for Sanctions . Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 09/28/2017)
09/28/2017	<u>182</u>	MEMORANDUM OF LAW in Support re: <u>181</u> MOTION for Sanctions . . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 09/28/2017)
09/28/2017	<u>183</u>	AFFIDAVIT of Jawan Green in Support re: <u>181</u> MOTION for Sanctions .. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A–H Filed Under Seal)(Medzhibovsky, Leon) (Entered: 09/28/2017)
09/28/2017	<u>184</u>	DECLARATION of Leon Medzhibovsky in Support re: <u>181</u> MOTION for Sanctions .. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit 1–13 FILED UNDER SEAL, # <u>2</u> Exhibit 14, # <u>3</u> Exhibit 15–16 FILED UNDER SEAL, # <u>4</u> Exhibit 17, # <u>5</u> Exhibit 18 – 33 FILED UNDER SEAL, # <u>6</u> Exhibit 34, # <u>7</u> Exhibit 35, # <u>8</u> Exhibit 36, # <u>9</u> Exhibit 37, # <u>10</u> Exhibit 38–43)(Medzhibovsky, Leon) (Entered: 09/28/2017)
09/28/2017	<u>185</u>	REPLY MEMORANDUM OF LAW in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> . . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 09/28/2017)
09/28/2017	<u>186</u>	DECLARATION of Leon Medzhibovsky in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> .. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit 138–144 FILED UNDER SEAL, # <u>2</u> Exhibit 145, # <u>3</u> Exhibit 146, # <u>4</u> Exhibit 147–148 FILED UNDER SEAL, # <u>5</u> Exhibit 149, # <u>6</u> Exhibit 150 FILED UNDER SEAL, # <u>7</u> Exhibit 151, # <u>8</u> Exhibit 152 FILED UNDER SEAL)(Medzhibovsky, Leon) (Entered: 09/28/2017)
09/28/2017	<u>187</u>	AFFIDAVIT of Charles Reitmeyer in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> .. Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 09/28/2017)
09/28/2017	<u>188</u>	AFFIDAVIT of Alexandra Drakakis in Support re: <u>162</u> CROSS MOTION for Summary Judgment <i>and Opposition to Motion for Partial Summary Judgment</i> .. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C – Part 1, # <u>4</u> Exhibit C – Part 2)(Medzhibovsky, Leon) (Entered: 09/28/2017)
09/28/2017	<u>189</u>	COUNTER STATEMENT TO Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 09/28/2017)
09/29/2017	190	SEALED DOCUMENT placed in vault.(mps) (Entered: 09/29/2017)
09/29/2017	191	SEALED DOCUMENT placed in vault.(mps) (Entered: 09/29/2017)
10/16/2017	<u>192</u>	MEMORANDUM OF LAW in Opposition re: <u>181</u> MOTION for Sanctions . . Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 10/16/2017)
10/16/2017	<u>193</u>	DECLARATION of Ewing, Bruce in Support re: <u>181</u> MOTION for Sanctions .. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23)(Prentice, Amanda) (Entered: 10/16/2017)
10/16/2017	<u>194</u>	DECLARATION of Richie, Scott in Opposition re: <u>181</u> MOTION for Sanctions .. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Prentice, Amanda) (Entered: 10/16/2017)
10/16/2017	<u>195</u>	DECLARATION of Kassof, Lindsay in Opposition re: <u>181</u> MOTION for Sanctions .. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit

		1)(Prentice, Amanda) (Entered: 10/16/2017)
10/16/2017	<u>196</u>	DECLARATION of Nicholson, Nancy in Opposition re: <u>181</u> MOTION for Sanctions .. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Prentice, Amanda) (Entered: 10/16/2017)
10/16/2017	<u>197</u>	DECLARATION of Dahl, Eric in Opposition re: <u>181</u> MOTION for Sanctions .. Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 10/16/2017)
10/16/2017	<u>198</u>	DECLARATION of Robinson, Steven in Opposition re: <u>181</u> MOTION for Sanctions .. Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 10/16/2017)
10/16/2017	<u>199</u>	DECLARATION of Sweeney, Caroline in Support re: <u>181</u> MOTION for Sanctions .. Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 10/16/2017)
10/18/2017	200	SEALED DOCUMENT placed in vault.(mps) (Entered: 10/18/2017)
10/18/2017	<u>201</u>	LETTER MOTION to Compel Port Authority to withdraw <i>third-party subpoena(s)</i> addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 10/18/2017. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Prentice, Amanda) (Entered: 10/18/2017)
10/23/2017	<u>202</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated October 23, 2017 re: <u>201</u> LETTER MOTION to Compel Port Authority to withdraw <i>third-party subpoena(s)</i> addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 10/18/2017. . Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Medzhibovsky, Leon) (Entered: 10/23/2017)
