

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

In Re:)	
)	Case No. 09-160 (ERK)(JO)
HOLOCAUST VICTIM ASSETS LITIGATION)	
)	
)	

STATEMENT OF INTEREST OF THE UNITED STATES

The United States submits this Statement of Interest, pursuant to 28 U.S.C. § 517, in connection with the Court’s consideration of the Special Master’s Proposal for Adjustment of Deposited Assets Class Presumptive Values.^{1/}

As this Court is keenly aware, “[d]istrict courts enjoy broad supervisory powers over the administration of class-action settlements to allocate the proceeds among the claiming class members equitably.” *In re “Agent Orange” Product Liab. Litig.*, 818 F.2d 179, 181 (2d Cir. 1987) (quotation and ellipsis omitted). Indeed, the Second Circuit has observed that “the allocation of an inadequate fund among competing complainants is a traditional equitable function, using ‘equity’ to denote not a particular type of remedy, procedure, or jurisdiction but a mode of judgment based on broad ethical principles rather than narrow rules.” *Id.* at 182.

In this case in particular, the Court enjoys broad supervisory powers over the administration of the class-action settlement to equitably allocate proceeds among the claiming class members. *See* Legal Principles Governing Distribution of Class Action Settlements,

^{1/} 28 U.S.C. § 517 provides that: “The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.”

Special Master's Proposal, September 11, 2000. The United States submits that the foreign policy interests of the United States, which favor providing crucial resources to the neediest Holocaust survivors both here and around the world, may be considered by the Court as it determines how best to allocate the remaining settlement funds. *See, e.g., Practical Concepts, Inc. v. Republic of Bolivia*, 811 F.2d 1543, 1551-52 (D.C. Cir. 1987) (holding that one factor to be considered in the district court's discretionary decision-making is "the interest of the United States' foreign policy"); *Jackson v. People's Republic of China*, 794 F.2d 1490, 1496 (11th Cir. 1986) (holding that, in making a discretionary decision, the district court "properly gave consideration to the Secretary of State's assessment of the foreign policy implications").

The attached letter from Ambassador Stuart E. Eizenstat, Special Advisor to the Secretary of State for Holocaust Issues, and Ambassador J. Christian Kennedy, Special Envoy for Holocaust Issues, describes the recent Terezin Declaration, to which was affirmed by the United States and 45 other countries, and how this Court's decision may impact the United States' foreign policy interests as regards that Declaration. The United States appreciates the Court's consideration of its foreign policy interests in this matter.

October 27, 2009

Respectfully submitted,

TONY WEST
Assistant Attorney General

VINCENT M. GARVEY
Deputy Branch Director

/s/ Jeffrey M. Smith
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United States Department of State

Washington, D.C. 20520

October 23, 2009

Mr. Tony West
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Re: *In Re: Holocaust Victim Assets Litigation*, Case No. 09-160 (E.D.N.Y.)

Dear Mr. West:

We are writing in our respective capacities as Special Envoy for Holocaust Issues and as Special Adviser to the Secretary for Holocaust Issues. In the above referenced litigation, Judge Korman is currently considering a Special Master's recommendation that would affect the distribution of money that was paid by Swiss institutions to settle claims against them. Because the manner in which this money is distributed could have a significant effect on an important United States foreign policy interest, we write to request that your office inform Judge Korman, on our behalf, of a new diplomatic effort undertaken by 46 states, including the United States, all of which participated in the Holocaust Era Assets Conference held in Prague this past June. In coordination with the Czech Republic, we organized this conference to address unresolved Holocaust issues extant since the 1998 Washington Conference, and negotiated several commitments, including a commitment to address the social welfare needs of Holocaust survivors.

This moral commitment by the Participating States to address the social welfare needs of Holocaust survivors, including "hunger relief, medicine and homecare," was one of the major achievements at the Prague Conference. We have enclosed a copy of the Terezin Declaration, issued at the conclusion of the Conference. This Statement calls on Participating States to address compensation

and restitution issues and, for the first time, calls for action to meet the special social and medical needs of Holocaust survivors.

We are committed to exploring every possible option to ensure that the United States continues to lead in fulfilling these important commitments. Indeed, we believe U.S. leadership is essential if the goals of the Prague Conference are to be achieved. These include the establishment of the Terezin Institute, without which we believe it would be virtually impossible to take two key follow up actions specified in the Declaration:

“... to develop non-binding guidelines and best practices for restitution and compensation of wrongfully seized immovable property to be issued ... no later than June 30, 2010”

“ ... to facilitate sharing of information, particularly in the fields of art provenance, immovable property, social welfare needs of survivors, Judaica, and Holocaust education.”

