

**In Re Holocaust Victim Assets Litigation (CV-96-4849)**  
**United States District Court for the Eastern District of New York**

**INITIAL QUESTIONNAIRE**

**INSTRUCTIONS**

**THIS QUESTIONNAIRE IS FOR INFORMATION PURPOSES ONLY. COMPLETION OF  
THIS QUESTIONNAIRE DOES NOT AUTOMATICALLY ENTITLE YOU TO RECEIVE  
PAYMENTS FROM THE SETTLEMENT FUND.**

This Initial Questionnaire is for information purposes only, to let us know the address at which we can mail you future notices regarding any claims process, and to give us information about your particular circumstances. Completion of this questionnaire does not entitle you to any Settlement funds.

Because no Plan of Allocation has yet been adopted, there is not yet a claims process relating to this Settlement. We expect a claims process to commence next year (2000). **This is not a claim form**, although the information you provide may affect the amount of money you may receive from the Settlement Fund, if any.

It is important that you provide answers that are as complete and accurate as possible, though you need not worry if you cannot answer every question. We recognize that this information is over 50 years old, and that you may not know or may have forgotten some names and dates. You may complete this Questionnaire, even if you are the heir of a Holocaust victim, or if you no longer have documents.

You should complete and return this Initial Questionnaire if you think you are or may be a member of one of the Settlement Classes. Where copies of documents are requested in the Initial Questionnaire, you should send photocopies of the documents. Do **NOT** send the original documents.

**IN ORDER TO BE CERTAIN OF BEING CONSIDERED FOR A SHARE IN THE SETTLEMENT FUND, YOU MUST, BY NO LATER THAN OCTOBER 22, 1999, EITHER RETURN THE INITIAL QUESTIONNAIRE OR SEND A LETTER TO THE FOLLOWING ADDRESS ASKING FOR FURTHER NOTICE OF THE PLAN OF ALLOCATION.**

**“Questionnaires”**  
**In re: Holocaust Victim Assets Litigation**  
**PO Box 8289**  
**San Francisco, CA 94128-8289**  
**USA**

If you have any questions about how to fill out the Initial Questionnaire, you should contact a local community organization. They will be able to direct you to a person in your locality who will be able to help you.

When you return the Initial Questionnaire, we will send you a postcard within one month to let you know that we have received it. If we have questions, or need additional information, we will contact you by letter. Consequently, if you change your address, please let the Notice Administrator know by sending a signed letter to the same address that you sent the Initial Questionnaire. If you do not keep the Notice Administrator apprised of your new address, you may not receive further notices or communications.

The information you provide in response to this questionnaire will be kept confidential.

**In Re Holocaust Victim Assets Litigation (CV-96-4849)**  
**United States District Court for the Eastern District of New York**

**Initial Questionnaire**  
**PLEASE PRINT CLEARLY**

**If you are a member of one or more of the Settlement Classes defined in the Notice, please complete only ONE form per Holocaust victim or survivor. If you are one of several heirs of a Holocaust victim, you should coordinate with other known heirs to submit a single questionnaire. This is NOT a claim form.**

- A. CLAIMANT INFORMATION:** For purposes of this form, you are considered the Claimant. Please supply the following information regarding yourself.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ (U.S. only)

- B. SUBJECT INFORMATION:** You may file a claim for yourself, for relatives who are deceased and for any business, organization, congregation, community, or other entity for which you or your deceased relative was the owner or successor. The person, business, organization, congregation, community or other entity who is a member of the Class as defined in the Notice and on whose behalf the claim is being made is called the Subject. If there is more than one Subject, you must fill out a separate Initial Questionnaire for each Subject.

1. If you are also the Subject, ☒ check here ☐ and provide the address prior to Nazi occupation:

\_\_\_\_\_

2. If the Subject is an individual other than yourself, please supply the following information regarding the Subject:

Name: \_\_\_\_\_

Date of birth (approximately): \_\_\_\_\_

Address prior to Nazi occupation: \_\_\_\_\_

Date of death: \_\_\_\_\_

Place of death: \_\_\_\_\_

Last permanent address prior to death: \_\_\_\_\_

Social Security Number of Subject: (U.S. only) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Relationship between you and Subject: \_\_\_\_\_

3. If the Subject is a business, organization, congregation, community or other entity, please supply the following information:

Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

Address prior to Nazi occupation: \_\_\_\_\_

Describe its nature in as much detail as possible: \_\_\_\_\_

Relationship between you and Subject: \_\_\_\_\_

C. **TYPE OF CLASS MEMBER:** If the Subject was/is (for a company, organization, congregation, community or other entity, please respond with regard to its owners or members)

- ☐ Jewish      ☐ Romani      ☐ Jehovah's Witness      ☐ Homosexual  
☐ Physically disabled at or prior to Nazi occupation      ☐ Mentally disabled prior to Nazi occupation  
☐ None of the above

D. **NARRATIVE:** Please describe, in as much detail as you can, where the Subject was during the years 1934 through 1945:

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E. **DEPOSITED ASSETS CLAIM:** Deposited Assets means any bank account, safe deposit box, cash, securities, jewelry, or valuables of any kind whatsoever deposited at or stored with a Swiss Bank, investment fund or other custodian, prior to the end of World War II which has not been returned. If you believe that the Subject had Deposited Assets in a Swiss Bank, please provide the following information.

1. Name of depositor (if different from Subject): \_\_\_\_\_  
2. Address of depositor (if different from Subject): \_\_\_\_\_

3. Name of bank or custodian: \_\_\_\_\_

☐ *I do not know the name of the bank or custodian.*

4. Location of bank or custodian: \_\_\_\_\_

☐ *I do not know the location of the bank or other custodian.*

5. The amount of money on deposit was: \_\_\_\_\_ Currency: \_\_\_\_\_

☐ *I do not know the amount of money on deposit.*

6. The assets other than money deposited were:

Other Deposited Assets

Value

Currency

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☐ *I do not know what assets other than money were deposited in the bank or other custodian.*

Please attach any copies of documents, which support your Claim regarding Deposited Assets.

