

Law Offices of Andrew J. Carboy LLC

One Liberty Plaza, Floor 23
New York, New York 10006
(212) 520-7565

Turken Heath & McCauley LLP

84 Business Park Drive, Suite 307
Armonk, New York 10504
(914) 363-6355

September 7, 2025

By FOIL Portal:

Office of the Mayor

Re: Freedom of Information Request

2023-002-00733

Title: Records Concerning Preparedness for &
Response to WTC Collapse

Modification to this Request

Dear Sirs and Madams:

On September 8, 2023, Benjamin Chevat, Director of 9/11 Health Watch; Karen Klingon, Executrix of the Estate of Robert Klingon (resident of lower Manhattan); Yvonne Baisley, Executrix of the Estate of FDNY Firefighter Robert Fitzgibbon; Phil Alvarez on behalf of his brother, NYPD Detective Luis G. Alvarez, deceased; and Charlotte Berwind, Executrix of the Estate of volunteer firefighter Charles E. Flickinger, Jr. filed a Freedom of Information Law ("FOIL") request with the Office of the Mayor.

The Office of the Mayor assigned the FOIL request identification number 2023-002-00733.

On August 19, 2025, we received the following email advisory concerning FOIL request # 2023-002-00733, entitled Records Concerning Preparedness for & Response to WTC Collapse, the latest in a series of extensions:

From: donotreply@records.nyc.gov <donotreply@records.nyc.gov>

Sent: Tuesday, August 19, 2025 5:14:33 PM

To: Andrew Carboy <acarboy@carboylaw.com>

Subject: [OpenRecords] Request FOIL-2023-002-00733 Extended

The Mayor's Office (OOM) has **extended** the time to respond to your FOIL request [FOIL-2023-002-00733](#) for the following reasons:

You can expect a response on or about Friday, November 28, 2025.

Additional Information:

Due to the volume of requests that we have received, we are extending the due date on this request.

Please visit [FOIL-2023-002-00733](https://www.foia.gov/FOIL-2023-002-00733) to view additional information and take any necessary action.

Now, the requesting parties hereby modify/amend FOIL request # 2023-002-00733.

As modified/amended, we withdraw requests 3, 4, 5b. and 6 through 28. We seek responses to the following requests, only (original items at request numbers 1, 2 and 5a, c, d, and e):

1. October 2001 memorandum from Deputy Mayor Robert M. Harding referenced in May 14, 2017 New York Times article entitled, “*Ground Zero Illnesses Clouding Giuliani’s Legacy.*” (“Harding memo”)

2. Underlying documents, studies, reports, assessments, memoranda, factual bases and other written information that informed the Harding memo’s estimate or projection of anticipated future claims from WTC toxic exposure.

5. With respect to the following provision of the *Air Transportation Safety and System Stabilization Act of 2001*, Pub. L. No. 107-42, 115 Stat. 230 (2001): **(3) Limitations on liability for New York City.**--*Liability for all claims, whether for compensatory or punitive damages or for contribution or indemnity arising from the terrorist-related aircraft crashes of September 11, 2001, against the City of New York shall not exceed the greater of the city's insurance coverage or \$350,000,000. 49 U.S.C.A. § 40101*

a. Written communications, dating from September, October and November 2001, such as correspondence, email, and memoranda, with all attachments, concerning limitations on liability for the City of New York (“City”), to the following individuals and offices:

i. The White House and the Office of the Executive;

ii. Any United States Senator and their office;

iii. Any Committee of the United States Senate and/or its staff;

iv. Any member of the U.S. House of Representatives or their staff;

v. The United States Justice Department; and

vi. United States Environmental Protection Agency.

c. Documents setting forth the names of consultants and consulting firms, lobbyists and lobbying firms, that worked with the City in the effort to secure the limitations on liability, referenced above.

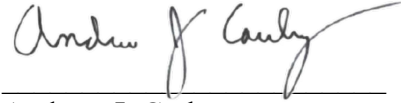
d. Documents setting forth the amount of compensation issued/paid by the City to the consultants and consulting firms, lobbyists and lobbying firms identified in response to request c., above.

e. Documents setting forth: the number of meetings (taking place in September, October and November 2001), dates of meetings, location of meetings, identity of those in attendance, concerning the efforts to secure the limitations on liability, set forth above,

along with summaries of meetings and copies of the written materials reviewed at each meeting.

Requests numbered 3, 4, 5b. and 6 through 28 are hereby withdrawn.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Andrew J. Carboy", written over a horizontal line.

Andrew J. Carboy

Matthew McCauley

Matthew McCauley