

UNITED STATES DISTRICT COURT  
or  
EASTERN DISTRICT OF NEW YORK

CV 96 4849

BARTELS, J.

CIVIL ACTION NO.

GO, M.

COMPLAINT

-----X  
GIZELLA WEISSHAUS, on  
behalf of herself and all  
other persons of all  
national origins, ethnic  
groups, races, creeds and  
colors, similarly situated  
as victims and survivors of  
the Nazi Holocaust,  
Plaintiffs

- against -

TRIAL BY JURY DEMANDED

UNION BANK OF SWITZERLAND,  
SWISS BANK CORPORATION,  
SWISS BANK CORPORATION  
a/k/a SWISS NATIONAL BANK,  
BANKING INSTITUTIONS # 1 -  
100 and JOHN DOES # 1 -  
100,

Defendants.

-----X

DM

S.I.

Plaintiff GIZELLA WEISSHAUS (hereinafter "WEISSHAUS"),  
individually and as a representative on behalf of all other  
persons of all national origins, ethnic groups, races,  
creeds and colors, similarly situated as victims and  
survivors of the Nazi Holocaust, by her attorneys FAGAN &  
ASSOCIATES and DAN L. JOHNSTON ESQ., complaining of the  
defendant(s) herein, respectfully show(s) to this Court, and  
allege as follows:

THE PARTIES, JURISDICTION & VENUE

1. That the named plaintiff WEISSHAUS was and still is a citizen of the United States, resident of the City and State of New York, and resides within this District.
2. That the named plaintiff WEISSHAUS was a survivor of

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1 the Nazi Holocaust.

- 2 3. That the above entitled action is brought by plaintiff  
3 WEISSHAUS on behalf of herself and on behalf of all  
4 other persons of all national origins, ethnic groups,  
5 races, creeds and colors, similarly situated as victims  
6 and survivors of the Nazi Holocaust, who themselves or  
7 their blood relatives, (i) had items of personal  
8 property, including but not limited to the items of  
9 jewelry, household furnishing and family heirlooms made  
10 of diamonds, gold, silver, pearls and other precious  
11 metals and jewels, as well as the gold from the teeth  
12 taken from them and "sold" and/or transferred by the  
13 Nazis to Swiss and other banks and (ii) who had monies,  
14 jewelry and other valuable items of personal property  
15 deposited in various Swiss banks for safe keeping to be  
16 retrieved after World War II.
- 17 4. That the exact number of the members of this class, as  
18 identified above, is not known to plaintiff WEISSHAUS,  
19 but it is estimated that the class is so numerous that  
20 joinder of individual members herein is impracticable.
- 21 5. That there are questions of law and/or fact common to  
22 the class which predominate over any questions  
23 affecting only individual members.
- 24 6. That the claims of plaintiff WEISSHAUS, who is  
25 representative of the class, are typical of the claims  
26 of the entire class, in that the claims of all members  
27 of the class, including plaintiff WEISSHAUS depend on a  
28 showing of the acts and/or omissions of defendants, as

1 described below, which give plaintiff WEISSHAUS  
2 individual and as the class representative, the right  
3 to the relief sought herein.

- 4 7. That there is no conflict known to plaintiff WEISSHAUS,  
5 the class representative, as between herself as the  
6 named plaintiff and the other members of the class with  
7 respect to this action, or with respect to the claims  
8 for relief set forth herein.
- 9 8. That plaintiff WEISSHAUS is able to and will fairly and  
10 adequately protect the interests of the class.
- 11 9. That a class action is superior to the other available  
12 methods for fair and efficient adjudication of the  
13 controversy.
- 14 10. That at all times hereinafter mentioned, the defendants  
15 are (i) Banking Institutions, including public,  
16 private, quasi-governmental and governmental banks,  
17 and/or their predecessors, successors and/or assigns,  
18 and their designated representatives, and (ii) other  
19 institutions and/or persons to which/whom the assets  
20 and property of the class members were transferred  
21 and/or in which they are/were held, which have and/or  
22 do conduct and/or transact business within the City and  
23 State of New York, and within this District.
- 24 11. That at all times hereinafter mentioned, the actions  
25 which give rise to the within causes of action occurred  
26 in and/or have an effect on the citizens of the United  
27 States, including the named plaintiff WEISSHAUS and the  
28 other class members, within this District.

1 12. That at all times hereinafter mentioned, jurisdiction  
2 of the Court is conferred by virtue of, among other  
3 things:

- 4 a. under 28 USC § 1331 as the acts complained of  
5 herein have an affect on the Constitution, laws  
6 and treaties of the United States;
- 7 b. the acts complained of herein effect the economy  
8 of the United States;
- 9 c. the acts complained of herein involve the  
10 violation of international law;
- 11 d. the acts complained of herein involved rights in  
12 property taken in violation of due process,  
13 Federal common law and/or international law;
- 14 e. the acts complained of herein violate  
15 international banking laws;
- 16 f. the acts complained of herein involved claims  
17 which arise out of continuing misrepresentations,  
18 deceit and/or interference with the class members  
19 personal property rights;
- 20 g. the amount in controversy exceeds \$50,000,  
21 exclusive of interest and costs.

22 13. That at all times hereinafter mentioned, venue of this  
23 action is proper under 28 USC § 1391 (a) in the United  
24 States District Court for the Eastern District of New  
25 York, insofar as some of the acts which gives rise to  
26 the Complaint affect plaintiff WEISSHAUS individually  
27 and the class representative, within this District and  
28 defendants have solicited, transacted, conducted and/or

1                   conduct within this District.

2  
3                   **AS AND FOR A FIRST CAUSE OF ACTION - ACCOUNTING**

- 4                   14. That the plaintiffs repeat and reallege each and every  
5                   allegation set forth above as if the same were set  
6                   forth more fully and at length herein.
- 7                   15. That at all times hereinafter mentioned, plaintiff  
8                   WEISSHAUS and the class members are/were victims and/or  
9                   survivors of the Nazi holocaust.
- 10                  16. That at all times hereinafter mentioned, plaintiff  
11                  class representative WEISSHAUS was a member of a  
12                  family<sup>1</sup> which included parents, grandparents, aunts,  
13                  uncles, siblings and cousins.
- 14                  17. That at all times hereinafter mentioned, the class  
15                  members were members of families including parents,  
16                  grandparents, aunts, uncles, siblings and cousins.
- 17                  18. That at all times hereinafter mentioned, the WEISSHAUS  
18                  Family and individual class member families are  
19                  collectively referred to as "Class Members' Families".
- 20                  19. That at all times hereinafter mentioned, during the  
21                  period from 1933 to 1945 and specifically during the  
22                  reign of the notorious international war criminal Adolf

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<sup>1</sup> Plaintiff Gizella Weissshaus' (See a copy of plaintiffs Birth Certificate attached hereto as Exhibit 1) family consisted of her mother Sarah Halpert and her father Eugene Stern (See Marriage Certificate attached hereto as Exhibit 2), and their parents, as well as brothers, sisters and their families. Throughout this complaint the reference to the WEISSHAUS' Family shall include the Halpert and Stern families, who were exterminated by the Nazis. (See photographs of WEISSHAUS' Family are attached hereto collectively as Exhibit 3.)

