

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE: HOLOCAUST VICTIM :  
ASSETS LITIGATION :  
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Case No. CV-96-4849  
(ERK)(MDG) (Consolidated  
with CV-99-5161 and  
CV-97-461)

MEMORANDUM

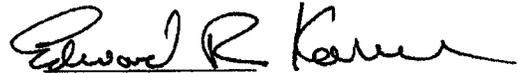
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KORMAN, Chief Judge:

I file this memorandum in aid of the appeal pending in the court of appeals. See United States v. Nichols, 56 F.3d 403, 411 (2d Cir. 1995). In a memorandum and order filed on April 2, 2004, I rejected a joint objection and proposal by the Pink Triangle Coalition. See In re Holocaust Victim Assets Litig., 2004 WL 717243 (E.D.N.Y. April 2, 2004). The Pink Triangle Coalition had objected to my decision to allocate \$60 million in excess funds to the Looted Assets Class for distribution to the neediest survivors of Nazi persecution, and it proposed that in future distributions, I set aside approximately one percent of any residual funds primarily for programs targeting the remembrance of homosexual victims of the Holocaust. I rejected the joint objection and proposal to the extent that it sought to advance the goals of research, education, and advocacy because “so many survivors continue to face life-threatening needs on a daily basis.” Id. at \*13. I wrote that while the Pink Triangle Coalition’s goals are worthy, “they are not goals that can be currently funded by the ever-diminishing settlement fund that resulted from this class action.” Id.

The word "currently" appeared to leave open the possibility that at a future date, such programs could be the recipients of money from the settlement fund. But after holding a hearing on April 29, 2004 regarding the distribution of any possible residual funds in this case, and having heard from many members of the survivor community and the organizations that assist them, it is evident that the personal needs among survivors of Nazi persecution for food, winter relief, emergency assistance, medicine and home health care will remain too pressing to justify any future distribution to the Pink Triangle Coalition's proposed programs for research, education, or advocacy. To the extent that my April 2, 2004 memorandum and order left open the possibility that I could reconsider this question at a future date, I now clarify that my decision was final.

Dated: May *10*, 2004  
Brooklyn, New York

  
Edward R. Korman  
United States District Judge