☐ *I do not have any documents which support the existence of my Claim regarding Deposited Assets.*

7. Have you or the Subject been paid any money based on claims of Deposited Assets?

☐ Yes      ☐ No

8. If your answer to Item 7, above, was "Yes," please state the following:

The amount received: \_\_\_\_\_ Currency: \_\_\_\_\_

When this amount was paid: \_\_\_\_\_

The government or organization which paid this amount: \_\_\_\_\_

9. Describe in as much detail as possible all facts that support your Claim regarding Deposited Assets.

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10. Provide the names and addresses of any persons who may have information that would support your Claim regarding Deposited Assets.

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**F. LOOTED ASSETS CLAIM AGAINST SWISS PERSONS OR ENTITIES:** Looted Assets means any real or personal property of any kind that was stolen, confiscated, Aryanized, or otherwise wrongfully taken by any person or group affiliated with the Nazis. If you believe that the Subject had Looted Assets, please provide the following information:

1. Describe the Looted Assets in as much detail as possible, including their value:

<u>Looted Assets</u>	<u>Value</u>	<u>Currency</u>
<hr/>		
<hr/>		
<hr/>		
<hr/>		

☐ *I do not have any specific information regarding the Looted Assets.*

☐ *I am unable to value the Looted Assets.*

2. Where were the Looted Assets located? 

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☐ *I do not know where the Looted Assets were located.*

3. Who took the Looted Assets (e.g., German troops, local civilians, etc.)? 

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☐ *I do not know who took the Looted Assets.*

4. When were the Looted Assets taken (month and year)? 

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☐ *I do not know when the Looted Assets were taken.*

5. Please attach any copies of documents that support your Claim regarding Looted Assets (e.g., jewelry and precious metals claim, filing with a Jewish or German agency, etc.).

☐ *I do not have any documents which support my Claim regarding Looted Assets.*

6. Provide the names and addresses of any persons who may have information that would support your Claim for Looted Assets: 

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7. Have you or the Subject been paid any money based on claims of Looted Assets?

☐ Yes ☐ No

**H. REFUGEE CLAIMS:** Please check any of the following statements that apply to the period 1934-1945.

The Subject:

- ☐ *Tried to go to Switzerland to avoid Nazi persecution, but was denied entry into Switzerland by Swiss officials.*
- ☐ *Entered Switzerland to avoid Nazi persecution and was then deported.*
- ☐ *Entered Switzerland to avoid Nazi persecution and was jailed while in Switzerland for having entered the country.*
- ☐ *Entered Switzerland to avoid Nazi persecution and was abused or otherwise mistreated by Swiss officials.*

If you have checked any of the boxes in Category H above, please describe these events in as much detail as you can:

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**I. CERTIFICATION**

*I certify under penalty of perjury that to the best of my knowledge, information and belief, the information on this Initial Questionnaire (and additional sheets and attachments) is true and correct. I agree to keep the Administrator timely advised of any changes in status, such as mailing address change.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

8. If your answer to Item 7, above, was "Yes," please state the following:  
The amount received: \_\_\_\_\_ Currency: \_\_\_\_\_  
When this amount was paid: \_\_\_\_\_  
The government or organization that paid this amount: \_\_\_\_\_

9. Do you have any evidence that your assets were taken by or transacted through a Swiss entity?

☐ Yes ☐ No

If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G. **SLAVE LABOR CLAIMS AGAINST SWISS PERSONS OR ENTITIES:** Slave Labor means work performed for little or no pay for any governmental body or military unit affiliated with the Nazis or any German, Swiss, or other company in Europe. If you believe that the Subject performed Slave Labor, please provide the following information:

1. Identify the name of the company or companies, governmental or military organizations for whom the Subject performed Slave Labor, and its location(s)

<u>Company or Organization</u>	<u>Location</u>	<u>Dates of Slave Labor</u>	<u>Type of Work</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

☐ I do not know the name of any company, governmental or military organization for whom the Subject performed Slave Labor.

☐ I am unable to identify the dates when the Slave Labor was performed.

☐ I am unable to describe the type of work performed as a Slave Laborer.

2. Have you or the Subject been paid any money based on claims of Slave Labor?

☐ Yes ☐ No

3. If your answer to Item 2, above, was "Yes," please state the following:

The amount received: \_\_\_\_\_ Currency: \_\_\_\_\_

When this amount was paid: \_\_\_\_\_

The government or entity that paid this amount: \_\_\_\_\_

4. Please attach any copies of documents that support your Claim regarding Slave Labor.

☐ I do not have any documents which support my Claim regarding Slave Labor.

5. Provide the names and addresses of any persons who may have information that would support your Claim for Slave Labor.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Do you have any evidence that the profits of the Slave Labor you performed were deposited in or transacted through a Swiss entity?

☐ Yes ☐ No

If yes, please describe the evidence: \_\_\_\_\_  
\_\_\_\_\_

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

**IN RE  
HOLOCAUST VICTIM ASSETS LITIGATION**

**Master Docket No. CV-96-4849  
(ERK) (MDG)**

**(Consolidated with CV-96-5161  
and CV-97-461)**

**NOTICE OF PENDENCY OF CLASS ACTION AND  
PROPOSED SETTLEMENT AND HEARING;  
INITIAL QUESTIONNAIRE**

**To: All persons or entities (and their heirs or successors) who were persecuted or targeted for persecution by the Nazi Regime during World War II because they were or were believed to be Jewish, Romani, Jehovah's Witness, Homosexual, or Physically or Mentally Disabled or Handicapped, AND who:**

1. Had assets (including such things as bank accounts, securities and safe deposit box contents), on deposit with any Swiss bank, investment fund, or other custodian, prior to May 9, 1945, (Deposited Assets Class), or
2. May have claims against Swiss entities relating to assets that were looted or taken by the Nazi Regime, or relating to "Cloaked Assets," which are assets disguised by a Swiss entity for the benefit of an Axis company or entity or person associated with the Nazi Regime, between 1933 and 1946 (Looted Assets Class), or
3. Performed Slave Labor for entities that may have deposited the revenues or proceeds of that labor with or transacted that profit through Swiss entities (Slave Labor Class I), or
4. Unsuccessfully sought entry into Switzerland to avoid Nazi persecution, or after gaining entry, were deported or mistreated, and may have related claims against any Swiss entity (Refugee Class).