1 Hitler and his criminal Nazi Government (hereinafter  
2 the "Subject Period"), plaintiff WEISSHAUS, along with  
3 the Class Members' Families, were forcibly rounded up  
4 and placed into various forms of detention such as in  
5 forced labor camps, ghettos and/or death camps, all of  
6 which was in contravention of their human and  
7 international rights.

8 20. That at all times hereinafter mentioned, during the  
9 Subject Period, plaintiff WEISSHAUS's Family, along  
10 with the Class Members' Families, attempted to and/or  
11 did in fact secret and/or deposit monies, jewelry and  
12 other items of valuable personal property in the  
13 defendants Swiss Banks, so that said monies, jewelry  
14 and other items of valuable personal property could be  
15 reclaimed by them or their survivors, the plaintiff  
16 class members herein, after they escaped the Nazi  
17 Government or after the Nazi Government's reign ended.

18 21. That at all times hereinafter mentioned, during the  
19 Subject Period, prior to and/or at the time of their  
20 forced internment plaintiff WEISSHAUS, and plaintiff  
21 Class Members' Families, were stripped of their  
22 personal property, including items of jewelry,  
23 household furnishing and family heirlooms of diamonds,  
24 gold, silver, pearls and other precious metals and  
25 jewels, and/or had same taken from them forcibly.

26 22. That at all times hereinafter mentioned, during the  
27 Subject Period, after the aforesaid forced internment,  
28 plaintiff WEISSHAUS, along with the entire Class

1 Members' Families, were designated for "reassignment"  
2 to any one of a number of the Nazi Government's Death,  
3 Extermination and/or Labor Camps and/or Ghettos.

4 23. That at all times hereinafter mentioned, at the time of  
5 their aforesaid designation for "reassignment" to the  
6 aforesaid Nazi Government's Death, Extermination and/or  
7 Labor Camps and/or Ghettos, plaintiff WEISSHAUS, along  
8 with the other plaintiff Class Members' Families, had  
9 secreted upon their persons and/or in their clothing,  
10 items of jewelry, household furnishing and family  
11 heirlooms made of diamonds, gold, silver, pearls and  
12 other precious metals and jewels.

13 24. That at all times hereinafter mentioned, at the time of  
14 their aforesaid designation for "reassignment" to the  
15 Nazi Death, Extermination and/or Labor Camp, which were  
16 run by during the Subject Period, plaintiff WEISSHAUS'  
17 Family, along with various of the Class Members  
18 Families, had certain gold filling in their teeth.

19 25. That at all times hereinafter mentioned, plaintiffs  
20 personally had sewn into the clothing of her garments,  
21 which were stripped from her/them, upon her/their  
22 arrival at the aforesaid Nazi Death, Extermination  
23 and/or Labor Camps and/or Ghettos, jewelry and other  
24 family heirlooms made of gold, silver and diamonds.

25 26. That at all times hereinafter mentioned, plaintiffs  
26 were the survivors of the plaintiff Class Members  
27 Families all of whom were subjected to human rights  
28 violations, including but not limited to extermination,

1 at the aforesaid Nazi Death, Extermination and/or Labor  
2 Camps and/or Ghettos.

3 27. That at all times hereinafter mentioned, after the end  
4 of World War II, plaintiff WEISSHAUS was a displaced  
5 person with Displaced Persons or Refugee Identity Card  
6 No. 999.303 A and International Refugee Organization  
7 No. 60698 (*See collectively attached Exhibit 4*).

8 28. That at all times hereinafter mentioned, plaintiff  
9 WEISSHAUS, as well as the other class members became  
10 citizens of the United States of America and other  
11 nations of the world.

12 29. That at all times hereinafter mentioned, since the end  
13 of World War II, plaintiff WEISSHAUS personally and  
14 other class members have sought to obtain the return of  
15 their personal property, including the gold, diamonds,  
16 jewelry, pearls and other precious metals and jewels,  
17 which plaintiff WEISSHAUS' Family and the Class  
18 Members' Families deposited with defendant Swiss Banks.

19 30. That at all times hereinafter mentioned, plaintiff  
20 WEISSHAUS and other class members have been unable to  
21 secure the return of personal property, including the  
22 gold, diamonds, jewelry, pearls and other precious  
23 metals and jewels, which plaintiff WEISSHAUS' Family  
24 and other Class Members' Families deposited with  
25 defendant Swiss Banks. (*See July 22, 1996 letter from*  
26 *the Ombudsman of Swiss Banks attached as Exhibit 5*).

27 31. That at all times hereinafter mentioned, since the end  
28 of World War II, the gold, diamonds, jewelry, pearls



1 and other precious metals and jewels, and the gold  
2 which was removed from victims teeth, by the Nazi  
3 Government, has never been accounted for and has never  
4 been returned to plaintiff WEISSHAUS or the other class  
5 members from whom it was taken.

6 32. That at all times relevant hereto, and upon information  
7 and belief, during the Subject Period, the defendant  
8 UNION BANK OF SWITZERLAND, including its predecessor or  
9 affiliated institutions, received, took possession of,  
10 exerted control over, purchased, converted, transferred  
11 and/or otherwise acquired and/or was the depository for  
12 the aforescribed personal property, including but not  
13 limited to the items of jewelry, household furnishing  
14 and family heirlooms made of diamonds, gold, silver,  
15 pearls and other precious metals and jewels, as well as  
16 the gold from the teeth, of plaintiff WEISSHAUS'  
17 Family and the entire Class Members' Families, through  
18 certain transactions and/or agreements with the  
19 international war criminal Adolf Hitler and the  
20 criminal Nazi Government during World War II, and all  
21 of which was/were done in violation of the due process  
22 and human rights of plaintiff Class Members Families.

23 33. That at all times relevant hereto, and upon information  
24 and belief, during the Subject Period, the defendant  
25 UNION BANK OF SWITZERLAND, including its predecessors  
26 or affiliated institutions or assigns, received, took  
27 possession of, exerted control over, and/or was the  
28 depository for the aforescribed personal property,

1 including but not limited to the items of jewelry,  
2 household furnishing and family heirlooms made of  
3 diamonds, gold, silver, pearls and other precious  
4 metals and jewels, which were deposited for safe  
5 keeping by the plaintiff WEISSHAUS' Family and the  
6 entire Class Members' Families so that same could be  
7 retrieved and/or recovered after the end of World War  
8 II or the end of the Nazi Government.

- 9 34. That at all times relevant hereto, and upon information  
10 and belief, during the Subject Period, the defendant  
11 SWISS BANK CORPORATION a/k/a SWISS NATIONAL BANK,  
12 including its predecessor or affiliated institutions or  
13 assigns, received, took possession of, exerted control  
14 over, purchased, converted, transferred and/or  
15 otherwise acquired and/or was the depository for the  
16 aforescribed personal property, including but not  
17 limited to the items of jewelry, household furnishing  
18 and family heirlooms made of diamonds, gold, silver,  
19 pearls and other precious metals and jewels, as well as  
20 the gold from the teeth, of plaintiff WEISSHAUS' Family  
21 and the entire Class Members' Families, through certain  
22 transactions and/or agreements with the international  
23 war criminal Adolf Hitler and the criminal Nazi  
24 Government during World War II, and all of which  
25 was/were done in violation of the due process and other  
26 human rights of the plaintiff Class Members Families.
- 27 35. That at all times relevant hereto, and upon information  
28 and belief, during the Subject Period, the defendant

1 SWISS BANK CORPORATION a/k/a SWISS NATIONAL BANK,  
2 including its predecessor or affiliated institutions or  
3 assigns, received, took possession of, exerted control  
4 over, and/or was the depository for the aforescribed  
5 personal property, including but not limited to the  
6 items of jewelry, household furnishing and family  
7 heirlooms made of diamonds, gold, silver, pearls and  
8 other precious metals and jewels, which were deposited  
9 for safe keeping by the plaintiff WEISSHAUS' Family and  
10 the entire Class Members' Families so that same could  
11 be retrieved and/or recovered after the end of World  
12 War II or the end of the Nazi Government.