10/23/2017	<u>203</u>	REPLY MEMORANDUM OF LAW in Support re: <u>181</u> MOTION for Sanctions . . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 10/23/2017)
10/23/2017	<u>204</u>	DECLARATION of Leon Medzhibovsky in Support re: <u>181</u> MOTION for Sanctions .. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit 44, # <u>2</u> Exhibit 45, # <u>3</u> Exhibit 46, # <u>4</u> Exhibit 47, # <u>5</u> Exhibit 48)(Medzhibovsky, Leon) (Entered: 10/23/2017)
10/24/2017	205	SEALED DOCUMENT placed in vault.(mps) (Entered: 10/24/2017)
10/25/2017	<u>206</u>	LETTER RESPONSE in Support of Motion addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 10/25/2017 re: <u>201</u> LETTER MOTION to Compel Port Authority to withdraw <i>third-party subpoena(s)</i> addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 10/18/2017. . Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Prentice, Amanda) (Entered: 10/25/2017)
10/30/2017	<u>207</u>	LETTER addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated October 30, 2017 re: Port Authority withdraws third party Subpoena. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 10/30/2017)
11/01/2017	<u>208</u>	MEMO ENDORSEMENT: on re: <u>207</u> Letter filed by The Port Authority of New York and New Jersey. ENDORSEMENT: The Clerk of Court is directed to terminate DE #201 as moot in light of the foregoing. Motions terminated: <u>201</u> LETTER MOTION to Compel Port Authority to withdraw <i>third-party subpoena(s)</i> addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 10/18/2017, filed by World Trade Centers Association, Inc. (Signed by Judge Laura Taylor Swain on 10/31/2017) (ap) (Entered: 11/01/2017)
11/01/2017		Magistrate Judge Robert W. Lehrburger is so redesignated. (ma) (Entered: 11/01/2017)
11/03/2017	<u>209</u>	THIRD AMENDED ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Dispositive Motion (i.e., motion requiring a Report and Recommendation). Particular Motion: DE #181 and DE #201 and General Pretrial (includes scheduling,

		discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Robert W. Lehrburger. Motions referred to Magistrate Judge Robert W. Lehrburger. (Signed by Judge Laura Taylor Swain on 11/3/2017) (ap) Modified on 11/7/2017 (gp). (Entered: 11/03/2017)
03/20/2018	<u>210</u>	JOINT LETTER MOTION to Adjourn Conference <i>and other deadlines pending further order of the Court</i> addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 03/20/2018. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 03/20/2018)
03/22/2018	<u>211</u>	ORDER: granting <u>210</u> Letter Motion to Adjourn Conference. The conference is adjourned to June 22, 2018, at 11:00 AM. Final Pretrial Conference set for 6/22/2018 at 11:00 AM before Judge Laura Taylor Swain. (Signed by Judge Laura Taylor Swain on 3/22/2018) (ap) (Entered: 03/22/2018)
03/22/2018	<u>212</u>	LETTER addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated March 22, 2018 re: Pursuant to New York Rule of Professional Conduct 1.12. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 03/22/2018)
04/02/2018	<u>213</u>	REPORT AND RECOMMENDATION: re: <u>181</u> MOTION for Sanctions, filed by The Port Authority of New York and New Jersey. For the foregoing reasons, I recommend that the Port Authority's motion for sanctions be denied. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the Parties shall have fourteen (14) days to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the Chambers of the Honorable Laura Taylor Swain, Room 1640, 500 Pearl Street, New York, New York 10007, and to the Chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review, and as further set forth in this order. Objections to R&R due by 4/16/2018 (Signed by Magistrate Judge Robert W. Lehrburger on 4/2/2018) (ap) (Entered: 04/02/2018)
04/25/2018	<u>214</u>	ORDER ADOPTING REPORT & RECOMMENDATION adopting <u>213</u> Report and Recommendation, denying <u>181</u> Motion for Sanctions filed by The Port Authority of New York and New Jersey. The Court has reviewed Magistrate Judge Lehrburger's April 2, 2018 Report and Recommendation (the "Report") (docket entry no. 213) which recommends that Defendant's motion for sanctions for spoliation (docket entry no. 181) be denied. No objections to the Report have been received. In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge]." 28 U.S.C.A. § 636(b)(1)(C) (LexisNexis 2017). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117, at *1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003). The Court has reviewed carefully Magistrate Judge Lehrburger's thorough Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, Defendant's motion for sanctions is denied. This Order resolves docket entry no. 181. (Signed by Judge Laura Taylor Swain on 4/25/2018) (mro) (Entered: 04/25/2018)
