

c/m

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE:
HOLOCAUST VICTIM ASSETS
LITIGATION

Case No. CV 96-4849 (ERK) (MDG)
(Consolidated with CV-96-5161
and CV-97-461)

This Document Relates To: All Cases

**ORDER APPOINTING NOTICE
ADMINISTRATORS, APPROVING FORMS OF
NOTICE AND NOTICE PLAN, SCHEDULING
EXCLUSION REQUESTS AND OBJECTION
DEADLINES, AND SCHEDULING FINAL
FAIRNESS HEARING**

The Court has considered Plaintiffs' motion for appointment of Notice Administrators, approval of the forms of notice and Notice Plan, scheduling of exclusion request and objection submission deadlines and of the final fairness hearing, and all papers and argument relating thereto. The Court has also considered the papers and pleadings on file with the Court, and being otherwise fully apprised of the premises, **HEREBY ORDERS, ADJUDGES AND DECREES AS FOLLOWS:**

FINDINGS

1. On March 30, 1999, the Court signed an Order Preliminarily Approving the Material Terms of the Proposed Class Action Settlement Agreement and Provisionally Certifying the Settlement Classes, pursuant to which Plaintiffs have submitted a motion for appointment of Notice Administrators, approval of forms of notice, and the scheduling of related deadlines and the final fairness hearing.

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2. Jayne Menard of Poorman-Douglass Corporation, Jerry Benjamin of A.B. Data, Ltd., Todd B. Hilsee of Hilsoft Notifications, and Kathy Kinsella of Kinsella Communications have assisted in the design of a cost-effective Notice Plan, and are qualified to serve as Notice Administrators. The proposed terms of their appointment, as set forth in Exhibits 16-18 of the Notice Plan (Exhibit D hereto) are reasonable.

3. The Short Form of Notice for publication, a copy of which is attached as Exhibit A, is adequate, and provides all of the essential information to Settlement Class members necessary to satisfy due process and Fed. R. Civ. P. 23. The information includes the definition of the five Settlement Classes, the basic terms of the proposed Settlement, the deadlines for submitting objections or exclusion requests, the date of the final fairness hearing, and the method for obtaining additional information.

4. The Long Form of Notice for mailing, a copy of which is attached as Exhibit B, is adequate, and provides essential information to Settlement Class members, including the definition of the five Settlement Classes, the terms of the proposed Settlement, the identity of Settlement Class Counsel and the Settlement Class Representatives, the amount of fees and costs to be requested by Settlement Class Counsel, and the deadlines and procedures for submitting objections or exclusion requests, and the date of the final fairness hearing. The Long Form of Notice is presented in an understandable question-and-answer format, and, in terms of both tone and content, satisfies due process and the requirements of Fed. R. Civ. P. 23. See, e.g., Federal Judicial Center, Manual for Complex Litigation, Sections 30.211 and 30.212 (3d ed. 1995).

5. The Long and Short forms of Notice adequately explain the steps that

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must be followed by members of the Settlement Classes to ensure that they receive supplemental notices relating to the anticipated Plan of Allocation, and/or to any future claims filing procedures ultimately adopted by the Court.

6. An Initial Questionnaire will be mailed along with the Long Form of Notice. A copy of the Questionnaire is attached as Exhibit C. The form of the Questionnaire is adequate; the ultimate function of the Questionnaire will be determined by the Court in connection with the adoption of a Plan of Allocation.

7. The Notice Plan, a copy of which is attached as Exhibit D, is hereby incorporated into this Order by reference. It describes in detail the proposed method for disseminating Notice to the members of the world-wide Settlement Classes, through mailing of the Long Form of Notice, publication of the Short Form of Notice, earned media and organizational outreach campaigns, and the Internet. Because there are no complete or accurate lists of the members of the Settlement Classes, the dissemination of Notice in this case will be effected primarily through publication of the Notice, organizational outreach, earned media, and the Internet.

8. The Notice Plan provides for the best notice practicable under the unique circumstances of this case, taking into account the geographic dispersion of the class, the size of the Settlement Fund, and other relevant factors. The proposed schedule and budget for the provision of Notice are reasonable.

CONCLUSIONS

1. The forms of Notice attached hereto as Exhibits A and B are hereby

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approved, and should be published and mailed in substantially identical form, pursuant to the Notice Plan.

2. The Initial Questionnaire attached as Exhibit C is approved.

3. The Notice Plan attached as Exhibit D is approved, and hereby incorporated and adopted as the Plan which shall be implemented by the Notice Administrators, under the continuing supervision of Settlement Class Counsel and the Court. Settlement Class Counsel are directed to keep the Settling Defendants and the Court apprised of the status of the implementation of the Notice Plan on a regular basis.


4. The Court hereby appoints the following persons and entities to serve as Notice Administrators, pursuant to the Notice Plan and the terms of appointment set forth in Exhibits 16-18 to the Notice Plan, which were negotiated by Plaintiffs' Executive Committee: (1) Jayne Menard of Poorman-Douglass Corporation, (2) Jerry Benjamin of A.B. Data, Ltd., (3) Todd B. Hilsee of Hilsoft Notifications, and (4) Kathy Kinsella of Kinsella Communications.

5. To allow sufficient time for the provision of Notice to the Settlement Classes, the exclusion requests and objection/comment submission deadlines are hereby set for October 22, 1999.

6. The final fairness hearing shall be held on November 29, 1999, at 10 a.m./p.m.

IT IS SO ORDERED.

Dated: May 10 1999


Honorable Edward R. Korman
United States District Court Judge

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