**And To: All persons (and their heirs), whether or not a Victim or Target of Nazi Persecution, who performed Slave Labor in any facility or work site, wherever located, owned, controlled or operated by any Swiss entity (Slave Labor Class II).**

This notice contains important information about rights you may have under a proposed \$1.25 billion (U.S. dollars) Settlement of a class action lawsuit against private Swiss banks and other Swiss entities for their alleged conduct related to World War II and the Holocaust. This Notice provides information regarding the class action lawsuit, the proposed Settlement, how to determine if you are a member of the Settlement Classes, steps that will be taken to distribute the \$1.25 billion Settlement Fund, and what you can do if you wish to comment on, exclude yourself from, or participate in the Settlement. An Initial Questionnaire is also attached, although the claims program will not begin unless and until the Settlement is finally approved, and until after the Court has adopted a Plan of Allocation, as described below.

**Even if you are not sure whether you are a member of one or more of the Settlement Classes, you should still read this Notice, and follow procedures described below for preserving your rights, commenting on the Settlement, and getting claims information. For example, you may have performed Slave Labor, but you may not know whether profits from that labor were deposited in or transacted through a Swiss entity. You should still consider yourself to be a member of the Settlement Classes.**

If, after reading this Notice, you want more information, see Question 22, below.

**THIS NOTICE ANSWERS THE FOLLOWING QUESTIONS:**

1. What is this litigation about?
2. Did the Court decide any of Plaintiffs' claims?
3. Am I a member of one or more of the Settlement Classes?
4. What is a "class action" lawsuit?
5. What is a "settlement"?
6. Who are the Class Representatives and Class Counsel in this "class action"?
7. What are the basic monetary terms of the proposed Settlement?
8. How will the Settlement money be distributed?
9. Are any other defendants involved in this Settlement besides Swiss banks?
10. What Claims are released under the Settlement?
11. Does this Settlement affect other World War II-era claims, such as claims against companies that employed Slave Labor, insurance companies, and other banks?
12. How did the lawyers and class representatives determine the Settlement Amount?
13. What do I have to do now if I want to participate in the Settlement?
14. How much will I recover if I participate in the Settlement? When will I receive payment from the Settlement Fund?
15. When will I get a claim form? What proofs will I need when I file my claim form?
16. Will my claim information be kept confidential?
17. Will I have to pay attorneys' fees and costs?
18. What do I do if I want to exclude myself from the Settlement Classes?
19. What happens next?
20. When will the funds be paid?
21. How does the \$1.25 billion Settlement fund relate to other Holocaust compensation programs?
22. How can I get more information? — What if I have questions? — Where do I send my Initial Questionnaire?— Where do I mail other types of documents?



For purposes of this Notice, certain terms have been given special meanings, which are precisely defined in the Settlement Agreement that is summarized in this Notice. You may obtain a copy of the Settlement Agreement by writing to the Notice Administrator at the address listed in response to Question 22, below. A glossary defining these terms is attached to this Notice.

The "Settling Defendants" include Credit Suisse and UBS AG (as successor to Union Bank of Switzerland and Swiss Bank Corporation) and each of their former and current corporate parents, subsidiaries, affiliates, and branches, predecessors, successors, officers, directors, employees, agents, attorneys, heirs, and personal representatives. These Settling Defendants have agreed to pay \$1.25 billion to resolve claims against them, against all other Swiss banks, and against all other Swiss entities ("Releasees," defined below) under the terms described in this Notice and in the Settlement Agreement. In this Notice, the Settling Defendants are sometimes referred to as the "Defendants" or "Swiss Banks."

## 1. What Is This Litigation About?

In the Fall of 1996, Plaintiffs initiated lawsuits in the United States District Court for the Eastern District of New York, which were assigned to the Hon. Edward R. Korman (the "Court"), and which were consolidated into a single proceeding titled In re Holocaust Victim Assets Litigation, Master Docket No. CV-96-4849. The suits named Credit Suisse, the Union Bank of Switzerland and Swiss Bank Corporation as defendants. The Plaintiffs alleged that the Swiss Banks (1) collaborated with the National Socialist government of Germany from 1933 through 1945, and its instrumentalities, agents and allies (the "Nazi Regime") and participated in a scheme to (a) unlawfully retain Class members' accounts deposited prior to and during the Second World War; (b) accept for deposit, transfer, or exchange, assets looted by the Nazi Regime; and (c) engage in transactions involving the profits of companies that used Slave Labor; and (2) concealed the true nature and scope of their conduct. More specifically, the Plaintiffs claimed that, from 1933 to 1945:

- the Defendants accepted deposits of assets ("Deposited Assets") from Class members, did not return these assets to their rightful owners at the close of the War, and then denied the assets existed;
- the Defendants accepted personal, commercial, real, and/or intangible property, including cash, securities, gold, jewelry, businesses, art, and other items that had been looted, confiscated or stolen from Class members ("Looted Assets");
- the Defendants assisted German companies during the war by disguising or "cloaking" their assets ("Cloaked Assets" include assets wholly or partly owned by, controlled by, obtained from, or held for the benefit of, any company incorporated, headquartered, or based in Germany or any other Axis country or other country occupied by an Axis country between 1933 and 1946, or any other entity or individual associated with the Nazi Regime, the identity, value, or ownership of which was disguised by any Releasee);
- the Defendants engaged in various transactions with the Nazi Regime and companies using Slave Labor; and
- the Defendants aided and abetted the Nazi Regime's war effort by providing valuable foreign exchange to the Nazi Regime in exchange for Deposited Assets, Looted Assets, and slave labor goods.

