



ORDERED that the sum requested by Dr. Wesley Fisher is hereby allocated to the USHMM in support of the transfer and storage of the Initial Questionnaires filed in this action. This sum is to be drawn from the \$10 million allocated to the Victim List Project under the Plan of Allocation and Distribution of Settlement Proceeds. The Signatories to the Settlement Fund are directed to transfer the sum from the Settlement Fund to the Conference on Material Claims Against Germany, which serves as the Court's agent for purposes of administration of the Victim List Project. Upon receipt, the Claims Conference shall transfer the sum in its entirety to the USHMM, which shall draw upon the principal and any accrued interest to cover all costs of transfer and storage as described in Dr. Fisher's letter, as well as any additional costs that may be associated with delivery and storage of the Initial Questionnaires.

It is further hereby ORDERED that the Initial Questionnaires currently maintained and stored by Poorman-Douglas Corporation on behalf of the Court shall be transferred to the USHMM as soon as practicable in accordance with the following conditions:

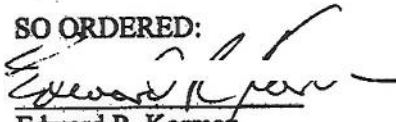
1. Poorman-Douglas Corporation shall transfer to the USHMM the Initial Questionnaires and all accompanying documentation in hard copy, and also shall transfer the electronic scanned images of the hard copy physical files (collectively, the "IQs"). Representatives of Poorman-Douglas Corporation and the USHMM will confer with Special Master Judah Gribetz, Deputy Special Master Shari C. Reig and Victim List Project Executive Director Wesley Fisher to determine the logistics of the transfer.
2. Once Poorman-Douglas transfers the IQs to the USHMM, the USHMM shall become the custodian of the IQs on behalf of the Court and will undertake the responsibility of preserving the security and confidentiality of the IQs.
3. The USHMM shall provide access to the IQs under conditions to be determined by the Court. Such determination will be made by the Court in a reasonable

amount of time after consultation with the USHMM, the Special Masters and the Executive Director of the Victim List Project, which consultation shall commence contemporaneously with the transfer of the IQs to the USHMM. Pending the Court's determination, the USHMM shall not provide access to the IQs except as required in this Order.

4. Because of the sensitive nature of the IQs, the USHMM shall remain the sole custodian of the IQs for the life of such materials. The USHMM shall not transfer, provide copies or otherwise delegate its custodial responsibilities under this Order to other organization, entities, third parties or persons, with the exception of the Court, the Special Masters, the claims administrators and/or other designees of the Court. The USHMM shall consult with the Court to determine whether the IQs may be destroyed or instead transferred to another storage facility, but under no circumstances shall the hard copies of the IQs be destroyed for 25 years, nor shall the electronic copies of the IQs ever be destroyed. If the Court approves destruction of the hard copies of the IQs in accordance with this provision, the USHMM shall obtain a signed statement verifying that the materials were destroyed in a manner that protected the confidentiality of the materials, and shall forward a copy of the statement to the Court.
5. The USHMM shall promptly provide access to the IQs to the Court, the Special Masters and the claims administrators, at the sole discretion of the Court, the Special Masters and the claims administrators. Under no circumstances shall the USHMM refuse a request by the Court, the Special Masters or claims administrators for access to the IQs or any portion thereof.

Date: Brooklyn, New York  
February 6, 2008

SO ORDERED:

  
Edward R. Korman  
United States District Judge



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Judah Gribetz  
Special Master  
Holocaust Victim Assets Litigation  
Case No. CV 96-4849  
399 Park Avenue  
New York, New York 10022  
Phone: (212) 705-7221  
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January 30, 2008

96 CV 4849

Hon. Edward R. Korman  
Chief Judge  
United States District Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

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IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y  
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P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

Dear Judge Korman:

At your request, we have analyzed the feasibility of transferring to the custody of the United States Holocaust Memorial Museum (USHMM) the more than 600,000 Initial Questionnaires (IQs) that were filed in connection with the Swiss Banks settlement. As Your Honor is aware, to date, the IQs have been held on behalf of the Court by one of the Court-appointed Notice Administrators for the settlement, the Poorman-Douglas Corporation (Poorman-Douglas). With the assistance of Dr. Wesley A. Fisher, Executive Director of the Victim List Project, we have determined that the USHMM will be pleased to these documents, which are of such great historic interest. We believe that the transfer of the materials to the USHMM for the eventual use of scholars would further the goals of the Victim List Project.

As the Court is aware, the Victim List Project is intended as a mechanism under the Court's direction to encourage and help organize the compilation and greater accessibility worldwide of the names of individuals whom the Settlement Agreement is intended to benefit – Jewish, Romani, Jehovah's Witness, homosexual, and disabled victims or targets of Nazi persecution, those who perished and those who survived.