13 36. That at all times relevant hereto, and upon information  
14 and belief, during the Subject Period, the defendant  
15 BANKING INSTITUTIONS # 1 - 100 (the names being  
16 fictitious and solely for designation purposes until  
17 the actual names are obtained through discovery),  
18 including their predecessors, affiliated institutions,  
19 successors or assigns, received, took possession of,  
20 exerted control over, purchased, converted, transferred  
21 and/or otherwise acquired and/or were the depositories  
22 for the aforescribed personal property, including but  
23 not limited to the items of jewelry, household  
24 furnishing and family heirlooms made of diamonds, gold,  
25 silver, pearls and other precious metals and jewels, as  
26 well as the gold from the teeth, of plaintiff  
27 WEISSHAUS' Family and the entire Class Members'  
28 Families, through certain transactions and/or

1 agreements with the international war criminal Adolf  
2 Hitler and the criminal Nazi Government during World  
3 War II, and all of which was/were done in violation of  
4 the due process and other human rights of the plaintiff  
5 Class Members Families.

6 37. That at all times relevant hereto, and upon information  
7 and belief, during the Subject Period, the defendants  
8 BANKING INSTITUTIONS # 1 - 100 (the names being  
9 fictitious and solely for designation purposes until  
10 the actual names are obtained through discovery),  
11 including its/their predecessors, successors,  
12 affiliated institutions or assigns, received, took  
13 possession of, exerted control over, and/or were the  
14 depositories for the aforescribed personal property,  
15 including but not limited to the items of jewelry,  
16 household furnishing and family heirlooms made of  
17 diamonds, gold, silver, pearls and other precious  
18 metals and jewels, which were deposited for safe  
19 keeping by the plaintiff WEISSHAUS' Family and the  
20 entire Class Members' Families so that same could be  
21 retrieved and/or recovered after the end of World War  
22 II or the end of the Nazi Government.

23 38. That at all times relevant hereto, and upon information  
24 and belief, during the Subject Period, the defendants  
25 JOHN DOES # 1 - 100 (the names being fictitious and  
26 solely for designation purposes until the actual names  
27 are obtained through discovery), including their  
28 predecessors, successors or assigns, received, took

1 possession of, exerted control over, purchased,  
2 converted, transferred and/or otherwise acquired the  
3 aforescribed personal property, including but not  
4 limited to the items of jewelry, household furnishing  
5 and family heirlooms made of diamonds, gold, silver,  
6 pearls and other precious metals and jewels, as well as  
7 the gold from the teeth, of plaintiff WEISSHAUS' Family  
8 and the entire Class Members' Families, through certain  
9 transactions and/or agreements emanating from the  
10 international war criminal Adolf Hitler and the  
11 criminal Nazi Government during World War II, and all  
12 of which was/were done in violation of due process and  
13 other human rights of plaintiff Class Members Families.

14 39. That at all times relevant hereto, and upon information  
15 and belief, during the Subject Period, the defendants  
16 JOHN DOES # 1 - 100 (the names being fictitious and  
17 solely for designation purposes until the actual names  
18 are obtained through discovery), including its/their  
19 predecessors, successors or assigns, received, took  
20 possession of, exerted control over, purchased,  
21 converted, transferred and/or otherwise acquired the  
22 aforescribed personal property, including but not  
23 limited to the items of jewelry, household furnishing  
24 and family heirlooms made of diamonds, gold, silver,  
25 pearls and other precious metals and jewels, which had  
26 been deposited for safe keeping with defendant Banks by  
27 the plaintiff WEISSHAUS' Family and the entire Class  
28 Members' Families so that same could be retrieved

1 and/or recovered after the end of World War II or the  
2 end of the Nazi Government.

3 40. That at all times relevant hereto, and upon information  
4 and belief, the defendants became the *de-facto* and/or  
5 constructive trustees in possession of the  
6 aforescribed personal property, including but not  
7 limited to the items of jewelry, household furnishing  
8 and family heirlooms made of diamonds, gold, silver,  
9 pearls and other precious metals and jewels, as well as  
10 the gold from the teeth, of plaintiff WEISSHAUS' Family  
11 and the entire Class Members' Families, through certain  
12 transactions and/or agreements with and/or emanating  
13 from the international war criminal Adolf Hitler and  
14 the criminal Nazi Government during World War II, and  
15 all of which were done in violation of due process and  
16 other human rights of plaintiff Class Members Families.

17 41. That at all times relevant hereto, and upon information  
18 and belief, the defendants became the *de-facto* and/or  
19 constructive trustees in possession of the  
20 aforescribed personal property, including but not  
21 limited to the items of jewelry, household furnishing  
22 and family heirlooms made of diamonds, gold, silver,  
23 pearls and other precious metals and jewels, which had  
24 been deposited for safe keeping with defendant Banks by  
25 the plaintiff WEISSHAUS' Family and the entire Class  
26 Members' Families so that same could be retrieved  
27 and/or recovered after the end of World War II or the  
28 end of the Nazi Government.

1 42. That as a result of defendants acts as aforesaid, the  
2 plaintiff GIZELLA WEISSHAUS, on behalf of herself and  
3 all other persons of all national origins, ethnic  
4 groups, races, creeds and colors, similarly situated as  
5 victims and survivors of the Nazi Holocaust, has been  
6 damaged and demands:

7 a. an immediate accounting including specific  
8 identification and disclosure of all dormant  
9 accounts established during the Subject Period and  
10 into which the aforescribed personal property,  
11 including but not limited to the items of jewelry,  
12 household furnishing and family heirlooms made of  
13 diamonds, gold, silver, pearls and other precious  
14 metals and jewels, which had been deposited for  
15 safe keeping with defendant Banks by the plaintiff  
16 WEISSHAUS' Family and the entire Class Members'  
17 Families so that same could be retrieved and/or  
18 recovered after the end of World War II or the end  
19 of the Nazi Government;

20 b. an immediate accounting including the specific  
21 identification and disclosure of all accounts,  
22 safety deposit boxes and transactions into,  
23 through and/or by which gold bullion, currency,  
24 jewels, precious gems, monies and other items of  
25 value were deposited and/or transferred, and which  
26 was related to the aforescribed personal  
27 property, including but not limited to the items  
28 of jewelry, household furnishing and family

1 heirlooms made of diamonds, gold, silver, pearls  
2 and other precious metals and jewels, as well as  
3 the gold from the teeth, of plaintiff WEISSHAUS'  
4 Family and the entire Class Members' Families,  
5 through certain transactions and/or agreements  
6 with and/or emanating from the international war  
7 criminal Adolf Hitler and the criminal Nazi  
8 Government during World War II, and all of which  
9 was/were done in violation of the due process  
10 rights and human rights of the plaintiff Class  
11 Members Families.  
12