On behalf of themselves and all other Class members, the Plaintiffs asserted legal claims for breach of contract, breach of fiduciary duty, an accounting, unjust enrichment, conversion, and violation of international human rights law. The Plaintiffs sought compensatory damages, equitable and injunctive relief, and punitive damages.

The Defendants filed motions to dismiss the Plaintiffs' complaints based on numerous grounds. Plaintiffs opposed these motions. The Court never ruled on the motions.

The parties have reached a Settlement, under which the Swiss Banks are to pay \$1.25 billion, in exchange for which Class Members release their legal claims against the Swiss Banks, as well as all other Swiss business entities, the Swiss National Bank, the Swiss Bankers Association, the Swiss Confederation, and all other Releasees, other than certain claims against certain Swiss insurance companies that are defendants in separate litigation, described below.

2. **Did the Court Decide Any of Plaintiffs' Claims?**

The Court has not ruled on the merits of any of Plaintiffs' claims.

3. **Am I a Member of One or More of the Settlement Classes?**

Not all Holocaust victims, survivors, or their heirs are affected by this Settlement. If you are a member of any one (or more) of the five groups described in the paragraphs below, you are a member of the Settlement Classes and therefore affected by the Settlement. As used in this Notice, the term "Victim or Target of Nazi Persecution" means any individual, corporation, partnership, sole proprietorship, unincorporated association, community, congregation, group, organization, or other entity persecuted or targeted for persecution by the Nazi Regime because they were or were believed to be Jewish, Romani, Jehovah's Witness, homosexual, or physically or mentally disabled or handicapped. Also, as used in this Notice, the term "Releasees" includes Swiss entities, such as the Swiss Banks, other Swiss banks, Swiss commercial entities, the Swiss government, and other entities listed in the definition of Releasees described in the answer to Question 9, below.

There are five Settlement Classes. Four of the Classes include Victims or Targets of Nazi Persecution who:

1. Had assets (including such things as bank accounts, securities and safe deposit box contents), on deposit in any Swiss bank, investment fund, or other custodian prior to May 9, 1945 (Deposited Assets Class), or
2. May have claims against Swiss entities relating to assets that were looted or taken by the Nazi Regime, or relating to "Cloaked Assets," which are assets disguised by a Swiss entity for the benefit of an Axis company, entity or person associated with the Nazi Regime, between 1933 and 1946 (Looted Assets Class), or
3. Performed slave labor for companies or other entities that may have deposited the revenues or proceeds of that labor with or transacted such revenues or proceeds through Swiss entities (Slave Labor Class I), or
4. Unsuccessfully sought entry into Switzerland to avoid Nazi persecution, or after gaining entry, were deported or mistreated, and may have related claims against any Swiss entity (Refugee Class).

The fifth Settlement Class consists of all persons, whether or not a Victim or Target of Nazi Persecution as previously defined, who were forced to perform slave labor in any facility or work site, wherever located, that was owned, controlled or operated by any Swiss company or other entity (Slave Labor Class II).

All five of these Settlement Classes include heirs, successors, administrators, executors, affiliates and assigns of the persons or entities who are described in the paragraphs above. It is important to know that at this time the methods for establishing proof of class membership have not yet been established. If you are in doubt about proof, yet wish to participate, you should proceed.

If you receive this Notice but you are not a member of one of the Settlement Classes described above, then you need do nothing.

**4. What is a "Class Action" Lawsuit?**

A "Class Action" is a type of lawsuit where a large group of individuals with common interests and issues (the "Class") join together to enforce their rights in court. The people who file the lawsuit are called the "Plaintiffs." The persons or entities against which the lawsuit is filed are called "Defendants."

This Settlement resolves four different class action lawsuits, all of which were filed in the United States District Court for the Eastern District of New York against Settling Defendants, and consolidated into a single proceeding, In re Holocaust Victim Assets Litigation, Master Docket No. CV-96-4849 (ERK). The Settlement provides for the dismissal of two related class action lawsuits: one in the United States District Court for the Northern District of California (Markovicova, et al. v. Swiss Bank Corporation, et al., Case No. C98-02924 MMC); and the second in the United States District Court for the District of Columbia against the Swiss National Bank (Rosenberg, et al. v. Swiss National Bank, Civil Action No. 1:98 CV 01647).

**5. What is a "Settlement"?**

A "Settlement" is an agreement by which parties in a legal dispute agree to a compromise to resolve and end their legal differences, and to forever end the litigation. Here, a Settlement has been reached in the Class Action Litigation. The Settlement was set forth in a document called the "Settlement Agreement." A copy of the Settlement Agreement may be obtained by writing to the address listed in the answer to Question 22, below.

**6. Who Are the Class Representatives and Class Counsel in this "Class Action"?**

The following "Class Representatives" have been appointed by the Court to represent the interests of the members of the Settlement Classes: Elizabeth Trilling-Grotch, Lillie Ryba, Jacob Friedman, Charles Sonabend, David Boruchowicz, Joshua Lustmann, Miriam Stern, the World Council of Orthodox Jewish Communities, Inc., and the World Jewish Restitution Organization. These Class Representatives represent each of the five Settlement Classes.

The Court has appointed the following attorneys and firms to represent the Class as Settlement Class Counsel: Michael Hausfeld of Cohen, Milstein, Hausfeld & Toll PLLC; Melvyn Weiss of Milberg, Weiss, Bershad, Hynes & Lerach LLP; Robert Lieff of Lieff, Cabraser, Heimann & Bernstein LLP; Irwin Levin of Cohen & Malad, PC; Robert Swift of Kohn, Swift & Graf, PC; Professor Burt Neuborne of New York University Law School; Edward Fagan of Fagan & D'Avino; Stephen Whinston of Berger & Montague, PC; Mel Urbach of the Law Offices of Mel Urbach; Arnold Levin of Levin, Fishbein, Sedran & Berman; Martin Mendelsohn of Verner, Liipfert, Bernhard, McPherson and Hand, Chartered; and Stanley Chesley of Waite, Schneider, Bayless & Chesley Co., LPA.

