

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In re HOLOCAUST VICTIM ASSETS : 96 Civ. 4849 (ERK) (MDG)  
LITIGATION : (Consolidated with 99 Civ. 5161 and  
-----X 97 Civ. 461)  
This Document Relates to All Cases :  
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**MEMORANDUM & ORDER**

**ORDER CONCERNING USE OF INITIAL QUESTIONNAIRE  
RESPONSES AS CLAIM FORMS IN THE CLAIMS RESOLUTION  
PROCESS FOR DEPOSITED ASSETS**

By an Order of December 8, 2000, Special Masters Paul A. Volcker and Michael Bradfield (the "Special Masters") were appointed to establish, organize, and supervise a Claims Resolution Process, using the Claims Resolution Tribunal ("CRT"), by which the claims of the Deposited Assets Class Members are to be resolved in a fair and expeditious proceeding. In developing the Claims Resolution Process the Special Masters have, with the assistance of Special Master Judah Gribetz and the New York State Holocaust Claims Processing Office, initiated a review and analysis of the 580,000 Responses by Class Members to the six page Initial Questionnaire ("IQ") circulated to the Class in 1999 to obtain information on the nature and scope of the claims of Class Members.

This review and analysis of the IQ Responses, and in particular a sampling of the 82,163 IQ Responses from Respondents stating that they had a Deposited Assets claim, indicates that many of the Responses contain considerable detail about the name of a Holocaust victim depositor in a Swiss bank who is a Class Member, and the circumstances in which this deposit was made. A comparison of a sample of the IQ Responses with the Claim Forms that have been filed with the CRT thus far indicates that many of the Class Members who responded to this IQ in sufficient detail to constitute a claim for Deposited Assets have not submitted a Claim Form to the CRT.

This situation appears to be substantially explained by the uniform impression, derived from

contacts with Class Members by the CRT and others charged with responsibility for administering the Settlement of the Holocaust Victim Assets Litigation, that many Respondents erroneously understood that the IQ is a claim form and that no other claim form had to be submitted to qualify for a Deposited Asset award under the Claims Resolution Process. To correct this situation and to assure that Class Members with Deposited Assets claims are not precluded by technical procedural requirements from having fairly and timely presented claims fairly adjudicated, the Special Masters propose that all IQs be treated as Deposited Assets claim forms and adjudicated under the Rules Governing the Claims Resolution Process (the "Rules") including the Rule on admissibility of claims.

The Special Masters, upon a review of a sample of IQ Responses, confirm that a considerable number of the Responses contain sufficient information so that they can be adjudicated in the Claims Resolution Process in accordance with the Rules. They propose that efficient and expeditious administrative procedures involving minimal cost can be used to analyze the IQ Responses to identify those that can be processed as claim forms.

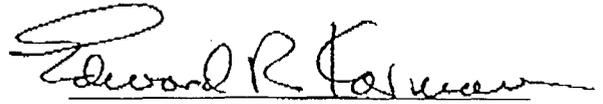
In consideration of the foregoing, I hereby

ORDER and ADJUDGE as follows:

1. Responses to the IQs shall be treated as timely submitted Deposited Assets Class claim forms for purposes of the Claims Resolution Process.
2. The Notice Administrator shall release all IQ Responses to the Special Masters upon their request for use in the Deposited Assets Claims Resolution Process.
3. The IQ Responses shall be processed as Deposited Assets claim forms under the Rules, including the Rule on admissibility of claims. Each claim derived from IQs and so processed to a decision by the CRT in accordance with the procedures provided for in the Rules and this Order

shall be submitted to the Court through the Special Masters for final approval.

**SO ORDERED:**

A handwritten signature in black ink, appearing to read "Edward R. Korman", written over a horizontal line.

Edward R. Korman  
United States District Judge

Dated: Brooklyn, New York  
July 30, 2001