13 **AS AND FOR A SECOND CAUSE OF ACTION - CONVERSION**

- 14 43. That the plaintiffs repeat and reallege each and every  
15 allegation set forth above as if the same were set  
16 forth more fully and at length herein.
- 17 44. That at all times hereinafter mentioned, the defendants  
18 acts as designated above and the failure to account for  
19 and/or return to plaintiff WEISSHAUS and the Class  
20 Members their aforesaid personal property, all of which  
21 was removed and/or taken in violation of, among other  
22 things, due process of law, international laws,  
23 international banking laws, and human rights, and  
24 constitutes a wrongful conversion.
- 25 45. That as a result of defendants acts as aforesaid, the  
26 plaintiff GIZELLA WEISSHAUS, on behalf of herself and  
27 all other persons of all national origins, ethnic  
28 groups, races, creeds and colors, similarly situated as



1 victims and survivors of the Nazi Holocaust, has been  
2 damaged and demands judgment against the defendants  
3 jointly, severally and/or in the alternative in sum of  
4 TEN BILLION DOLLARS (\$10,000,000,000.00), plus punitive  
5 damages, together with costs of this action.  
6


7 **AS AND FOR A THIRD CAUSE OF ACTION - UNJUST ENRICHMENT**

- 8 46. That the plaintiffs repeat and reallege each and every  
9 allegation set forth above as if the same were set  
10 forth more fully and at length herein.
- 11 47. That at all times hereinafter mentioned, by virtue of  
12 the defendants acts as designated above and the failure  
13 to account for and/or return to plaintiff WEISSHAUS and  
14 the Class Members their aforesaid personal property,  
15 all of which was removed and/or taken in violation of,  
16 among other things, due process of law, international  
17 laws, international banking laws, and human rights, the  
18 defendants have been unjustly enriched.
- 19 48. That as a result of defendants acts as aforesaid, the  
20 plaintiff GIZELLA WEISSHAUS, on behalf of herself and  
21 all other persons of all national origins, ethnic  
22 groups, races, creeds and colors, similarly situated as  
23 victims and survivors of the Nazi Holocaust, has been  
24 damaged and demands judgment against the defendants  
25 jointly, severally and/or in the alternative in sum of  
26 TEN BILLION DOLLARS (\$10,000,000,000.00), plus punitive  
27 damages, together with costs of this action.  
28

1                   WHEREFORE, plaintiffs GIZELLA WEISSHAUS, on behalf  
2 of herself and all other persons of all national origins,  
3 ethnic groups, races, creeds and colors, similarly situated  
4 as victims and survivors of the Nazi Holocaust, demands  
5 judgement jointly severally and/or in the alternative  
6 against Defendants as follows (i) on the First Cause of  
7 Action for an Accounting and Full Disclosure as set forth in  
8 ¶¶ 42 a. & b. above, (ii) on the Second Cause of Action -  
9 Conversion - for damages in the sum of TEN BILLION DOLLARS  
10 (\$10,000,000,000.00), plus punitive damages, together with  
11 costs of this action; and (iii) on the Third Cause of Action  
12 - Unjust Enrichment - for damages in the sum of TEN BILLION  
13 DOLLARS (\$10,000,000,000.00), plus punitive damages,  
14 together with costs of this action.

15  
16 Dated:       October 1, 1996  
17               New York, NY

18  
19                                   FAGAN & ASSOCIATES

20  
21 By:   
22                                   Edward D. Fagan (EF-4125)  
23                                   26 Broadway, 21st Floor  
24                                   New York, NY 10004  
25                                   Tel. (212) 293-1900

26  
27                                   - and -

28  
29                                   DAN L. JOHNSTON ESQ.  
30                                   26 Broadway, 21st Floor  
31                                   New York, NY 10004  
32                                   Tel. (212) 292-0095

33  
34                                   Attorneys for Plaintiffs  
35

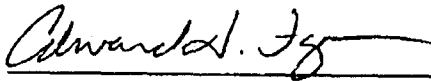
V E R I F I C A T I O N

I have read the foregoing Verified Complaint and I know the contents thereof. Except as to statements and facts based upon information and belief the statements contained therein are true to the best of my knowledge information and belief and are primarily based upon my own experiences and investigations.



Gizella Weisshaus

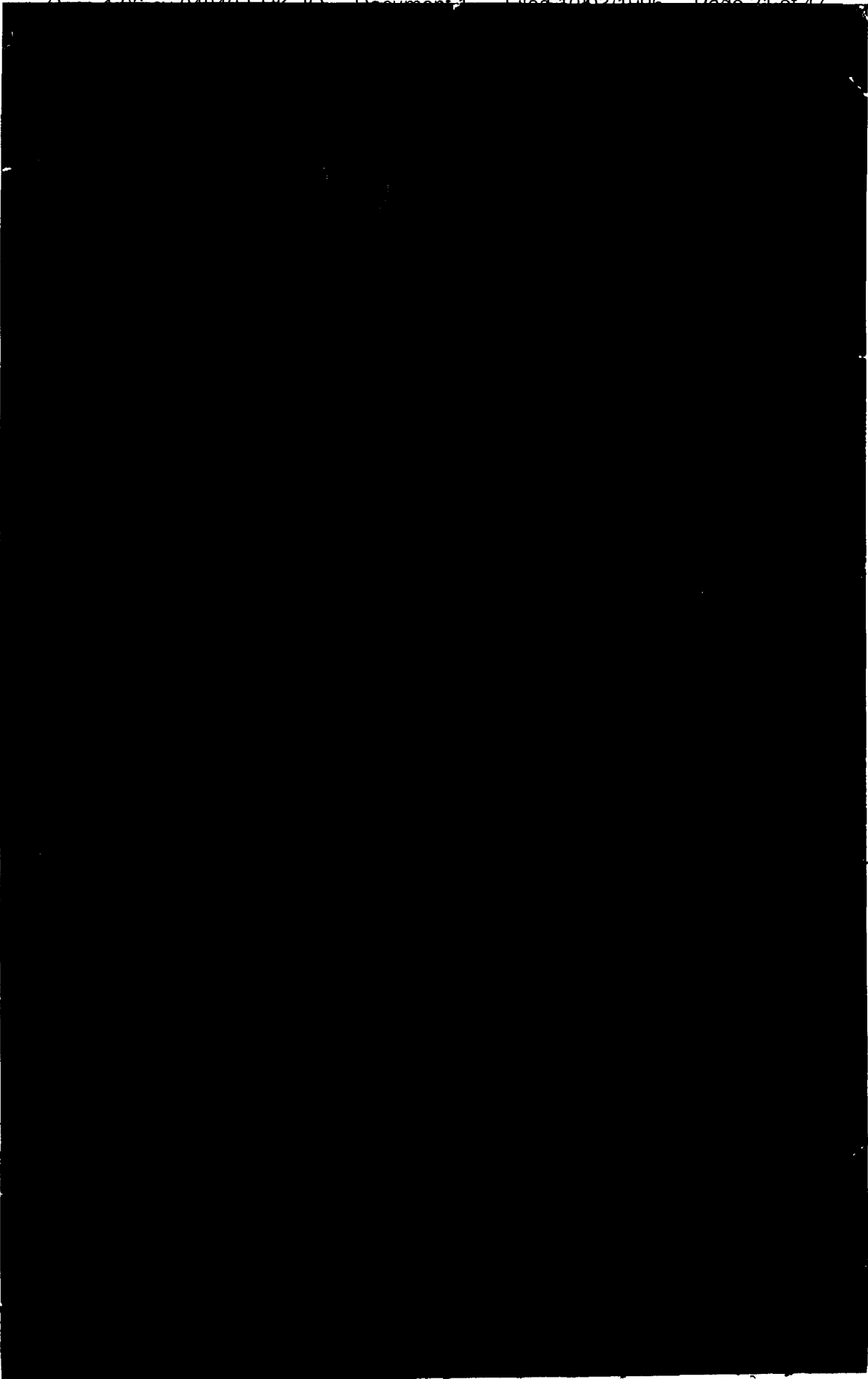
Sworn to and/or subscribed before me on this 1st day of October, 1996.