05/02/2018	<u>215</u>	JOINT LETTER MOTION to Adjourn Conference <i>and other deadlines</i> addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated May 2, 2018. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 05/02/2018)
05/03/2018	<u>216</u>	ORDER terminating <u>215</u> Letter Motion to Adjourn Conference. The deadlines related to the June 22, 2018, FPTC date are suspended pending further order of the Court. DE #215 resolved. SO ORDERED. (Signed by Judge Laura Taylor Swain on 5/3/2018) (anc) (Entered: 05/04/2018)
06/18/2018	<u>217</u>	ORDER: In light of the pending motions for summary judgment, the pretrial conference scheduled for June 22, 2018 is hereby adjourned to September 28, 2018 at 12:30 p.m. in Courtroom 17C. SO ORDERED., (Final Pretrial Conference set for 9/28/2018 at 12:30 PM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 6/18/2018) (ama) (Entered: 06/18/2018)

09/06/2018	<u>218</u>	JOINT LETTER MOTION to Adjourn Conference <i>and attendant pre-trial deadlines</i> addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 09/06/2018. Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 09/06/2018)
09/07/2018	<u>219</u>	ORDER granting <u>218</u> Letter Motion to Adjourn Conference. The conference is adjourned to a control date of November 30, 2018, at 11:00 AM and the related deadlines remain suspended. DE #218 resolved. SO ORDERED. (Final Pretrial Conference set for 11/30/2018 at 11:00 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 9/7/2018) (anc) (Entered: 09/10/2018)
11/07/2018	<u>220</u>	JOINT LETTER MOTION to Adjourn Conference <i>and attendant pre-trial deadlines</i> addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated November 7, 2018. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 11/07/2018)
11/09/2018	<u>221</u>	ORDER granting <u>220</u> Letter Motion to Adjourn Conference. The request is granted. The conference is adjourned to February 8, 2019, at 10:30AM as a control date and the related deadlines remain suspended pending further order of the Court. DE #220 resolved. (Final Pretrial Conference set for 2/8/2019 at 10:30 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 11/9/2018) (jca) (Entered: 11/09/2018)
12/18/2018	<u>222</u>	MEMORANDUM OPINION AND ORDER: re: <u>162</u> CROSS MOTION for Summary Judgment and Opposition to Motion for Partial Summary Judgment filed by The Port Authority of New York and New Jersey, <u>146</u> MOTION for Partial Summary Judgment filed by World Trade Centers Association, Inc. For the foregoing reasons, the Court partially grants Defendant's motion for summary judgment. Plaintiff's complaint is dismissed in its entirety. Defendant is granted summary judgment on its counterclaims for non-infringement (1st Counterclaim) and non-breach of the licensing agreements (2nd Counterclaim), and is granted summary judgment on its 3rd Counterclaim with respect to its right to use the WORLD TRADE CENTER or WTC trademarks affixed to goods in connection with the NYWTC without interference by Plaintiff. The Court denies Defendant's motion for summary judgment with respect to its counterclaims for cancelation of Plaintiff's federal service mark registration (4th Counterclaim); injunction against Plaintiff's pending intent to use trademark registration application (5th Counterclaim); and breach of the 1986 Assignment and the 2001 Letter by Plaintiff (6th Counterclaim), Defendant's motion is also denied as to the balance of its 3rd Counterclaim for a declaration of ownership of the WTC and WORLD TRADE CENTER trademark and its ownership of and right to use the service marks at the NYWTC without interference from WTCA. Plaintiff's motion for summary judgment is granted in part. The portion of Defendant's 3rd Counterclaim that seeks a declaration that Defendant owns the WTC service marks and is free to use them without WTCA's interference dismissed. The portion of Defendant's 4th Counterclaim that seeks the cancelation of Plaintiff's federal service mark on the basis that it provided a false date of first use to the PTO is also dismissed. Defendant's