On May 10, 1999, the Court approved a Notice Plan to provide members of the Settlement Classes with notice of the then-pending Settlement Agreement in this action. As part of the notice program, the Court appointed Notice Administrators. Acting under the direction of class counsel, the Notice Administrators publicized the agreement through media announcements, community outreach, direct mail, the Internet, a voice response telephone system, and other mechanisms. In addition, an Initial Questionnaire was made available to potential class members, consisting of several pages

of questions concerning the respondent's Holocaust-related experiences. Specific questions were posed to solicit information concerning the respondent's membership in one or more of the five Settlement Classes (Deposited Assets, Refugees, Looted Assets and two Slave Labor classes), and in one or more of the five "Victim or Target" groups specified under the Settlement Agreement (those who were persecuted or targeted for persecution by the Nazi Regime because they were Jewish, Romani, Jehovah's Witness, homosexual or disabled).

Over 600,000 Initial Questionnaires ultimately were returned as part of this outreach mechanism. The IQs were analyzed, scanned, catalogued and otherwise studied in connection with administration of the Settlement Agreement. Among other uses, we studied the IQs and compilations of data produced by Poorman-Douglas to obtain preliminary estimates concerning the number of potential claimants for each type of claim. That information helped to inform the recommendations to the Court set forth in the Special Master's Proposed Plan of Allocation and Distribution of Settlement Proceeds (which the Court adopted, and the Court of Appeals upheld, as the "Distribution Plan"). Subsequently, several of the administrative agencies implementing the claims programs on the Court's behalf have used the IQs to locate potential claimants, to supplement information in claim forms, and where possible, in the case of the Deposited Assets Class, to stand in place of an actual CRT claim form.

The IQ form is itself several pages in length, as noted above. In addition, many thousands of respondents attached additional documentation to their IQs, ranging from personal letters to birth certificates to photographs to material from European archives. As a result, under the aegis of the Swiss Banks Settlement, it is estimated that several million pages of materials on the Holocaust have been collected from survivors, heirs and other interested parties around the world.

The IQs constitute perhaps the most extensive survey of Holocaust victims ever conducted and are of great historical significance. These personal narratives, in which so many respondents described their lives before the Holocaust, their horrendous losses during the Holocaust, and their attempts after the Holocaust to recover some small portion of what was stolen from them, should be preserved for scholars and for future generations. At the same time, information should be made available for scholarship only after a sufficient period of time has passed following the conclusion of the distribution process, and only with sufficient safeguards in place to protect claimant confidentiality by avoiding disclosure of personal identifying data (names, addresses, telephone numbers, national identification numbers such as Social Security Numbers, and the like) and other sensitive information.

The United States Holocaust Memorial Museum in Washington, D.C., which is an independent establishment of the United States government, is the obvious and appropriate repository for the IQs, which detail the fate of Jewish and non-Jewish



victims alike. The USHMM is the national institution for the documentation, study and interpretation of Holocaust history. One of its missions is to acquire materials relevant to the fate of the various ethnic, religious and political groups who were systematically targeted for destruction or persecution by the Nazis and their allies during the Holocaust era. The USHMM is serving in a critical role in compiling and making publicly accessible the millions of records of the International Tracing Service (ITS) in Bad Arolsen, Germany which only recently have become available due to international agreements authorizing disclosure of the materials, agreements which were due in large part to the USHMM's significant efforts in encouraging a consensus that these materials should be available to survivors, heirs and scholars.

In support of its activities in connection with compilation of data from the archives at ITS and elsewhere, including information from previously unknown or inaccessible lists such as those pertaining to Romani victims of the Holocaust, the USHMM has been the recipient of grants from the Victim List Project approved as part of the Distribution Plan.

As set forth in the accompanying letter from Dr. Fisher of January 30, 2008, the USHMM has expressed its interest in obtaining the hard copies and electronic images of the Initial Questionnaires for future scholarship, subject to conditions to be set by the Court, including restrictions prohibiting access to the IQs for several decades in accordance with claimants' privacy expectations. Pending and after the expiration of this "embargo" period, the USHMM has agreed to serve on the Court's behalf as the storage facility for these documents. As in the past, the IQs will continue to be made available to the Court, the Special Masters and the claims administrators as needed to continue to process claims and complete the distribution of the Settlement Fund. By making the IQs available to the USHMM, an important goal of the Victim List Project will be furthered and a unique and invaluable source of materials on the Holocaust will be protected and, eventually, will be available for appropriate scholarly research.