(Notary Seal)

Edward D. Fagan  
Notary Public of State of New York  
County of New York  
Registration # 02FA5053738  
Commission Expires 12/26/97

**EXHIBIT 1**



# "TARGEM" TRANSLATION SERVICE

- OFFICIAL TRANSLATION OF FOREIGN LANGUAGES -

CITY OFFICE:  
1731 51st STREET  
BROOKLYN, N.Y. 11204  
Tel.: 854-2848

OUT OF TOWN OFFICE:  
P.O. BOX 173  
SPRING VALLEY, N.Y. 10977  
Tel.: 914-354-8176

## CERTIFIED TRANSLATION FROM THE Rumanian LANGUAGE

Rumanian  
City of Sighet  
County of Maramures

### EXTRACT FROM THE CIVIL STAND REGISTER FOR BIRTHS AS PER 1929

Serial number: 580  
Date of Registry:(year, month, day): November 14, 1929  
Date of birth (year, month, day): November 9, 1929  
First name, sex Religion of child: Citel, girl, Jewish

#### Parents:

First and last name,  
Profession, Residence: Age:  
Sari Halpert, housewife 25  
Sighet Andrei Muresau Str. 13

Eventual insertions or observations before signature, Signatures: Illegal

The exactness of the present extract is herewith certified.

Dated at Sighet on August 5, 1947

Signed: Officer of the Civil Stand

#### Subsequent remarks:

Legalized by marriage between Eugen Stern with Sari Halpert, celebrated on November 3, 1930 in the City of Sighet, County of Maramures, Document number/12/1930 Signed: Dr. Kindris  
She herself married to: Yosif Valszhausz at Satu Mare on November 25, 1946. Document number 404/ 118/ 1947 - 28 VII 1947

Chief of Service

Mays Eugen

## CERTIFICATE OF ACCURACY

### "TARGEM" TRANSLATION SERVICE

- ADDRESS AND TELEPHONE AS ABOVE -

On this day personally appeared before me, a Notary Public in and for the aforementioned State and County, E. Lax who after being duly sworn, deposes and says:  
That he is a translator of the Rumanian and ENGLISH languages,  
That he carefully prepared the attached English translation of the annexed document written in the Rumanian language,  
That the said translation is a correct and true rendering of such document and the whole thereof.  
Witness my hand and affirmed to before me this 15 day of April 1947  
Brooklyn ) IMRE HOLCZER  
Notary Public, State of New York  
Signature of translator



ROMANIA  
SERVICIUL CENTRAL DE STARE CIVILA

CERTIFICAT DE CĂSĂTORIE

Numele de familie al soțului..... STERN ..... prenumele soțului..... EUGEN .....

născut la data de 1895 SEPTEMBRIE 25 ..... în localitatea HALHEU .....

judetul SATU MARE ..... fiul lui STERN ABRAHAM și STERN REGINA .....

Numele de familie al soției..... HALPERT ..... prenumele soției..... SAROLTA .....

născută la data de 1904 IULIE 26 ..... în localitatea SIGHETU MARHATIEI .....

judetul HARAMURES ..... fiica lui HALPERT CHASCHEL și HALPERT RUCHEL-LEA .....

Căsătoria s-a încheiat în localitatea SIGHETU MARHATIEI judetul HARAMURES .....

la data de 1930 NOIEMBRIE 3 ..... și s-a înregistrat în localitatea SIGHETU MARHATIEI .....

judetul HARAMURES ..... în registrul de stare civilă la nr. 112 ..... din

anul 1930 luna NOIEMBRIE ziua 3 .....

Numele de familie după căsătorie : soțul STERN .....

soția STERN .....

Data eliberării certificatului 1993 IANUARIE 19 .....