A visible display of leadership by the United States is extremely important to generate the necessary momentum to establish the Terezin Institute. The failure to launch the Terezin Institute would undermine, and possibly undo, the overwhelmingly positive results of the Prague Conference. The United States has long been at the forefront of efforts to obtain a measure of justice for Holocaust victims and their families, and in supporting the goals of the Prague Conference, we hope to ensure continued progress for this essential cause.

The needs of the U.S. survivor community are pressing and well-documented. For example, “[v]ictims are five times more likely to be living below the poverty line than non-victims. A quarter of all Victims (25%) fall under the federal poverty threshold, compared to 5% of non-victims.”¹ Unfortunately, the current financial crisis has made financing new programs more difficult, even as the plight of needy survivors worsens in the United States. Indeed, since the onset of the current financial crisis, many U.S. states and localities, as well as charitable

¹ NAZI VICTIMS NOW RESIDING IN THE UNITED STATES: FINDINGS FROM THE NATIONAL JEWISH POPULATION SURVEY 2000-01, 9 (2003) available at: http://www.claimscon.org/forms/allocations/Nazi_victims_report.pdf; see generally Jacob B. Ukeles, David A. Grossman, Metropolitan Council on Jewish Poverty and UJA-Federation of New York, REPORT ON JEWISH POVERTY (2004), available at: http://www.ujafedny.org/atf/cf/%7Bad848866-09c4-482c-927751a5d9cd6246%7D/POVERTY_REPORT2004_UPDATED%20.PDF.

organizations, have faced dramatic declines in their traditional funding sources and have cut back on the provision of social services. As a result, the plight of elderly survivors in the United States today is very likely worse than that described in earlier studies.² It is therefore critical that we identify sources of funding to prevent further suffering.

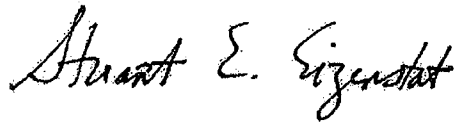
Although the Participating States at the Prague Conference committed themselves to addressing the social welfare needs of survivors, we are deeply concerned that many Participating States may have difficulty finding the resources to support new compensation programs for elderly and needy survivors. Given the importance of making rapid progress in establishing the Terezin Institute and the challenging budgetary situations in the United States and around the world, we believe that utilization of the *cy pres* component of the Swiss Bank settlement, i.e., funds in the Looted Assets Class, could be an important mechanism for ensuring that social welfare programs are funded in accordance with the goals of the Declaration. The State Department is now exploring sources of funds that could be used to develop pilot projects in the United States, which would then be matched by local Jewish charities and other contributors, where there are major concentrations of need for Holocaust survivors. These projects would help provide homecare to needy elderly survivors, particularly in states with weak Medicaid programs. However, we fear that there will be inadequate funds available for such pilot projects even in the United States, where there unfortunately remains a great deal of need.

As the court evaluates the proper distribution of the remaining Deposited Assets Class funds, we hope it will give serious consideration to significant social welfare needs of those survivors in the Looted Assets Class. We believe the fair distribution of settlement funds can be part of the solution to meeting the goals of the Terezin Declaration. These funds could help provide sorely needed additional resources to support the health and social welfare of the neediest survivors, both in the United States and around the world.

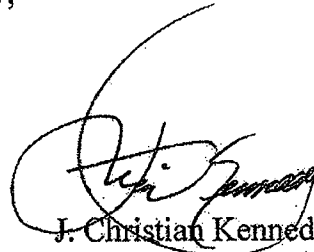
² See, e.g., *States in Distress*, N.Y. TIMES, Aug. 4, 2009, at A22; Jan M Rosen, *In Uncertain Times, Donors Hold Back*, N.Y. TIMES, Feb. 26, 2009, at SPG4; Erik Eckholm, *States Slashing Social Programs for Vulnerable*, N.Y. TIMES, April 12, 2009, at A1.

Thank you for your consideration of this matter.

