

Not Reported in F.Supp.2d, 2013 WL 2153101 (E.D.N.Y.)
(Cite as: 2013 WL 2153101 (E.D.N.Y.))

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United States District Court,
E.D. New York.

In re HOLOCAUST VICTIM ASSETS LITIGATION.

This Document Relates to: All Cases.

Nos. CV 96-4849(ERK)(MDG), CV 96-5161, CV
97-461.

May 13, 2013.

ORDER

KORMAN, District Judge.

*1 I have been advised by the Settlement Fund accountants and by the Special Master that approximately \$54.5 million in residual funds will remain from the \$1.25 billion settlement fund. By separate order of today's date, I have authorized nearly all of these residual funds (\$50 million) to be allocated to the Looted Assets Class for programs assisting the neediest Holocaust survivors.

I also have determined that it is appropriate to allocate \$4.5 million of the residual funds to another program that I established under the Plan of Allocation and Distribution of Settlement Proceeds, the Victim List Project, a \$10 million program created for the benefit of all class members. As described by the program's Executive Director, Dr. Wesley Fisher, in his letter dated March 22, 2013, the Victim List Project (described as the "Victim List Foundation" in the Distribution Plan) encourages and helps to 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—for research and remembrance.

Victim List Project funding provided to Yad Vashem and the United States Holocaust Memorial

Museum (USHMM) has made possible a number of significant accomplishments: the compilation and presentation of a unified catalog of all relevant name lists; the acquisition of large-scale name documentation, including the vast holdings of the previously closed International Tracing Service in Bad Arolsen, Germany; and the largest presentation in history of the names of Holocaust victims, including the identification to date by Yad Vashem of over four million of the approximately six million Jews who perished. Yad Vashem's *Central Database of Shoah Victims' Names* and the other names and lists databases created with the assistance of the Court are used by millions of people from all over the world and have resulted in the development of new types of research in fields such as historical demography and genealogy, in advancements in cataloging methods for Holocaust-related archival materials as a whole, and in improvements in cooperation among Holocaust-related organizations generally. As Dr. Fisher notes, these "processes have been and will continue to be of assistance to Holocaust survivors and heirs in researching and presenting claims for compensation and restitution."

In the past, I have allocated 45% increases to most of the other programs authorized under the Settlement Fund: Slave Labor Class I; Slave Labor Class II; the Refugee Class; and the Deposited Assets Class. I have determined that it is appropriate to authorize to the Victim List Project a similar allocation of an additional 45% (\$4.5 million), which will establish parity between the Victim List Project and the four non-Looted Assets Class programs noted above. ^{FN1} Such funds will enable the Victim List Project to attain its goal of compiling and making publicly available as near complete a list as possible of all Holocaust victims.

^{FN1}. As to the Looted Assets Class, with the \$50 million in residual funds authorized by my separate order of today's date, allocations to that class now have in-

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creased by 155% over the initial \$100 million authorized under the Plan of Allocation and Distribution of Settlement Proceeds.

*2 In his March 22, 2013 letter, Dr. Fisher notes the accomplishments of the Victim List Project and explains the important archival research and data collection that can be completed with additional funding. I concur with these recommendations. Accordingly, it is hereby

ORDERED that the recommendation of the Executive Director of the Victim List Project is approved and that the sum of \$4.5 million shall be allocated to the Victim List Project as follows:

(a) an allocation of \$3,600,000 is to be made to Yad Vashem—The Holocaust Martyrs' and Heroes' Remembrance Authority of Israel for completion of review of the archival sources to identify the names of the approximately six million Jewish men, women, and children who perished in the Holocaust, in accordance with the mechanisms proposed by the Executive Director of the Victim List Project;

(b) an allocation of \$650,000 is to be made to the USHMM for work to be done in cooperation with Yad Vashem to identify, copy, and acquire name-based and related documentation concerning those who survived in the Soviet evacuation; and

(c) an allocation of \$250,000 is to be made to the Claims Conference to be used in cooperation with Yad Vashem and the USHMM toward the cost of scanning and digitizing the card catalog of the Tracing and Information Center of the Russian Red Cross, with the condition that if such scanning and digitizing of the card catalog of the Tracing and Information Center of the Russian Red Cross proves not to be possible, the funds will be transferred to Yad Vashem to support the name indexing of documentation on the Soviet evacuation.

The Signatories to the Settlement Fund are hereby directed to transfer immediately \$4,500,000 from the Settlement Fund to the Claims Conference, which serves as the Court's agent for purposes of administration of the Victim List Project. The Claims Conference shall transfer the above-cited sums to Yad Vashem and the United States Holocaust Memorial Museum in accordance with the Claims Conference's regular procedures for grants.

SO ORDERED:

E.D.N.Y., 2013.

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