

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 96 Civ. 5161 and
-----X		97 Civ. 461)
This Document Relates to All Cases	:	
-----X		<u>MEMORANDUM & ORDER</u>

KORMAN, Chief Judge:

In my Memorandum & Order dated December 8, 2000, implementing the recommendations set forth in the Plan of Allocation and Distribution of Settlement Proceeds that I adopted on November 22, 2000 ("Distribution Plan"), I emphasized the need to "streamlin[e] the application process" for the "mostly elderly persons " who comprise Slave Labor Class I. To that end, as described in the Distribution Plan, the claims process for Slave Labor Class I relies principally upon the distribution mechanism established under the German Foundation "Remembrance, Responsibility and the Future" ("German Fund"). Among other things, the application deadline for Slave Labor Class I, August 11, 2001, was selected to "conform to that of the German Fund."

I have been advised that on August 11, 2001, legislation entered into force in the Federal Republic of Germany which extends the German Foundation application deadline for former slave and forced laborers from August 11, 2001 to December 31, 2001. I have been further advised that as translated, the legislation further provides that "[i]f a timely application was made ... and if none of the special legal successors qualifying for payment ... notify the partner organization of the legal succession within six months of the death of the eligible person the entitlement to payment lapses." See First Law on Amending the Law on the Establishment of a Foundation "Remembrance,

Responsibility and the Future," August 4, 2001. It is my understanding that the purpose of the latter provision is to ensure that funds earmarked for former laborers who die prior to receiving payment do not remain unclaimed indefinitely but instead can be distributed to other eligible individuals.

The administrative agencies charged with processing Slave Labor Class I and German Fund applications - the Conference on Jewish Material Claims Against Germany, Inc. ("Claims Conference") and the International Organization for Migration ("IOM"), referred to in the German legislation as "partner organizations" - also are responsible for processing the claims of members of Slave Labor Class II (IOM) and the Refugee Class (IOM and Claims Conference). To ensure that former slave laborers and their eligible heirs who will be applying for Slave Labor Class I compensation *via* the German Fund are not prejudiced by conflicting deadlines, the Slave Labor Class I application deadline should continue to conform to that of the German Fund. Likewise, to minimize confusion among class members (including eligible heirs, as defined under the Distribution Plan) who will be applying through and seeking the assistance of the Claims Conference, the IOM, or both, the Slave Labor Class II and Refugee Class deadlines similarly should conform to that of the German Fund and Slave Labor Class I.

Therefore, the application deadline under Slave Labor Class I, Slave Labor Class II and the Refugee Class will be extended through December 31, 2001. With respect to heirs of former slave laborers and/or refugees, the Claims Conference and the IOM shall follow such procedures as have been adopted under the German Fund legislation, as amended. The extension of the claims filing deadlines will not delay payments to former slave laborers and refugees who already have filed their applications, since eligible claims will be paid, upon approval, on a rolling basis. In fact, approximately 35,830 members of Slave Labor Class I already have received distributions from the Settlement Fund, the vast majority (35,809) through the Claims Conference

and the remaining class members through the IOM. See Memorandum & Order dated June 28, 2001; Memorandum & Order dated July 30, 2001.

I address the filing deadline for the Deposited Assets Class separately in the accompanying Memorandum & Order of today's date.

Therefore, it is hereby

ORDERED that the application deadlines for Slave Labor Class I, Slave Labor Class II and the Refugee Class are hereby extended to December 31, 2001. With respect to heirs of former slave laborers and/or refugees, the Claims Conference and the IOM shall follow such procedures as have been adopted under the German Fund legislation, as amended.

SO ORDERED:



Edward R. Korman
United States District Judge

Dated: Brooklyn, New York
August 15, 2001