Sincerely,



Stuart E. Eizenstat, Ambassador
Special Adviser to the Secretary
of State For Holocaust Issues



J. Christian Kennedy, Ambassador
Special Envoy for Holocaust Issues

Enclosure: Terezin Declaration

TEREZIN DECLARATION

June 30, 2009

Upon the invitation of the Prime Minister of the Czech Republic we the representatives of 46 states listed below met this day, June 30, 2009 in Terezin, where thousands of European Jews and other victims of Nazi persecution died or were sent to death camps during World War II. We participated in the Prague Holocaust Era Assets Conference organized by the Czech Republic and its partners in Prague and Terezin from 26-30 June 2009, discussed together with experts and non-governmental organization (NGO) representatives important issues such as Welfare of Holocaust (Shoah) Survivors and other Victims of Nazi Persecution, Immovable Property, Jewish Cemeteries and Burial Sites, Nazi-Confiscated and Looted Art, Judaica and Jewish Cultural Property, Archival Materials, and Education, Remembrance, Research and Memorial Sites. We join affirming in this

Terezin Declaration on Holocaust Era Assets and Related Issues

- Aware that Holocaust (Shoah) survivors and other victims of Nazi persecution have reached an advanced age and that it is imperative to respect their personal dignity and to deal with their social welfare needs, as an issue of utmost urgency,
 - Having in mind the need to enshrine for the benefit of future generations and to remember forever the unique history and the legacy of the Holocaust (Shoah), which exterminated three fourths of European Jewry, including its premeditated nature as well as other Nazi crimes,
 - Noting the tangible achievements of the 1997 London Nazi Gold Conference, and the 1998 Washington Conference on Holocaust-Era Assets, which addressed central issues relating to restitution and successfully set the stage for the significant advances of the next decade, as well as noting the January 2000 Stockholm Declaration, the October 2000 Vilnius Conference on Holocaust Era Looted Cultural Assets,
 - Recognizing that despite those achievements there remain substantial issues to be addressed, because only a part of the confiscated property has been recovered or compensated,
 - Taking note of the deliberations of the Working Groups and the Special Session on Social Welfare of Holocaust Survivors and their points of view and opinions which surveyed and addressed issues relating to the Social Welfare of Holocaust Survivors and other Victims of Nazi Persecution, Immovable Property, Nazi Confiscated Art, Judaica and Jewish Cultural Property, Holocaust Education, Remembrance and Research, which can be found on the weblink for the Prague Conference and will be published in the Conference Proceedings,
 - Keeping in mind the legally non-binding nature of this Declaration and moral responsibilities thereof, and without prejudice to applicable international law and obligations,
1. Recognizing that Holocaust (Shoah) survivors and other victims of the Nazi regime and its collaborators suffered unprecedented physical and emotional trauma during their ordeal, the Participating States take note of the special social and medical needs of all survivors and

strongly support both public and private efforts in their respective states to enable them to live in dignity with the necessary basic care that it implies.

2. Noting the importance of restituting communal and individual immovable property that belonged to the victims of the Holocaust (Shoah) and other victims of Nazi persecution, the Participating States urge that every effort be made to rectify the consequences of wrongful property seizures, such as confiscations, forced sales and sales under duress of property, which were part of the persecution of these innocent people and groups, the vast majority of whom died heirless.

3. Recognizing the progress that has been made in research, identification, and restitution of cultural property by governmental and non-governmental institutions in some states since the 1998 Washington Conference on Holocaust-Era Assets and the endorsement of the Washington Conference Principles on Nazi-Confiscated Art, the Participating States affirm an urgent need to strengthen and sustain these efforts in order to ensure just and fair solutions regarding cultural property, including Judaica that was looted or displaced during or as a result of the Holocaust (Shoah).

4. Taking into account the essential role of national governments, the Holocaust (Shoah) survivors' organizations, and other specialized NGOs, the Participating States call for a coherent and more effective approach by States and the international community to ensure the fullest possible, relevant archival access with due respect to national legislation. We also encourage States and the international community to establish and support research and education programs about the Holocaust (Shoah) and other Nazi crimes, ceremonies of remembrance and commemoration, and the preservation of memorials in former concentration camps, cemeteries and mass graves, as well as of other sites of memory.

5. Recognizing the rise of Anti-Semitism and Holocaust (Shoah) denial, the Participating States call on the international community to be stronger in monitoring and responding to such incidents and to develop measures to combat anti-Semitism.

The Welfare of Holocaust (Shoah) Survivors and other Victims of Nazi Persecution

Recognizing that Holocaust (Shoah) survivors and other victims of Nazi persecution, including those who experienced the horrors of the Holocaust (Shoah) as small and helpless children, suffered unprecedented physical and emotional trauma during their ordeal.

