

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

IN RE:
HOLOCAUST VICTIM ASSETS
LITIGATION

This Document Relates to: All Cases

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

**ORDER MODIFYING REFERRAL TO
SPECIAL MASTER FOR
DEVELOPMENT OF PLAN TO
ALLOCATE AND DISTRIBUTE
SETTLEMENT PROCEEDS**

WHEREAS, the Court's March 31, 1999 Referral to Special Master for Development of Plan to Allocate and Distribute Settlement Proceeds (hereinafter, the "March 31, 1999 Referral to Special Master"), by Section 3, requires the Special Master to file his proposal with the Court by September 30, 1999; and

WHEREAS, the Court's May 10, 1999 Order Appointing Notice Administrators, Approving Forms of Notice and Notice Plan, Scheduling Exclusion Requests and Objection Deadlines, and Scheduling Final Fairness Hearing, schedules an exclusion request and objection deadline of October 22, 1999, and a final fairness hearing date of November 29, 1999; and

WHEREAS, the Settlement Agreement that was preliminarily approved by the Court contemplates that the Special Master will file a proposed Plan of Allocation and Distribution only if and after the Court issues an order granting final approval to the proposed Settlement, and after the Special Master has had an opportunity to implement Section 7.1 of the Settlement Agreement, including, but not limited to, the opportunity to review and incorporate into the proposed Plan of Allocation and Distribution comments, proposals and suggestions that may be

offered by Class Members during the period commencing with the implementation of the Notice Plan and concluding with the Special Master's filing with the Court the proposed Plan of Allocation and Distribution; and

WHEREAS, the March 31, 1999 Referral to Special Master, by Section 2, refers to the Court's "preliminary approval" of the Special Master's Plan of Allocation and Distribution, and specifies that upon such preliminary approval, a Notice of the Plan of Allocation and Distribution will be made available to members of the Classes; and

WHEREAS, in light of the schedule for notice and the final fairness hearing, the deadline for the filing by the Special Master of a proposed Plan of Allocation and Distribution should be modified; and

WHEREAS, the Court believes it is necessary to clarify the time periods within which Class Members may submit comments, proposals or suggestions to the Special Master for possible incorporation into a proposed Plan of Allocation and Distribution. These timelines must take into account the unique circumstances of this case, including: the size of the Settlement Fund, the geographic dispersion of the five Settlement Classes; the amount of time it will take to receive input regarding allocation and distribution issues from members of the Settlement Classes, in multiple (approximately 27) languages; the amount of time it will take to translate, analyze, and incorporate that input; and other relevant factors.

NOW, THEREFORE, it is hereby ORDERED, that the March 31, 1999 Referral to Special Master is hereby modified, as follows:

A. Section 2 of the March 31, 1999 Referral to Special Master, "Plan," and Section 3 of the March 31, 1999 Referral, "Time," are hereby modified as follows:

"2. Plan: Time: The proposed Plan of Allocation and Distribution shall comply with

Rule 23 of the Federal Rules of Civil Procedure. The Special Master will develop a proposed Plan of Allocation and Distribution employing open and equitable procedures to ensure fair consideration of all comments, proposals and suggestions offered by Class Members and plaintiffs' Settlement Class Counsel. On December 28, 1999, unless such date is otherwise extended by the Court, the Special Master shall submit to plaintiffs' Settlement Class Counsel a Draft Proposed Plan of Allocation and Distribution (hereinafter, the "Draft Proposed Plan of Allocation") for the purposes of soliciting plaintiffs' Settlement Class Counsel's comments, proposals and suggestions thereon. The Draft Proposed Plan of Allocation shall include a recommendation of where residual funds, if any, remaining after distribution to eligible Class Members shall be distributed. On the same date (December 28, 1999), the Special Master shall also direct the mailing of the material terms of the Draft Proposed Plan of Allocation to those Class Members who requested the same in writing by no later than October 22, 1999. Class Members who wish to submit to the Special Master comments, proposals or suggestions on the Draft Proposed Plan of Allocation shall do so by no later than February 28, 2000, unless such date is otherwise extended by the Court. Within two weeks after receiving the Draft Proposed Plan of Allocation, plaintiffs' Settlement Class Counsel shall submit their comments, proposals and suggestions to the Special Master. The Special Master shall forward all such comments, proposals and suggestions to the Court and, where practicable, may incorporate such comments, proposals and suggestions into the Special Master's final proposed Plan of Allocation and Distribution (hereinafter, the "Final Proposed Plan of Allocation").

3. Filing of Final Proposed Plan of Allocation; Final Hearing: On April 28, 2000, unless such date is otherwise extended by the Court, the Special Master shall file with the Court a Final Proposed Plan of Allocation, on notice to all parties who have appeared in this action.



The Special Master will also file, for the Court's review, the comments, proposals and suggestions submitted to the Special Master by Class Members and by plaintiffs' Settlement Class Counsel. On May 30, 2000, unless such date is otherwise extended by the Court, the Court will hold a hearing, during which time the Court will determine whether to approve the Special Master's Final Proposed Plan of Allocation. Upon the Court's approval of a Final Plan of Allocation and Distribution, the claim distribution process will commence as soon as practicable thereafter."

B. Except as modified herein, all other provisions of the March 31, 1999 Referral to Special Master shall remain in full force and effect.

Dated: ~~May~~ June 4, 1999



Hon. Edward R. Korman
United States District Judge