defense of sovereign immunity (9th Affirmative Defense) is stricken with respect to its federal law claims (Claims for Relief 1 and 2) and the 9th Affirmative Defense is also stricken insofar as it relates to Plaintiff's claim for a declaration (Claim for Relief 7) that the 1986 License and 2006 Agreement bind the Port Authority to refrain from using the relevant trademarks on goods without WTCA's permission. Defendant's 5th Affirmative Defense with is stricken insofar as it asserts that Plaintiff's state registrations are invalid and that its federal registrations are invalid because they were procured by fraud regarding the date of their first use. Plaintiff's motion for summary judgment is denied insofar as it seeks judgment in Plaintiff's favor on its 6th Claim for Relief for breach of contract and dismissal of Defendant's counterclaims for non-breach of the license agreements (2nd Counterclaim), and an injunction against Plaintiff's pending trademark application (5th Counterclaim). Plaintiff's motion for summary judgment is also denied insofar as it seeks dismissal of the balance of Defendant's 3rd Counterclaim with respect to Defendant's ownership of the WTC trademarks and Defendant's right to use the WORLD TRADE CENTER or WTC trademarks in connection with the NYWTC without interference by Plaintiff, and insofar as it seeks dismissal of the aspect of Defendant's 4th Counterclaim that is based on Defendant's contention that Plaintiff fraudulently represented to the PTO that no party had a superior right to use the federal service mark. Plaintiff's motion for summary judgment is denied to the extent it seeks to strike Defendant's prior use defense (7th Affirmative Defense), its sovereign

		immunity defense with respect to state law claims for injunctive relief (9th Affirmative Defense), and its 5th Affirmative Defense insofar as that defense rests on the assertion that Plaintiff fraudulently represented to the PTO that no other party had a superior right to use the mark. By separate order, Defendant will be directed to show cause as to why its 6th Counterclaim should not be dismissed and why the 3rd Counterclaim, to the extent that it seeks a declaration that the Port Authority owns the WORLD TRADE CENTER and WTC marks used on goods in connection with the NYWTC, should not be dismissed for lack of subject matter jurisdiction. The claims remaining for trial are: (1) Defendant's counterclaim for cancelation of Plaintiff's federal service mark registration as procured by fraud, to the extent that counterclaim rests on Defendant's contention that Plaintiff falsely affirmed that it was aware of no other entity with a superior right to use the mark (4th Counterclaim); and (2) Defendant's counterclaim seeking an injunction against the prosecution of Plaintiff's federal trademark applications (5th Counterclaim). This case remains referred to Magistrate Judge Lehrburger for general pre-trial management. The parties are directed to meet with Judge Lehrburger promptly to discuss settlement. The final pre-trial conference is scheduled for February 8, 2019 at 10:30 a.m. (Docket Entry No. 221.) The parties are directed to confer and make submissions in advance of the conference in accordance with the pre-trial scheduling order. (Docket Entry No. 43.) This Memorandum Opinion and Order resolves Docket Entry Nos. 146 and 162. SO ORDERED. (Signed by Judge Laura Taylor Swain on 12/18/2018) (ama) (Entered: 12/18/2018)
12/18/2018	<u>223</u>	ORDER TO SHOW CAUSE: For the reasons stated in the Opinion, Defendant is ordered to show cause as to why: The Court should not dismiss Defendant's 3rd Counterclaim for lack of subject matter jurisdiction to the extent it seeks a declaration that Defendant owns the WORLD TRADE CENTER and WTC trademarks affixed to goods in connection with the New York World Trade Center, for lack of a case or controversy between two adverse parties in light of the Court's determination that Plaintiff has no ownership interest in the trademark. Fed. R. Civ. P. 12(h)(3) (imposing the duty to dismiss claims of which a court lacks subject matter jurisdiction); see Maryland Casualty Co. v. Pacific Coal & Oil Co., 312 U.S. 270, 273 (1941) (stating that, in order to grant declaratory judgment, the Court must find "a substantial controversy, between parties having adverse legal interests"); and The Court should not dismiss Defendant's 6th Counterclaim for breach of contract, pursuant to Federal Rule of Civil Procedure 41(b), because Defendant has failed to identify a specific provision or duty in the 1986 Assignment or 2001 Letter that Plaintiff allegedly breached. Defendant's responsive papers are due no later than January 7, 2019. Plaintiff may file any response no later than January 14, 2019. Courtesy copies of the filings must be provided to chambers. SO ORDERED. Show Cause Response due by 1/7/2019. (Signed by Judge Laura Taylor Swain on 12/18/2018) (ama) (Entered: 12/18/2018)