Mindful that scientific studies document that these experiences frequently result in heightened damage to health, particularly in old age, we place great priority on dealing with their social welfare needs in their lifetimes. It is unacceptable that those who suffered so greatly during the earlier part of their lives should live under impoverished circumstances at the end.

1. We take note of the fact that Holocaust (Shoah) survivors and other victims of Nazi persecution have today reached an advanced age and that they have special medical and health needs, and we therefore support, as a high priority, efforts to address in their respective states the social welfare needs of the most vulnerable elderly victims of Nazi persecution – such as hunger relief, medicine and homecare as required, as well as measures that will encourage intergenerational contact and allow them to overcome their social isolation. These steps will enable them to live in dignity in the years to come. We strongly encourage cooperation on these issues.

2. We further take note that several states have used a variety of creative mechanisms to provide assistance to needy Holocaust (Shoah) survivors and other victims of Nazi persecution, including special pensions; social security benefits to non-residents; special funds; and the use of assets from heirless property. We encourage states to consider these and other alternative national actions, and we further encourage them to find ways to address survivors' needs.

Immovable (Real) Property

Noting that the protection of property rights is an essential component of a democratic society and the rule of law,

Acknowledging the immeasurable damage sustained by individuals and Jewish communities as a result of wrongful property seizures during the Holocaust (Shoah),

Recognizing the importance of restituting or compensating Holocaust-related confiscations made during the Holocaust era between 1933-45 and as its immediate consequence,

Noting the importance of recovering communal and religious immovable property in reviving and enhancing Jewish life, ensuring its future, assisting the welfare needs of Holocaust (Shoah) survivors, and fostering the preservation of Jewish cultural heritage,

1. We urge, where it has not yet been effectively achieved, to make every effort to provide for the restitution of former Jewish communal and religious property by either in rem restitution or compensation, as may be appropriate; and

2. We consider it important, where it has not yet been effectively achieved, to address the private property claims of Holocaust (Shoah) victims concerning immovable (real) property of former owners, heirs or successors, by either in rem restitution or compensation, as may be appropriate, in a fair, comprehensive and nondiscriminatory manner consistent with relevant national law and regulations, as well as international agreements. The process of such restitution or compensation should be expeditious, simple, accessible, transparent, and neither burdensome nor costly to the individual claimant; and we note other positive legislation in this area.

3. We note that in some states heirless property could serve as a basis for addressing the material necessities of needy Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah), its causes and consequences.

4. We recommend, where it has not been done, that states participating in the Prague Conference consider implementing national programs to address immovable (real) property confiscated by Nazis, Fascists and their collaborators. If and when established by the Czech Government, the European Shoah Legacy Institute in Terezin shall facilitate an intergovernmental effort to develop non-binding guidelines and best practices for restitution and compensation of wrongfully seized immovable property to be issued by the one-year anniversary of the Prague Conference, and no later than June 30, 2010, with due regard for relevant national laws and regulations as well as international agreements, and noting other positive legislation in this area.

Jewish Cemeteries and Burial Sites

Recognizing that the mass destruction perpetrated during the Holocaust (Shoah) put an end to centuries of Jewish life and included the extermination of thousands of Jewish communities in much of Europe, leaving the graves and cemeteries of generations of Jewish families and communities unattended, and

Aware that the genocide of the Jewish people left the human remains of hundreds of thousands of murdered Jewish victims in unmarked mass graves scattered throughout Central and Eastern Europe,

We urge governmental authorities and municipalities as well as civil society and competent institutions to ensure that these mass graves are identified and protected and that the Jewish cemeteries are demarcated, preserved and kept free from desecration, and where appropriate under national legislation could consider declaring these as national monuments.