Depending upon the nature of your correspondence, you may contact Settlement Class Counsel by writing to one of the P.O. boxes, or by accessing the Internet site listed in the answer to Question 22, below.

**7. What are the Basic Monetary Terms of the Proposed Settlement?**

The proposed Settlement creates a fund in the principal amount of \$1.25 billion (U.S.), plus any interest that accrues on the fund prior to distribution. The Settling Defendants must pay the Settlement amount of \$1.25 billion (U.S.) in four installments:

- On November 23, 1998, Settling Defendants paid \$250 million into an Escrow Fund;
- Settling Defendants must pay an additional \$333 million on November 23, 1999;
- Settling Defendants must pay an additional \$333 million on November 23, 2000; and
- Settling Defendants must pay an additional \$334 million on November 23, 2001.

Under certain limited circumstances, the Settling Defendants may be required to accelerate payments of portions of the amounts due.

All amounts paid to certain persons and entities as a result of determinations made by the Independent Committee of Eminent Persons (also known as the "ICEP" and commonly referred to as the "Volcker Commission"), the Independent Claims Resolution Foundation, and the Claims Resolution Tribunal, or otherwise to discharge Claims, are to be credited against the scheduled installments.

**8. How Will the Settlement Money be Distributed?**

No claims process or Plan of Allocation has yet been established. In March 1999, the Court appointed Judah Gribetz to serve as a Special Master. The Special Master will develop a proposed Plan of Allocation and Distribution of the Settlement Fund, employing open and equitable procedures to ensure fair consideration of all proposals for allocation and distribution. Settlement Class Members will have an opportunity to comment on the Plan, and may now offer suggestions to the Special Master. The proposed Plan of Allocation must be approved by the Court before the Settlement Fund may be distributed. The Court-approved Plan will then be implemented under the Court's supervision. The Special Master will also be charged with recommending to the Court where residual funds, if any, remaining after the distribution to all eligible members of the Class and payment of all costs and fees approved by the Court, should be distributed.

You may submit your suggestions to the Special Master by writing to the address listed in the answer to Question 22, below.

If you wish to make a claim in this Settlement, then to ensure you receive notice of the Plan of Allocation and claims-filing process, you must either (a) complete and return the attached Initial Questionnaire, or (b) write to the address listed in the answer to Question 22, below, and specifically indicate that you wish to receive notice of the terms of the Plan of Allocation. If you do not either submit an Initial Questionnaire or request further notice of the Plan of Allocation, you will not be mailed notice of the terms of the Plan of Allocation, and may not be able to file a claim.

**9. Are Any Other Defendants Involved in this Settlement Besides the Defendant Banks?**

In addition to resolving claims against the Settling Defendants, all Settlement Class members agree to release their Claims against the following "Releasees": the Settling Defendants; the Swiss National Bank; all Other Swiss Banks; the Swiss Bankers Association; the Swiss Confederation (including, without limitation, the Cantons, and all other political subdivisions and governmental instrumentalities in Switzerland); all business concerns (whether organized as corporations or otherwise) headquartered, organized, or incorporated in Switzerland as of October 3, 1996, including, without

limitation, corporations incorporated in Switzerland that are owned, operated, or controlled directly or indirectly by corporations located outside Switzerland ("the Swiss-based Concerns") and their branches and offices, wherever located; and all affiliates of any Swiss-based Concern (whether organized as corporations, partnerships, sole proprietorships or otherwise) wherever headquartered, organized or incorporated in which the Swiss-based Concern owns or controls directly or indirectly at least twenty-five percent of any class of voting securities or controls in any manner the election or appointment of a majority of the board of directors, trustees, or similar body ("Owned or Controlled Affiliates").

As to each of the foregoing Releasees, the term "Releasees" also includes, without limitation, each of its predecessors, successors, assigns, officers, directors, employees, agents, attorneys, heirs, executors, administrators, and personal representatives wherever located. The term "Releasees" excludes Basler Lebensversicherungs- Gesellschaft, Zürich Lebensversicherungs-Gesellschaft, and Winterthur Lebensversicherungs-Gesellschaft, and their subsidiaries in the insurance business, but only to the extent of insurance claims of the type asserted in Cornell, et al. v. Assicurazioni Generali, S.d.A., et al., 97 Civ. 2262 (S.D.N.Y.). The term "Releasees" also excludes parent companies and other affiliates of Swiss-based Concerns that (1) before 1945 were headquartered, based, or incorporated in Germany or any other Axis country or other country occupied by an Axis country between 1933 and 1946, (2) were not Owned or Controlled Affiliates, as defined above, and (3) disguised the identity, value, or ownership of Cloaked Assets or used Slave Labor. A company shall not be deemed a Releasee by virtue of being an Owned or Controlled Affiliate if (1) the company was headquartered, based, or incorporated in Germany or any other Axis country or other country occupied by an Axis country between 1933 and 1946, and (2) the company's parent was a Swiss-based Concern established for the sole purpose of disguising the identity, value, or ownership of Cloaked Assets.

#### **10. What Claims Are Released Under The Settlement?**

By participating in this Settlement and remaining members of the Settlement Classes, Settlement Class Members agree to waive all legal rights with respect to Releasees in exchange for the \$1.25 billion settlement amount, with respect to all "Claims," which includes all actions, claims, obligations, losses, expenses, damages, and agreements of any nature and demands whatsoever from the beginning of time to now and any time in the future relating to facts occurring on or before the date of the Settlement Agreement (January 26, 1999), whether class or individual, under any international, national, state, provincial, or municipal law, whether now accrued or asserted or hereafter arising or discovered, that may be, may have been, could have been or could be brought in any jurisdiction before any court, arbitral tribunal, or similar body against any Releasee, in connection with any act or omission in any way relating to the Holocaust, World War II, and its prelude and aftermath, Victims or Targets of Nazi Persecution, transactions with or actions of the Nazi regime, treatment of refugees fleeing Nazi persecution by the Swiss Confederation or other Releasees, or any related cause or thing whatever, including without limitation all claims relating to Deposited Assets, Looted Assets, Cloaked Assets, and/or Slave Labor, or any prior or future effort to recover on such claims directly or indirectly from any Releasee.

