

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:
(ERK)(MDG)

:
: Case No. CV 96-4849

HOLOCAUST VICTIM ASSETS
LITIGATION

: (Consolidated with CV 96-5161
: and CV 97-461)

:
: **ORDER**

_____ x
This Document Relates to: All Cases

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ JUL 27 2011 ★

BROOKLYN OFFICE

KORMAN, Senior Judge.

Upon review and consideration of the June 8, 2011 letter of the Executive Director of the Victim List Project recommending with the approval of the Special Master and the Deputy Special Master that approximately 1,246 boxes of Claims Resolution Tribunal (CRT) claims documentation currently held in Zurich, Switzerland on behalf of the Court be transferred to the United States Holocaust Memorial Museum, it is hereby

ORDERED that the recommendation of the Executive Director of the Victim List Project, described in the letter annexed hereto, is approved and that \$181,393.00 be allocated to the U.S. Holocaust Memorial Museum in support of the transfer of the CRT claims documentation held in Zurich, Switzerland to the U.S. Holocaust Memorial Museum and the storage of the CRT claims documentation. The Signatories to the Settlement Fund are hereby directed to transfer immediately

\$181,393.00 from the Settlement Fund to the Conference on Material Claims Against Germany, which serves as the Court's agent for purposes of administration of the Victim List Project. Upon receipt, the Claims Conference shall transfer the sum in its entirety to the United States Holocaust Memorial Museum, which shall draw upon the principal and any accrued interest to cover all costs of transfer and storage as described in Dr. Fisher's letter, as well as any additional costs that may be associated with delivery and storage of the CRT claims documentation.

It is further hereby ORDERED that the Claims Resolution Tribunal claims documentation currently held in Zurich, Switzerland on behalf of the Court shall be transferred to the USHMM as soon as practicable in accordance with the following conditions:

1. The Claims Resolution Tribunal in Zurich shall transfer to the USHMM the claims documentation in hard copy, and also shall transfer any electronic scanned images of the hard copy physical files (collectively, the "CRT claims documentation").
2. Once the Claims Resolution Tribunal in Zurich transfers the CRT claims documentation to the USHMM, the USHMM shall become the custodian of the CRT claims documentation on behalf of the Court and will undertake the responsibility of preserving the security and confidentiality of the CRT claims documentation.
3. The USHMM shall provide access to the CRT claims documentation under conditions to be determined by the Court. Such determination will be made by the Court in a reasonable amount of time after consultation with the USHMM, the Special Masters, and the Executive Director of the Victim List Project, which consultation shall commence no later than December 31, 2011. Pending the Court's determination, the USHMM shall not provide access to the CRT claims documentation except as required in this Order.
4. Because of the sensitive nature of the CRT claims documentation, the USHMM shall remain the sole custodian of the CRT claims documentation for the life of

such materials. The USHMM shall not transfer, provide copies or otherwise delegate its custodial responsibilities under this Order to other organizations, entities, third parties or persons, with the exception of the Court and/or the designees of the Court. The USHMM shall consult with the Court to determine whether the CRT claims documentation may be destroyed or instead transferred to another storage facility, but under no circumstances shall the hard copies of the CRT claims documentation be destroyed for 30 years, nor shall electronic copies of the CRT claims documentation ever be destroyed. If the Court approves destruction of the hard copies of the CRT claims documentation in accordance with this provision, the USHMM shall obtain a signed statement verifying that the materials were destroyed in a manner that protected the confidentiality of the materials, and shall forward a copy of the statement to the Court.

5. The USHMM shall promptly provide access to the CRT claims documentation to the Court and/or the designees of the Court. Under no circumstances shall the USHMM refuse a request by the Court and/or the designees of the Court for access to the CRT claims documentation or any portion thereof.

Date: Brooklyn, New York
June 13, 2011

~~SO ORDERED:~~

s/Edward R. Korman

Edward R. Korman
United States District Judge