Nazi-Confiscated and Looted Art

Recognizing that art and cultural property of victims of the Holocaust (Shoah) and other victims of Nazi persecution was confiscated, sequestered and spoliated, by the Nazis, the Fascists and their collaborators through various means including theft, coercion and confiscation, and on grounds of relinquishment as well as forced sales and sales under duress, during the Holocaust era between 1933-45 and as an immediate consequence, and

Recalling the Washington Conference Principles on Nazi-Confiscated Art as endorsed at the Washington Conference of 1998, which enumerated a set of voluntary commitments for governments that were based upon the moral principle that art and cultural property confiscated by the Nazis from Holocaust (Shoah) victims should be returned to them or their heirs, in a manner consistent with national laws and regulations as well as international obligations, in order to achieve just and fair solutions,

1. We reaffirm our support of the Washington Conference Principles on Nazi-Confiscated Art and we encourage all parties including public and private institutions and individuals to apply them as well,
2. In particular, recognizing that restitution cannot be accomplished without knowledge of potentially looted art and cultural property, we stress the importance for all stakeholders to continue and support intensified systematic provenance research, with due regard to legislation, in both public and private archives, and where relevant to make the results of this research, including ongoing updates, available via the Internet, with due regard to privacy rules and regulations. Where it has not already been done, we also recommend the establishment of mechanisms to assist claimants and others in their efforts,
3. Keeping in mind the Washington Conference Principles on Nazi-Confiscated Art, and considering the experience acquired since the Washington Conference, we urge all stakeholders to ensure that their legal systems or alternative processes, while taking into account the different legal traditions, facilitate just and fair solutions with regard to Nazi-confiscated and looted art, and to make certain that claims to recover such art are resolved expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties. Governments should consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property, in order

to achieve just and fair solutions; as well as alternative dispute resolution, where appropriate under law.

Judaica and Jewish Cultural Property

Recognizing that the Holocaust (Shoah) also resulted in the wholesale looting of Judaica and Jewish cultural property including sacred scrolls, synagogue and ceremonial objects as well as the libraries, manuscripts, archives and records of Jewish communities, and

Aware that the murder of six million Jews, including entire communities, during the Holocaust (Shoah) meant that much of this historical patrimony could not be reclaimed after World War II, and

Recognizing the urgent need to identify ways to achieve a just and fair solution to the issue of Judaica and Jewish cultural property, where original owners, or heirs of former original Jewish owners, individuals or legal persons cannot be identified, while acknowledging there is no universal model,

1. We encourage and support efforts to identify and catalogue these items which may be found in archives, libraries, museums and other government and non-government repositories, to return them to their original rightful owners and other appropriate individuals or institutions according to national law, and to consider a voluntary international registration of Torah scrolls and other Judaica objects where appropriate, and
2. We encourage measures that will ensure their protection, will make appropriate materials available to scholars, and where appropriate and possible in terms of conservation, will restore sacred scrolls and ceremonial objects currently in government hands to synagogue use, where needed, and will facilitate the circulation and display of such Judaica internationally by adequate and agreed upon solutions.

Archival Materials

Whereas access to archival documents for both claimants and scholars is an essential element for resolving questions of the ownership of Holocaust-era assets and for advancing education and research on the Holocaust (Shoah) and other Nazi crimes,

Acknowledging in particular that more and more archives have become accessible to researchers and the general public, as witnessed by the Agreement reached on the archives of the International Tracing Service (ITS) in Bad Arolsen, Germany,

Welcoming the return of archives to the states from whose territory they were removed during or as an immediate consequence of the Holocaust (Shoah),

We encourage governments and other bodies that maintain or oversee relevant archives to make them available to the fullest extent possible to the public and researchers in accordance with the guidelines of the International Council on Archives, with due regard to national legislation, including provisions on privacy and data protection, while also taking into account the special circumstances created by the Holocaust era and the needs of the survivors and their families, especially in cases concerning documents that have their origin in Nazi rules and laws.

Education, Remembrance, Research and Memorial Sites

Acknowledging the importance of education and remembrance about the Holocaust (Shoah) and other Nazi crimes as an eternal lesson for all humanity,

Recognizing the preeminence of the Stockholm Declaration on Holocaust Education, Remembrance and Research of January 2000,

Recognizing that the Universal Declaration of Human Rights was drafted in significant part in the realization of the horrors that took place during the Holocaust, and further recognizing the U.N. Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling the action of the United Nations and of other international and national bodies in establishing an annual day of Holocaust remembrance,

Saluting the work of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF) as it marks its tenth anniversary, and encouraging the States participating in the Prague Conference to cooperate closely with the Task Force, and

Repudiating any denial of the Holocaust (Shoah) and combating its trivialization or diminishment, while encouraging public opinion leaders to stand up against such denial, trivialization or diminishment,