According to estimates provided by Dr. Fisher and by the USHMM, the sum of \$179,825.36 is needed to cover the costs of removal from the Poorman-Douglas facilities (controlled by the company Epiq), retrieval, boxing, transportation and shelving of the records at a non-climate controlled facility on behalf of the USHMM, storage of the paper records for a period of 25 years, and overhead. A more detailed breakdown of the costs is set forth in the accompanying letter from Dr. Fisher.

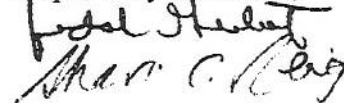
In accordance with Dr. Fisher's recommendation, we suggest that the \$179,825.36 be drawn from the \$10 million allocated to the Victim List Project under the Plan of Allocation and Distribution of Settlement Proceeds. We recommend that the sum be transferred to the Conference on Material Claims Against Germany (Claims Conference), which serves as administrative agent for the Victim List Project on the Court's behalf. The Claims Conference will transfer that sum directly to the USHMM,

Hon. Edward R. Korman  
January 30, 2008  
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and the USHMM will be directed to draw upon the principal and any accrued interest to cover all of the costs referenced above as well as any additional costs that may be associated with storage of the Initial Questionnaires. As to the electronic (non-paper) files, the storage costs of those documents will be covered by grants already made by the Court or to be recommended to the Court in connection with the Victim List Project.

As always, we are available to respond to any questions or comments that the Court may wish to raise.

Respectfully submitted,

Handwritten signatures of Judah Gribetz and Shari C. Reig.

Judah Gribetz  
Shari C. Reig

cc: Dr. Wesley A. Fisher

**Dr. Wesley A. Fisher**  
***Executive Director***  
**Victim List Project**  
**Holocaust Victim Assets Litigation**  
**Case No. CV 96-4849**

C/o Conference on Jewish Material Claims Against Germany, Inc.  
15 East 26<sup>th</sup> Street, Suite 1405  
New York, NY 10010  
(646) 536-9105 phone  
(212) 481-9607 fax  
wesley.fisher@claimscon.org

January 30, 2008

Hon. Edward R. Korman  
Chief Judge  
United States District Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Dear Judge Korman:

I am writing in connection with the letter of January 30, 2008 from Special Master Gribetz and Deputy Special Master Reig concerning the transfer to the custody of the United States Holocaust Memorial Museum (USHMM) the more than 600,000 Initial Questionnaires (IQs) that were filed in connection with the Swiss Banks settlement.

The USHMM has expressed its interest in obtaining the hard copies and electronic images of the Initial Questionnaires for future scholarship, subject to conditions to be set by the Court, including restrictions prohibiting access to the IQs for several decades in accordance with claimants' privacy expectations. Pending and after the expiration of this "embargo" period, the USHMM has agreed to serve on the Court's behalf as the storage facility for these documents. As in the past, the IQs will continue to be made available to the Court, the Special Masters and the claims administrators as needed to continue to process claims and complete the distribution of the Settlement Fund. By making the IQs available to the USHMM, an important goal of the Victim List Project will be furthered and a unique and invaluable source of materials on the Holocaust will be protected and, eventually, will be available for appropriate scholarly research.

I recommend that a grant of \$179,825.36 from the funds allocated to the Victim List Project under the Plan of Allocation and Distribution of Settlement Proceeds be made to the USHMM to cover the costs of the transfer of the paper records of the IQs and storage of them for a period of 25 years. I further recommend that the grant be given as a lump sum with permission to the USHMM to draw upon the principal and any accrued interest to cover inflation, charges for accessing the paper records, and any other additional future costs.




The amount of the recommended grant results from estimated costs as follows (based in part on the attached detailed cost estimate prepared by Iron Mountain for the USHMM):

Removal from the Epiq account with Iron Mountain in Portland, OR, retrieval and palletizing of paper records, receiving of records in Jessup, MD, establishment of USHMM account with Iron Mountain, and shelving of records	\$21,517.60
Transportation of paper records from Portland, OR to Jessup, MD	9,000.00
Storage of paper records for 25 years @\$443.20 per month for non-climate controlled storage (The USHMM believes that non-climate controlled storage of the paper records will be sufficient in view of the existence of the electronic records and the fact that Iron Mountain generally maintains paper documents in responsible storage sites.)	<u>132,960.00</u>
Subtotal	\$163,477.60
USHMM overhead (10%)	<u>16,347.76</u>
TOTAL	\$179,825.36

The cost of transfer of the electronic records, which is minimal, will be borne by the USHMM. The cost of storage of the electronic records will be covered by grants already made by the Court or to be recommended to the Court in connection with the Victim List Project.

Respectfully submitted,

  
Wesley A. Fisher

Cc: Judah Gribetz, Special Master  
Shari C. Reig, Deputy Special Master

Attachment: Cost estimates provided by Iron Mountain to the United States Holocaust Memorial Museum