SEFUL SERVICIULUI

SERIA E. C. N. 061565



MINISTERUL AFACERILOR EXTERNE

ROMANIA

Legalizarea actelor de schimburi

SERV. SECTIA DE ASISTARE CIVILA

Nr. 15 / 1995

BUCURESTI, 07.02.1995

MINISTRU

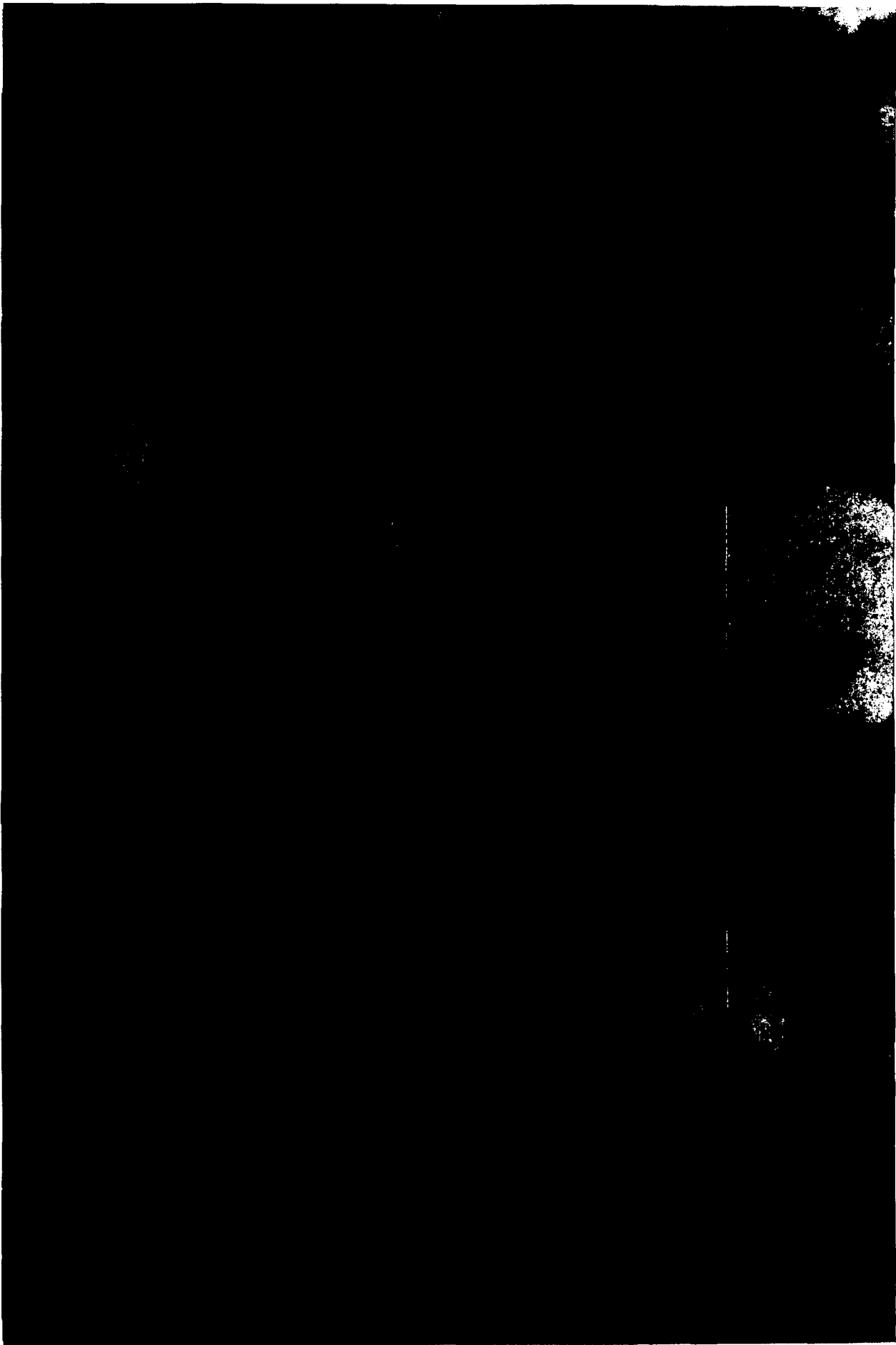


**EXHIBIT 2**

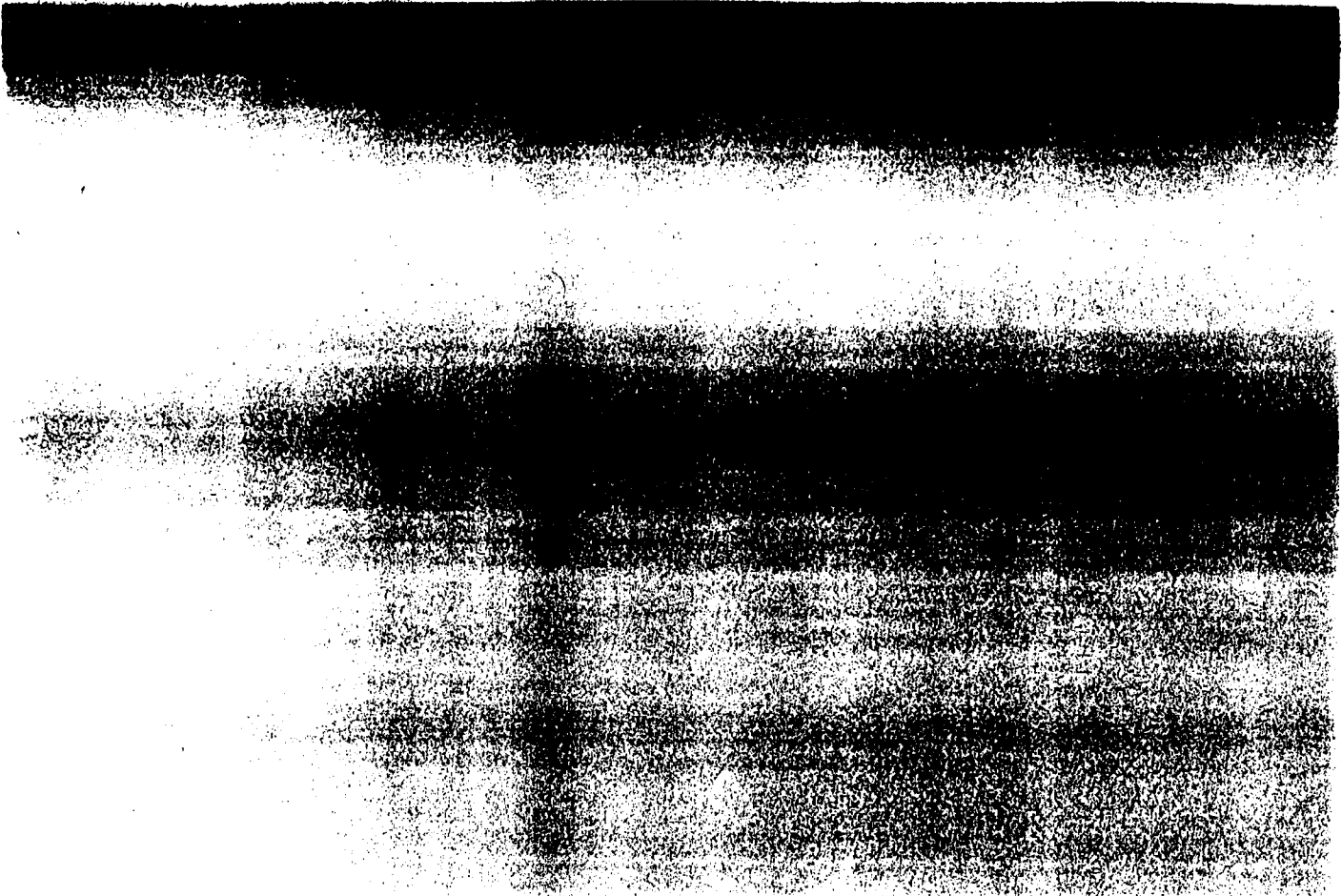


**EXHIBIT 3**









**EXHIBIT 4**



№ 60698

INTERNATIONAL REFUGEE ORGANIZATION  
AUSTRIA

ORGANISATION INTERNATIONALE POUR LES REFUGIÉS  
AUTRICHE

ИНТЕРНАЦИОНАЛЬНАЯ БЕЖЕНСКАЯ ОРГАНИЗАЦИЯ  
АВСТРИЯ

INTERNATIONALE FLÜCHTLINGS-ORGANISATION  
ÖSTERREICH



No. 999. 303A

DISPLACED PERSONS OR REFUGEES IDENTITY CARD  
ISSUED BY  
INTERNATIONAL REFUGEE ORGANIZATION, AUSTRIA

CARTE D'IDENTITÉ POUR PERSONNES DEPLACÉES OU REFUGIÉS  
EMISE PAR L'ORGANISATION INTERNATIONALE POUR LES REFUGIÉS,  
AUTRICHE

Удостоверение личности перемещенного лица  
или беженца

Выдано

Интернациональной беженской организацией,  
Австрия

PERSONAL AUSWEIS FÜR VERSCHLEPPTE PERSONEN ODER  
FLÜCHTLINGE, AUSGEGEBEN VON DER INTERNATIONALEN  
FLÜCHTLINGSORGANISATION ÖSTERREICHS

FOR IDENTIFICATION ONLY.  
IF FOUND, PLEASE RETURN  
TO NEAREST IRO OFFICE.

Действительно только  
как удостоверение  
личности.

При нахождении  
просят вернуть это  
удостоверение в  
ближайшее бюро ИРО.

VALABLE COMME CARTE D'IDENTITÉ  
SEULEMENT. PRIERE A LA  
PERSONNE QUI TROUVERA CETTE  
CARTE DE LA RETOURNER AU  
BUREAU IRO LE PLUS PROCHE.  
NUR GÜLTIG ALS AUSWEIS-  
PAPIER. BITTE DIE KARTE, WENN  
GEFUNDEN, BEIM NÄCHSTEN  
IRO-BÜRO ABZUGEBEN.