The Settlement Class Members also irrevocably and unconditionally release and discharge the ICEP, the ICRF, the Claims Resolution Tribunal and the Secretariat of the Claims Resolution Tribunal, as well as their respective officers, directors, employees, agents, attorneys, and contractors (including, without limitation, arbitrators and audit firms), from any and all liability, claims, causes of action, arising out of or in any way associated with these entities' and individuals' activities relating to the investigation of Claims.

The foregoing releases apply irrespective of whether any Settlement Class member receives a distribution from the Settlement Fund. Settling Class members covenant not to sue Releasees or initiate any form of proceeding seeking redress of any kind for any Claim covered by this Settlement Agreement in any judicial, administrative, or other proceeding anywhere in the world at any time, other than to enforce the Settlement Agreement, and consent to immediate dismissal with prejudice of any proceeding brought in violation of this provision.

**11. Does This Class Action Settlement Affect Other World War II-era Claims, such as Claims Against Companies That Employed Slave Labor, Insurance Companies, and Other Banks?**

This Class Action Settlement releases all Settlement Class Member Claims but only insofar as those Claims concern the Releasees. This Class Action Settlement does not address any other Holocaust or World War II-related claims relating to non-Swiss and/or non-Swiss-affiliated banks or other companies, including claims against non-Swiss and non-Swiss-affiliated banks, insurance companies, and manufacturers that employed Slave Labor or otherwise assisted in the Nazi Regime's war effort. The Settlement Agreement precisely defines the scope of the release.

**12. How Did the Lawyers and Class Representatives Determine the Settlement Amount?**

After World War II, Jewish organizations began working to secure restitution of, and compensation for, Jewish property throughout Europe and in Switzerland. In 1995, when the specific issue of dormant Swiss bank accounts containing unclaimed assets of Holocaust victims came under public scrutiny, the WJRO reinitiated formal discussion with the Swiss regarding restitution issues. Such negotiations led to, among other things, the creation of the Independent Committee of Eminent Persons ("ICEP") and the Independent Commission of Experts ("ICE"). The ICEP, chaired by Paul A. Volcker, was established in May, 1996 by the Swiss Bankers' Association, the World Jewish Congress, and other Jewish organizations to conduct an independent audit of Settling Defendants and Other Swiss Banks to identify accounts from the World War II era that could possibly belong to Victims of Nazi Persecution. The ICE, in turn, is an independent group of internationally recognized historians, chaired by Jean Francois Bergier, which the Swiss Confederation established in 1996 to examine Switzerland's relationship with Nazi Germany.

The litigation was commenced by plaintiffs in 1996. Settlement Class Counsel, the WJRO, and others, including the World Council of Orthodox Jewish Communities, investigated the claims and the underlying events and transactions alleged in the Complaints, including: (1) reviewing thousands of pages of documents obtained from public information sources and through other, informal means; (2) interviewing hundreds of Class Members; (3) consulting with experts; (4) researching and analyzing applicable law with respect to the Class claims and the Defendants' defenses; (5) reviewing and analyzing the report produced by ICE; and (6) reviewing and analyzing the reports prepared under the auspices of Stuart Eizenstat, United States Undersecretary of Commerce for International Trade, and by William Z. Slany, an historian for the United States Department of State, with the participation of various federal government agencies and the United States Holocaust Museum. Settlement Class Counsel, the WJRO, and the World Council of Orthodox Jewish Communities conferred with survivors and survivor representatives, and participated in Court-supervised settlement discussions, mediated in part by United States Under Secretary of State Stuart Eizenstat. The Settlement is the result of more than a year of arms-length negotiations.

You should evaluate the terms of the Settlement, and the risks and costs of continued litigation, and decide for yourself whether you think the Settlement is fair and reasonable, and whether you wish to remain a member of the Settlement Class.

**13. What Do I Have to Do Now If I Want to Participate in the Settlement?**

If you are a member of one or more of the Settlement Classes, and you wish to participate in the Settlement, then to ensure you receive notice of the Plan of Allocation and claims filing process, you must either (a) mail a written request to receive such notice to the address listed in response to Question 22 below, or (b) complete and return the attached Initial Questionnaire. The Initial Questionnaire will not be utilized for purposes of determining distribution amounts until after a Plan of Allocation is adopted by the Court. By filling out the Initial Questionnaire, accordingly, you are not necessarily entitled to any funds, unless and until such an entitlement is established by the Plan of Allocation adopted by the Court. You will automatically receive written notice of the terms of the Plan of Allocation if you submit an Initial Questionnaire that includes your correct address for mailing.

Please notify the Notice Administrator at the address listed in response to Question 22 below, of any change of address.

As long as you do not submit a written request for exclusion, you will remain a member of the Settlement Classes, and will be bound by the Settlement regardless of whether you request further notice of the Plan of Allocation, and regardless of whether you make a claim, or receive a distribution from the Settlement Fund.

**14. How Much Will I Recover If I Participate in the Settlement? When Will I Receive Payment From the Settlement Fund?**

Each individual award will be based on factors to be recommended by the Special Master and approved by the Court after the Settlement is finally approved by the Court. At this time, the threshold issue that must be decided by the Court is whether the \$1.25 billion-settlement amount is fair and reasonable.

No Plan of Allocation will be developed or available for your review prior to the date on which you must decide whether to exclude yourself from or comment upon the Settlement. Not all Settlement Class Members will necessarily receive an allocation from the Settlement Fund; it is not possible at this time to estimate what, if anything, you will receive because the Plan of Allocation does not exist yet. A Plan of Allocation will not be submitted for public comment unless and until the Court finally approves the \$1.25 billion Settlement Amount.