12/18/2018	<u>224</u>	ORDER: Counsel for the parties must file any requests for continued redaction of the Opinion by January 7, 2019. Any such request must specify the page and line numbers of the material to be redacted and must be supported by information and legal analysis sufficient to address the interests discussed above. The Court will file an updated version of the Opinion publicly, with any approved redactions, on or after January 10, 2019. Counsel must file any requests for continued sealed treatment of papers that were filed under seal in connection with the motion practice by January 14, 2019. Any such requests must be specific and must be supported by information and legal analysis sufficient to address the interests discussed above. The submissions will be unsealed to the appropriate extent following the Court's review of any timely requests. And as set forth herein. SO ORDERED., (Motions due by 1/14/2019.) (Signed by Judge Laura Taylor Swain on 12/18/2018) (ama) (Entered: 12/18/2018)
12/21/2018	<u>225</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – LETTER MOTION for Extension of Time addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated December 21, 2018. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) Modified on 12/26/2018 (db). (Entered: 12/21/2018)
12/21/2018	226	SEALED DOCUMENT placed in vault.(mhe) (Entered: 12/21/2018)
12/26/2018		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Leon Medzhibovsky to RE-FILE Document <u>225</u> LETTER MOTION for Extension of Time addressed to Judge

		Laura Taylor Swain from Leon Medzhibovsky dated December 21, 2018. ERROR(S): No signature or s/. (db) (Entered: 12/26/2018)
12/26/2018	<u>227</u>	LETTER MOTION for Extension of Time addressed to Judge Laura Taylor Swain from Leon Medzhibovsky dated December 26, 2018. Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 12/26/2018)
01/02/2019	<u>228</u>	MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,,, . Document filed by World Trade Centers Association, Inc..(Prentice, Amanda) (Entered: 01/02/2019)
01/02/2019	<u>229</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION for Reconsideration re; <u>228</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings . <i>Memorandum of Law</i> . Document filed by World Trade Centers Association, Inc. (Prentice, Amanda) Modified on 1/23/2019 (db). (Entered: 01/02/2019)
01/02/2019	<u>230</u>	MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, . Document filed by The Port Authority of New York and New Jersey.(Medzhibovsky, Leon) (Entered: 01/02/2019)
01/02/2019	<u>231</u>	MEMORANDUM OF LAW in Support re: <u>230</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, . . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 01/02/2019)
01/04/2019	<u>232</u>	ORDER granting <u>227</u> Letter Motion for Extension of Time. ENDORSEMENT: Granted with respect to the proposed dates for responsive papers for order to show cause. With respect to all other dates, the parties are directed to call Rupa Shah, Court Deputy, to coordinate those remaining items. Show Cause Response due by 1/28/2019. (Signed by Magistrate Judge Robert W. Lehrburger on 1/4/2019) (mml) (Entered: 01/07/2019)
01/07/2019	<u>233</u>	PROPOSED ORDER. Document filed by World Trade Centers Association, Inc.. Related Document Number: <u>229</u> . (Prentice, Amanda) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 01/07/2019)
01/07/2019	<u>234</u>	LETTER MOTION to Seal Document <u>229</u> MOTION for Reconsideration re; <u>228</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, . <i>Memorandum of Law</i> . addressed to Judge Laura Taylor Swain from Ewing, Bruce dated 01/07/2019. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit A)(Prentice, Amanda) (Entered: 01/07/2019)
01/07/2019		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 233 Proposed Order was reviewed and approved as to form. (dt) (Entered: 01/07/2019)