SIGNATURE OF HOLDER  
SIGNATURE DU TITULAIRE  
Подпись владельца  
UNTERSCHRIFT DES EIGENTOMERS

*Wasshaus*

SIGNATURE OF ISSUING OFFICER  
SIGNATURE DE L'OFFICIER RESPONSABLE  
Подпись ответственного чиновника  
UNTERSCHRIFT DES VERANTWORTLICHEN OFFIZIERS

*David*

DATE OF ISSUE  
DELIVRE À, LE  
Число выдачи  
DATUM DER AUSGABE

*5 1 1949*

FULL NAME  
NOM ET PRENOMS

Имя и фамилия  
FAMILIEN- UND VORNAME

WEISSHAUS GIZELA

geb. STERN

DATE OF BIRTH  
DATE DE NAISSANCE  
День рождения  
GEBURTSDATUM

19 11 1929

PLACE OF BIRTH  
LIEU DE NAISSANCE  
Место рождения  
GEBURTSORT

SIEGET - ROUMANIA

PRESENT ADDRESS  
ADRESSE ACTUELLE  
Настоящее местожительство  
DERZEITIGE ADRESSE

AUSTRIA  
~~100 CAMP 64 BINDERMEICH LINZ~~

VALID ONLY UNTIL

SEULEMENT VALABLE JUSQU'A

Лейтсвительно только до

GOLTIG NUR BIS ZUM

5.7.1949

CHANGES OF RESIDENCE  
CHANGEMENTS DE DOMICILE  
Перемена местожительства  
ANDERUNG DER ANSCHRIFT

15/VII-49 IRO - Camp 1001

Wals, Austria

18. 7. 1949

A. J.



OFFICIAL REMARKS  
REMARQUES ET OBSERVATIONS OFFICIELLES  
Официальные примечания  
OFFIZIELLE ANMERKUNGEN

**WILHELM LINZ**

THE VALIDITY OF THIS  
IDENTITY CARD IS EXTENDED  
TO JAN 1 1950  
18. 7. 1949  
S. G. [Signature]

THE VALIDITY OF HIS  
IDENTITY CARD IS EXTENDED  
UNTIL 5.1.1951  
DATE 10.7.50.  
SIGNATURE *[Handwritten Signature]*



**PRINCIPAL OFFICES OF IRO IN AUSTRIA,  
BUREAUX PRINCIPAUX DE L'IRO EN AUTRICHE,  
Главные бюро ИРО в Австрии:  
WICHTIGSTE IRO BUROS IN OSTERREICH,**

**VIENNA: VIENNA III, MAROKKANERGASSE 16**

**KLAGENFURT: MIESTALERSTRASSE 1**

**GRAZ: LANDHAUSGASSE 7**

**SALZBURG: RESIDENZPLATZ 1**

**LINZ: ZOLLAMTSTRASSE 7**

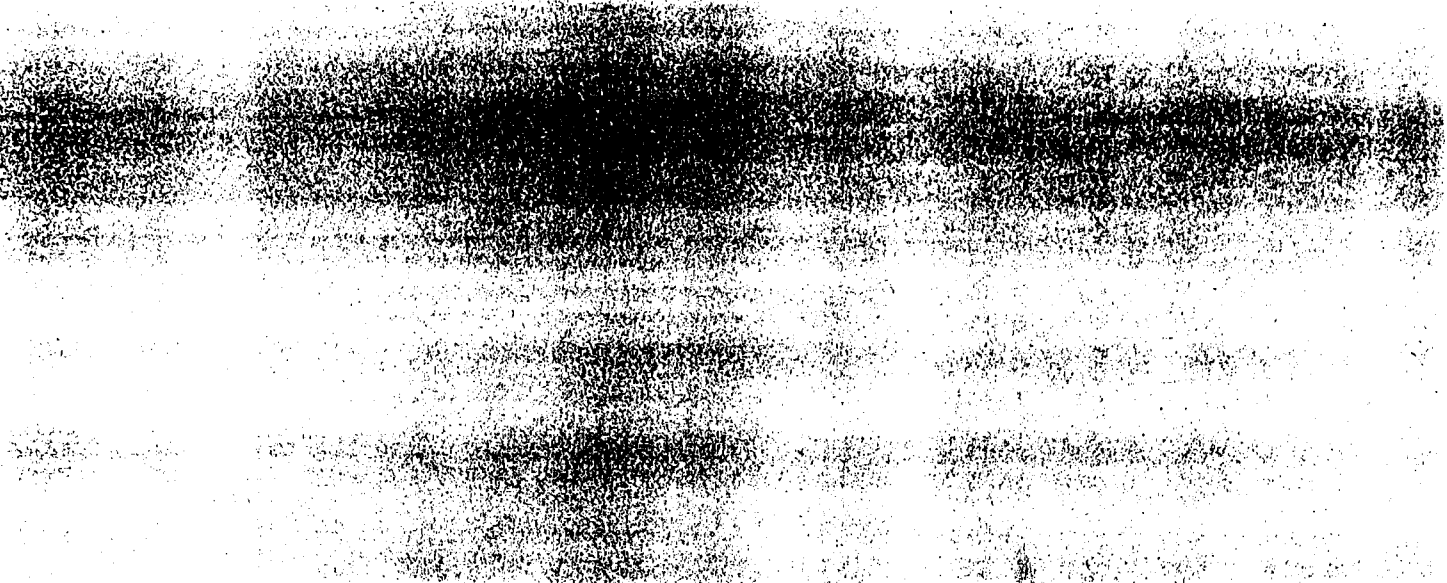
**INNSBRUCK: RICHARDWEG 7**

## Wichtige Mitteilung.

Diese offizielle Identitätskarte, von der Internationalen Flüchtlings-Organisation ausgestellt, gilt als Bestätigung dafür, daß Sie berechtigt sind, die Betreuung und Unterstützung der Organisation gemäß den Verfassungsartikeln und den derzeit geltenden oder in Zukunft zu erlassenden Regeln und Verordnungen der Organisation in Anspruch zu nehmen.

Wollen Sie diese Identitätskarte immer bei sich tragen und darauf achten, sie nicht zu verlieren. Sollten die Eintragungen in der Karte nicht stimmen oder sich später als unrichtig erweisen, so wollen Sie dies sofort jenem Büro melden, von welchem Sie die Karte ausgefolgt erhielten. Weder Sie, noch sonst jemand, außer ein hiezu berechtigter Beamter der IRO., ist ermächtigt, etwaige Änderungen oder Ergänzungen in Ihrer Identitätskarte vorzunehmen.

Wie Sie sehen, ist die Karte für sechs Monate vom Ausstellungstage an gültig. Sieben Tage vor Ablauf der Gültigkeit sind Sie verpflichtet, bei Ihrem IRO.-Büro um Verlängerung der Gültigkeit der Karte anzusuchen.



**EXHIBIT 5**

June 5, 1996,

To Swiss Banking Ombudsman..

I am enclosing the claim i filled with Israel Fried &Associats  
Now they are charging \$250, wich is hard for me to pay i  
request from you to look into this matter and find the account  
of my Father...

Thank you

Gisella Weissshaus

203 Wilson Street Brooklyn New York  
N. Y. 11211.

*Anlaufstelle für die Suche nachrichtener Vermögenswerte bei Schweizer Banken*

*Office de recherche d'avoirs non réclamés gérés par des banques suisses*

*Ufficio di ricerca di beni non reclamati gestiti da banche svizzere*

*Contact Office for the Search of Dormant Accounts Administered by Swiss Banks*

Mrs.  
Gisella Weisshaus  
203 Wilson St.  
USA - Brooklyn, NY 11211

Zürich, 17.06.96

**Search for assets deposited with Swiss Banks**

Dear Madam

We refer to your enquiry and have pleasure in enclosing the documentation needed for our investigations.