1. We strongly encourage all states to support or establish regular, annual ceremonies of remembrance and commemoration, and to preserve memorials and other sites of memory and martyrdom. We consider it important to include all individuals and all nations who were victims of the Nazi regime in a worthy commemoration of their respective fates,
2. We encourage all states as a matter of priority to include education about the Holocaust (Shoah) and other Nazi crimes in the curriculum of their public education systems and to provide funding for the training of teachers and the development or procurement of the resources and materials required for such education.
3. Believing strongly that international human rights law reflects important lessons from history, and that the understanding of human rights is essential for confronting and preventing all forms of racial, religious or ethnic discrimination, including Anti-Semitism, and Anti-Romani sentiment, today we are committed to including human rights education into the curricula of our educational systems. States may wish to consider using a variety of additional means to support such education, including heirless property where appropriate.
4. As the era is approaching when eye witnesses of the Holocaust (Shoah) will no longer be with us and when the sites of former Nazi concentration and extermination camps, will be the most important and undeniable evidence of the tragedy of the Holocaust (Shoah), the significance and integrity of these sites including all their movable and immovable remnants, will constitute a fundamental value regarding all the actions concerning these sites, and will become especially important for our civilization including, in particular, the education of future generations. We, therefore, appeal for broad support of all conservation efforts in order to save those remnants as the testimony of the crimes committed there to the memory and warning for the generations to come and where appropriate to consider declaring these as national monuments under national legislation.

Future Action

Further to these ends we welcome and are grateful for the Czech Government's initiative to establish the European Shoah Legacy Institute in Terezin (Terezin Institute) to follow up on the work of the Prague Conference and the Terezin Declaration. The Institute will serve as a voluntary forum for countries, organisations representing Holocaust (Shoah) survivors and other Nazi victims, and NGOs to note and promote developments in the areas covered by the Conference and this Declaration, and to develop and share best practices and guidelines in these areas and as indicated in paragraph four of Immovable (Real) Property. It will operate within the network of other national, European and international institutions, ensuring that duplicative efforts are avoided, for example, duplication of the activities of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF).

Following the conference proceedings and the Terezin Declaration, the European Commission and the Czech Presidency have noted the importance of the Institute as one of the instruments in the fight against racism, xenophobia and anti-Semitism in Europe and the rest of the world, and have called for other countries and institutions to support and cooperate with this Institute.

To facilitate the dissemination of information, the Institute will publish regular reports on activities related to the Terezin Declaration. The Institute will develop websites to facilitate sharing of information, particularly in the fields of art provenance, immovable property, social welfare needs of survivors, Judaica, and Holocaust education. As a useful service for all users, the Institute will maintain and post lists of websites that Participating States, organizations representing Holocaust (Shoah) survivors and other Nazi victims and NGOs sponsor as well as a website of websites on Holocaust issues.

We also urge the States participating in the Prague Conference to promote and disseminate the principles in the Terezin Declaration, and encourage those states that are members of agencies, organizations and other entities which address educational, cultural and social issues around the world, to help disseminate information about resolutions and principles dealing with the areas covered by the Terezin Declaration.

A more complete description of the Czech Government's concept for the Terezin Institute and the Joint Declaration of the European Commission and the Czech EU Presidency can be found on the website for the Prague Conference and will be published in the conference proceedings.

List of States

1. Albania
2. Argentina
3. Australia
4. Austria
5. Belarus
6. Belgium
7. Bosnia and Herzegovina
8. Brazil
9. Bulgaria
10. Canada
11. Croatia
12. Cyprus
13. Czech Republic
14. Denmark
15. Estonia
16. Finland
17. France
18. FYROM
19. Germany
20. Greece
21. Hungary
22. Ireland
23. Israel
24. Italy
25. Latvia
26. Lithuania
27. Luxembourg
28. Malta
29. Moldova
30. Montenegro
31. The Netherlands
32. Norway
33. Poland
34. Portugal
35. Romania
36. Russia
37. Slovakia
38. Slovenia
39. Spain
40. Sweden
41. Switzerland
42. Turkey
43. Ukraine
44. United Kingdom
45. United States
46. Uruguay

The Holy See (*observer*)
Serbia (*observer*)

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

In Re:

HOLOCAUST VICTIM ASSETS LITIGATION

) Case No. 09-160 (ERK)(JO)
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NOTICE OF APPEARANCE OF JEFFREY M. SMITH

PLEASE TAKE NOTICE that Jeffrey M. Smith hereby enters his appearance on behalf of non-party the United States of America. Mr. Smith's address for regular U.S. mail is:

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October 26, 2009

Respectfully submitted,

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