It is expected that, if the Settlement is granted final approval, the Special Master will quickly present a recommended Plan of Allocation. The Court will then adopt a final Plan of Allocation, pursuant to which the Settlement Amount will be swiftly disbursed.

**15. When Will I Get a Claim Form? What Proofs Will I Need When I File My Claim Form?**

An Initial Questionnaire is attached to this Notice. If you wish to make a claim in this Settlement, then to ensure you receive notice of the Plan of Allocation and claims-filing process, you must either (a) complete and return the attached Initial Questionnaire, or (b) write to the address listed in the answer to Question 22, below, and specifically indicate that you wish to receive notice of the terms of the Plan of Allocation. If you do not either submit an Initial Questionnaire or request further notice of the Plan of Allocation, you will not be mailed notice of the terms of the Plan of Allocation, and may not be able to file a claim.

Because no Plan of Allocation has yet been established, we do not yet know what, if any, proof will be required to support claims by members of the Settlement Classes for a portion of the Settlement Fund. The Plan of Allocation will not be presented to the Court unless and until the \$1.25 (U.S.) billion Settlement Amount is granted final approval, on or after November 29, 1999; accordingly, no final determination on the claims process will be made until after that date.

**16. Will My Claim Information Be Kept Confidential?**

The confidentiality of information you submit in support of your claim will be maintained, though Defendants will be provided copies of Proof of Claim forms.

**17. Will I Have to Pay Attorneys' Fees and Costs?**

Class members are not personally liable for Court-appointed plaintiffs' attorneys' fees and costs. Although you may retain your own lawyer at your own expense, you do not need to use the services of a lawyer to participate in or exclude yourself from this Settlement. You need only follow the procedures described in this Notice.

"Plaintiffs' Counsel" includes all plaintiffs' counsel of record in In re Holocaust Victims Assets Litigation, Master Docket No. CV-96-4849 (E.D.N.Y.); Markovicova, et al. v. Swiss Bank Corporation, et al., Case No. C98-02924 (N.D. Cal.); and Rosenberg, et al. v. Swiss National Bank, Civil Action No. 1:98 CV 01647 (District of Columbia), except counsel for the WJRO.

At the "Fairness Hearing" (described below), all of the Court-appointed Plaintiffs' Counsel will apply to the Court to be reimbursed for their costs, in an amount not to exceed approximately 0.2% of the Settlement Fund, or \$2.5 (U.S.) million. The majority of Plaintiffs' Counsel will not apply for an award of fees. Certain Plaintiffs' Counsel will apply to the Court for an award of fees up to a total amount of 1.8% of the Settlement Fund, or \$22.5 (U.S.) million. The Court has the discretion to award a lower amount, after considering the fee applications made by those Plaintiffs' Counsel who will apply for fees.

Counsel for the WJRO, who are working *pro bono*, will not seek reimbursement for its costs, and will not apply for an award of fees.

**18. What Do I Do If I Want to Exclude Myself From the Settlement Classes?**

If you do not wish to be included in the Class and you do not wish to participate in the proposed Settlement, you must individually and personally request to be excluded in writing by October 22, 1999. To request exclusion you must write a letter that states (1) the name of this Litigation (Swiss Banks); (2) your name; (3) your address; (4) and that you do not want to participate in the Settlement. The exclusion request must be personally signed by you and mailed to the address listed in Section 22, below.

**No request for exclusion will be considered valid  
unless all the information described above is included  
and the request is postmarked by October 22, 1999.**

If you validly request exclusion from the Class: (a) you will be excluded from the Class; (b) YOU WILL NOT BE ELIGIBLE TO SHARE IN THE PROCEEDS OF THE SETTLEMENT; (c) you will not be bound by any judgment entered in the Litigation; and (d) you will not be precluded from otherwise prosecuting an individual claim, if timely, against the Settling Defendants based on the matters complained of in the Litigation.

**19. What Happens Next?**

A Fairness Hearing will be held on November 29, 1999 at 10:00 A.M. EST before the Hon. Edward R. Korman at the United States District Courthouse, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201 (the "Fairness Hearing"). At that time, the Court will determine (1) whether the proposed Settlement consisting of a principal sum of \$1.25 billion, plus accrued interest, is fair, reasonable, adequate, and in the best interest of the Class; (2) whether Class Counsel's request for attorneys' fees, expenses and costs of notice and administration should be approved; and (3) whether the Litigation should be dismissed with prejudice. The Court may adjourn or continue the Fairness Hearing without further notice to the Class. You do not need to attend the hearing in order to participate in or comment upon the Settlement, or to exclude yourself from the Settlement Class.

Any Class member who has not requested exclusion may (but need not) appear at the Fairness Hearing in person or through Counsel to address why the proposed Settlement should or should not be approved, and to comment on or object to the application of Class Counsel for attorneys' fees, costs, and expenses; provided, however, that no such person shall be heard unless his or her objection or opposition is made in writing and is filed, together with copies of all other papers and briefs to be presented by him or her to the Court at the Fairness Hearing, no later than October 22, 1999, and mailed to the address listed in response to Question 22 below.



Unless otherwise ordered by the Court, any member of the Settlement Class who does not make his or her objection or opposition in the manner provided shall be deemed to have waived all such objections.

**20. When Will the Funds Be Paid?**

The Settlement is conditioned on the occurrence of certain events. Those events include the Court's approval of the Settlement at the Fairness Hearing, and entry of Final Order and Judgment by the Court, as provided in the Settlement Agreement. If, for any reason, any one of the conditions described in the Settlement Agreement is not met, the Settlement Agreement might be terminated, and if terminated, will become null and void.

