

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

HOLOCAUST VICTIM ASSETS
LITIGATION

CASE NO. CV 09-160 (ERK)(JO)
CASE NO. CV. 96-4849 (ERK)(JO)
(Consolidated with CV 96-5161 and CV 97-
461)

**U.S. SURVIVORS' SUBMISSION IN
RESPONSE TO COURT'S JANUARY 14,
2009 ORDER**

The following class members in this case, David Schaecter, Leo Rechter, David Mermelstein, Alex Moskovic, Esther Widman, Fred Taucher, Jack Rubin, Henry Schuster, Anita Schuster, Herbert Karliner, Israel Arbeiter, Sam Gasson, "G.K.," "L.K.," "F.K.," "D.B.," and "J.R.," Nesse Godin, and the Holocaust Survivors Foundation-USA, Inc. (HSF) (henceforth referred to as "Objectors" or "US Survivor class members"), through undersigned counsel, file this further submission in response to the Court's January 14, 2009 Order and in light of other submissions in the case.

First, Objectors repeat the objections submitted to the Court on June 2, 2006 and on January 9, 2009. The objections and supporting materials remain unchanged and present compelling reasons to reject the proposed changes recommended by Special Master Junz that could severely reduce, if not eliminate altogether, the availability of additional funds to members of the Looted Assets class, including tens of thousands of class members in need in the United States.

Second, Objectors note the filing of detailed objections by the State of Israel, including a request for the background information which formed the basis for Special Master Junz's recommendations and raising important questions about the merit of Dr.

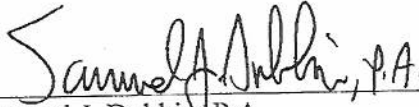
Junz's proposal, which the U.S. Survivors had also previously requested. In the event that the Court is inclined to adopt Special Master Junz's proposal in whole or in part, Objectors contend that the process by which her recommendations have been prepared, i.e. the acquisition of discrete amounts of information in a non-adversarial posture, which information is currently unavailable to the class members, justifies Objectors' right to discovery. *Saylor v. Lindsley*, 456 F.2d 896 (2d Cir. 1972).

Third, if the Court is inclined to adopt Special Master Junz's proposal in whole or in part, Objectors request that the Court set a schedule informing class members of the Court's intention for addressing Special Master Junz's proposal so that Objectors have an adequate opportunity to address the proposal on the merits, as to which Objectors reserve all rights.

WHEREFORE, for the reasons stated above and in previous filings, Objectors object to any proposed "reevaluation" of deposited assets payments, request an opportunity to evaluate the information received by Special Master Junz in the formulation of her recommendations, and request a hearing at which counsel and class members can be heard on the proposal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February, 2009, I electronically filed the foregoing document with the Clerk of the Court's CM/ECF system, which will send notification of such filing to the appropriate counsel of record.

By: Samuel J. Dubbin, P.A.
Samuel J. Dubbin, P.A.