01/11/2019	<u>235</u>	MEMO ENDORSEMENT on <u>234</u> granting Motion to Seal Document. ENDORSEMENT: The request is Granted. DE # 234 resolved. DE # 233 resolved. SO ORDERED. (Signed by Judge Laura Taylor Swain on 1/11/2019) (ama) Transmission to Sealed Records Clerk for processing. (Entered: 01/11/2019)
01/14/2019	<u>236</u>	JOINT LETTER MOTION to Seal Document <u>224</u> Order, Set Deadlines/Hearings,,,,, related to summary judgment briefing addressed to Judge Laura Taylor Swain from The Parties dated 1/14/2019. Document filed by World Trade Centers Association, Inc.. (Attachments: # <u>1</u> Exhibit A)(Prentice, Amanda) (Entered: 01/14/2019)
01/14/2019	<u>237</u>	DECLARATION of Scott Ferguson in Support re: <u>236</u> JOINT LETTER MOTION to Seal Document <u>224</u> Order, Set Deadlines/Hearings,,,,, related to summary judgment briefing addressed to Judge Laura Taylor Swain from The Parties dated 1/14/2019.. Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 01/14/2019)
01/16/2019	<u>238</u>	MEMORANDUM OF LAW in Opposition re: <u>230</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, . . Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 01/16/2019)

01/16/2019	<u>239</u>	MEMORANDUM OF LAW in Opposition re: <u>228</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,, . . . Document filed by The Port Authority of New York and New Jersey. (Medzhibovsky, Leon) (Entered: 01/16/2019)
01/22/2019	<u>240</u>	LETTER MOTION to Seal Document <u>239</u> Memorandum of Law in Opposition to Motion, addressed to Judge Laura Taylor Swain from Airina Rodrigues dated January 22, 2019. Document filed by The Port Authority of New York and New Jersey. (Attachments: # <u>1</u> Exhibit A)(Rodrigues, Airina) (Entered: 01/22/2019)
01/23/2019		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney Amanda Mary Prentice to RE-FILE Document <u>229</u> MOTION for Reconsideration re; <u>228</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings . Memorandum of Law. Use the event type Memorandum in Support of Motion found under the event list Replies, Opposition and Supporting Documents, then link to <u>228</u> Motion. (db) (Entered: 01/23/2019)
01/23/2019	<u>241</u>	MEMORANDUM OF LAW in Support re: <u>228</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,, . . . Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 01/23/2019)
01/23/2019	<u>242</u>	REPLY MEMORANDUM OF LAW in Support re: <u>230</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,, . . . Document filed by The Port Authority of New York and New Jersey. (Rodrigues, Airina) (Entered: 01/23/2019)
01/23/2019	<u>243</u>	REPLY MEMORANDUM OF LAW in Support re: <u>228</u> MOTION for Reconsideration re; <u>222</u> Memorandum & Opinion, Set Deadlines/Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,, . . . Document filed by World Trade Centers Association, Inc.. (Prentice, Amanda) (Entered: 01/23/2019)
01/28/2019	244	SCHEDULING ORDER: Telephone Conference set for 3/19/2019 at 9:00 AM in advance of a settlement conference before Magistrate Judge Robert W. Lehrburger. Counsel shall jointly call the chambers conference line, once all parties are on the line at (212) 805-0113. (Signed by Magistrate Judge Robert W. Lehrburger on 1/28/2019) (rsh) (Entered: 01/28/2019)
01/28/2019	245	SCHEDULING ORDER: Settlement Conference set for 3/28/2019 at 9:30 AM in Courtroom 18D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Robert W. Lehrburger. The parties are further instructed to submit their pre-conference submissions, along with their Attendance Acknowledgment Form (available in pdf fillable format as attachment to the Settlement Conference Procedures) no later than March 21, 2019, by 5:00 p.m. (Signed by Magistrate Judge Robert W. Lehrburger on 1/28/2019) (rsh) (Entered: 01/28/2019)
01/30/2019	<u>246</u>	ORDER granting <u>240</u> LETTER MOTION to Seal Document <u>239</u> Memorandum of Law in Opposition to Motion. The request is granted. DE #240 resolved. SO ORDERED. (Signed by Judge Laura Taylor Swain on 1/30/2019) (jca) Transmission to Sealed Records Clerk for processing. (Entered: 01/30/2019)
02/04/2019	<u>247</u>	ORDER: In light of the pending motion, the final pretrial conference scheduled for February 8, 2019, is rescheduled to May 17, 2019, at 11:30 a.m. in Courtroom 17C. SO ORDERED., (Final Pretrial Conference set for 5/17/2019 at 11:30 AM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 2/04/2019) (ama) (Entered: 02/04/2019)