The **data sheet** contains some general information and, in particular, describes the conditions under which searches are carried out.

The **questionnaire** is neutral and expressed in general terms. It is mostly impossible for descendants of the victims of racial, religious or political persecution during the Nazi regime to provide the requisite documents. In such instances, substitute documents or personal statements may be submitted together with the appropriate explanations. Help may possibly be forthcoming from the relevant official bodies or from Jewish organisations.

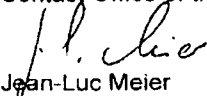
We charge a **fee of CHF 300.--** for considering the documentation.

**Since you wrote that your financial situation makes it hard for you to pay, we have decided to waive the fee in your case.**

This fee covers normal cases. If special enquiries become necessary in connection with your identification or authorisation, we reserve the right to charge you with the additional costs involved. Should this be the case we would, however, notify you beforehand.

Please return the completed questionnaire to us.

Yours sincerely,  
Contact Office of the Swiss Banks

  
Jean-Luc Meier

Data sheet  
Questionnaire

Seestrasse 7  
Postfach 519  
CH- 8027 Zürich  
Tel. 01 281 01 37 - Fax 01 281 10 83

*Schweizerischer Bankenombudsman  
Ombudsman des banques suisses  
Ombudsman delle banche svizzere  
Ombudsman of swiss banks*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

GIZELLA WEISSHAUS, on behalf of herself and  
all other persons of all national origins,  
ethnic groups, races, creeds and colors  
similarly situated as victims and survivors of  
the Nazi Holocaust,

Plaintiffs

- against -

UNION BANK OF SWITZERLAND, SWISS BANK  
CORPORATION, SWISS BANK CORPORATION, a/k/a  
~~SWISS NATIONAL BANK, BANKING INSTITUTIONS~~  
- 100 and JOHN DOES # 1 - 100,

Defendants.

VERIFIED COMPLAINT

FAGAN & ASSOCIATES  
Attorneys at Law  
26 Broadway, 21st Floor  
New York, NY 10004  
Tel. (212) 293-1900

- and -

DAN L. JOHNSTON ESQ.  
26 Broadway, 21st Floor  
New York, NY 10004  
Tel. (212) 292-0095

Attorneys for Plaintiffs

**BARTELS, J.**

**GO. M.**

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (For more detailed instructions, see separate instruction sheet.)

**CV 98-4849**

**PLAINTIFFS**

Gizella Weisshaus, on behalf of herself and all other persons of all national origins, ethnic groups, creeds and colors, similarly situated as victims and survivors of the Nazi Holocaust

**DEFENDANTS**

Union Bank of Switzerland, Swiss Bank Corporation, Swiss Bank Corporation a/k/a Swiss National Bank, Banking Institutions #1-100 and John Doe #1-100

COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF KINGS  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT NY  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Edward D. Fagan  
Fagan & Associates  
26 Broadway 12th Floor  
New York, NY 10004  
(212) 252-1500

Dan L. Johnston  
26 Broadway  
12th Floor  
New York, NY 10004  
(212) 252-2052

**ATTORNEYS (IF KNOWN)**

Not Yet Known

(PLACE AN  IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF    2 U.S. DEFENDANT    3 FEDERAL QUESTION (U.S. NOT A PARTY)    4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP ON REVERSE. (28 USC 1332, 1441)

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**

Violation of US Constitution, laws and treaties; Accounting; conversion and return of property

(PLACE AN  IN ONE BOX ONLY)

**NATURE OF SUIT**

		ACTIONS UNDER STATUTES			
CONTRACT	TORTS	CIVIL RIGHTS	FORFEITURE PENALTY	BANKRUPTCY	OTHER STATUTES Cont.
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 PERSONAL INJURY	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 810 AGRICULTURE	<input type="checkbox"/> 420 TRUSTEE	<input type="checkbox"/> 450 COMMERCE ICC RATES, ETC.
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 442 JOBS	<input type="checkbox"/> 820 FOOD & DRUG	<input type="checkbox"/> 421 TRANSFER (915b)	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 443 ACCOMMODATIONS	<input type="checkbox"/> 830 LIQUOR LAWS	<input type="checkbox"/> 422 APPEAL (901)	<input type="checkbox"/> 810 SELECTIVE SERVICE
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS LIABILITY	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 840 R.R. & TRUCK	<b>PROPERTY RIGHTS</b>	
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 446 OTHER CIVIL RIGHTS	<input type="checkbox"/> 850 AIRLINES REGS	<input type="checkbox"/> 820 COPYRIGHT	<input type="checkbox"/> 830 SECURITIES
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY		<input type="checkbox"/> 860 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 838 PATENT	<input type="checkbox"/> 830 COMMODITIES EXCHANGE
<input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS	<input type="checkbox"/> 350 MOTOR VEHICLE		<input type="checkbox"/> 890 OTHER	<input type="checkbox"/> 848 TRADEMARK	<input type="checkbox"/> 891 AGRICULTURAL ACTS
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY			<b>SOCIAL SECURITY</b>	
<input type="checkbox"/> 150 STOCKHOLDERS SUITS	<input type="checkbox"/> 360 OTHER PERSONAL INJURY			<input type="checkbox"/> 861 MIA (1395H)	<input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT
<input type="checkbox"/> 190 OTHER CONTRACT	<input type="checkbox"/> 362 PERSONAL INJURY - MED. MALPRACTICE	<input type="checkbox"/> 510 VACATE SENTENCE (2255)	<input type="checkbox"/> 710 FAIR LABOR STANDARDS	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 720 LABOR/MGMT RELATIONS	<input type="checkbox"/> 863 DMWC (405 (g))	<input type="checkbox"/> 894 ENERGY ALLOCATION ACT
		<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT
		<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 865 RSI (405 (g))	<input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
<b>REAL PROPERTY</b>	<b>PERSONAL PROPERTY</b>		<input type="checkbox"/> 790 OTHER LABOR LITIGATION	<b>TAX SUITS</b>	
<input type="checkbox"/> 210 CONDEMNATION	<input type="checkbox"/> 370 OTHER FRAUD		<input type="checkbox"/> 791 EMPL. RET INC SECURITY ACT	<input type="checkbox"/> 870 TAXES	<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 371 TRUTH IN LENDING			<input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input checked="" type="checkbox"/> 490 OTHER STATUTORY ACTIONS
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 380 OTHER PERSONAL PROPERTY			<input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410	
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 385 PROPERTY DAMAGE			<b>OTHER STATUTES</b>	
<input type="checkbox"/> 245 TORT PRODUCT LIABILITY	<input type="checkbox"/> 390 OTHER REAL PROPERTY			<input type="checkbox"/> 400 STATE REAPPORTIONMENT	
<input type="checkbox"/> 290 ALL OTHER REAL PROPERTY				<input type="checkbox"/> 410 ANTI-TRUST	
				<input type="checkbox"/> 430 BANKS AND BANKING	

See above

(PLACE AN  IN ONE BOX ONLY)

- 1 Original Proceedings    2 Removed from State Court    3 Remanded from Appellate Court    4 Reinstated or Reopened    5 Transferred from another district (specify)    6 Multidistrict Litigation    7 Appeal to District Judge from Magistrate Judge