If the Settlement Agreement is granted final approval, then the Special Master will recommend a Plan of Allocation for the Settlement Fund. Persons who complete an Initial Questionnaire or write to request such notice will be mailed a notice of the Plan of Allocation proposed by the Special Master. The Court will then hold a hearing on whether to approve the proposed Plan of Allocation or a variation of it. After a Plan of Allocation is adopted by the Court, the claims and distribution procedures set forth in the plan will be swiftly implemented. We hope that distribution of funds will commence as early as the first part of the year 2000.

**21. How Does the \$1.25 Billion Settlement Fund Relate to Other Holocaust Compensation Programs?**

This Settlement is different from and unrelated to the Swiss Humanitarian Fund, or other restitution or compensation programs in Germany or elsewhere.

**22. How Can I Get More Information? — What If I Have Questions? — Where do I Send My Initial Claim Form? — Where Do I Mail Other Types of Documents?**

This notice contains only a summary of the terms of the proposed Settlement. For more detailed information regarding this Litigation, members of the Class may inspect the Settlement Agreement, and all other papers filed in this action, at the Office of the Clerk, United States District Court for the Eastern District of New York.

The addresses for each type of correspondence are listed below. It is important that you send your correspondence to the proper address, with the envelope containing the complete address.

- **Requests for Information** should be sent to the following address:

**"INFORMATION"**  
**In re Holocaust Victim Assets Litigation**  
**Notice Administrator**  
**P.O. Box 8300**  
**San Francisco, CA 94128-8300**  
**USA**

You may also obtain additional information by accessing the Internet site at:  
**[http:// www.swissbankclaims.com/](http://www.swissbankclaims.com/)**

In the United States and Canada, you may call **1-888-635-5483**  
or in Australia, call **800-554-370**  
or in South Africa, call **0-800-992765**  
or in the United Kingdom, call **0-800-917-4424**

- **Initial Questionnaires and Requests for Notice of the Plan of Allocation and Claims Process** should be sent to the following address:

**"QUESTIONNAIRES"**  
**In re Holocaust Victim Assets Litigation**  
**Notice Administrator**  
**P.O. Box 8289**  
**San Francisco, CA 94128-8289**  
**USA**

- **Comments regarding the Settlement, including objections**, should be mailed to the following address, and addressed on the envelope as follows:

**"COMMENTS/OBJECTIONS"**  
**In re Holocaust Victim Assets Litigation**  
**Notice Administrator**  
**P.O. Box 8259**  
**San Francisco, CA 94128-8259**  
**USA**

- **Exclusion requests** should be sent to the following address, and listed on the envelope as follows:

**"EXCLUSION REQUESTS"**  
**In re Holocaust Victim Assets Litigation**  
**Notice Administrator**  
**P.O. Box 8149**  
**San Francisco, CA 94128-8149**  
**USA**

- **Suggestions regarding the Plan of Allocation** should be sent to the address as listed below:

**"SPECIAL MASTER/DISTRIBUTION"**  
**In re Holocaust Victim Assets Litigation**  
**Notice Administrator**  
**P.O. Box 8039**  
**San Francisco, CA 94128-8039**  
**USA**

**It is important that different types of correspondence (for example, comments on the Settlement, Initial Questionnaires, etc.) be separately mailed to the Notice Administrator at the different addresses listed above, to allow for prompt and timely sorting of different types of communications from you. It is likely that thousands of class members will write to the Notice Administrator in multiple languages. We can provide a prompt response to communications only if class members follow the instructions set forth above.**

***Please do not write to the Court or the Clerk of the Court,  
as neither can answer any questions or provide legal advice  
regarding the Settlement or your rights thereunder.***

Dated: May 10, 1999

BY ORDER OF THE COURT  
THE HONORABLE EDWARD R. KORMAN  
UNITED STATES DISTRICT JUDGE

Deeply Respected Class Member,

I am writing to you on behalf of the Settlement Class Counsel named in Question 6 of the enclosed Notice. The enclosed documents are being mailed to a significant portion of the Holocaust survivors throughout the world. They were prepared by Settlement Class Counsel at the request of the United States federal judge who must decide whether to approve a proposed \$1.25 billion (U.S.) Settlement Agreement intended to settle and resolve Holocaust-related legal claims against Swiss banks and other Swiss entities. The Settlement Agreement applies only to claims against Swiss entities. It has nothing to do with pending efforts to secure relief against German or other non-Swiss companies or entities. While we realize that the attached documents are complicated and may invoke painful memories, they are necessary to help the judge decide whether to approve the Settlement Agreement, and to permit the Special Master to develop a plan of allocation and distribution.

We understand that the Holocaust can never be remedied by any legal settlement. Financial restitution can never undo the past, or make amends for the injustices you have suffered. But we urge you to review the attached documents carefully, and to decide for yourself whether you may be a member of one or more of the Settlement Classes described in the documents, and whether you wish to participate in the Settlement, and how you can register to receive allocation and claims information by October 22, 1999.

Attached to this letter, you will find a Notice approved by the United States federal judge who is supervising the Settlement. The Notice answers important questions about the lawsuits and other activities that finally resulted in the Settlement. The Notice also describes the persons who are covered by the Settlement (in legal terms, the members of the Settlement Classes), and explains the steps such persons may take to comment on, participate in, or exclude themselves from the Settlement. Finally, the Notice explains how you can get more information about the Settlement.

The Notice contains an Initial Questionnaire to help the Court obtain information about Settlement Class Members, and their possible claims against Swiss entities. You should return the questionnaire if you, or a family member: (1) maintained a bank account or a safe deposit box with a Swiss bank which has not been returned to you; (2) were denied entry into, or expelled from Switzerland, during World War II; (3) were forced by the Nazis to perform slave labor for a Swiss corporation, or for a corporation that banked in Switzerland; or (4) had property stolen by the Nazis that was disposed of through a Swiss bank. The attached Notice gives more precise definitions of the Settlement Classes.

**Even if you are unsure of whether you have a claim against a Swiss entity, you should complete the enclosed Initial Questionnaire, and follow the procedures described in the enclosed Notice to preserve your rights.** For example, if you performed slave labor, you may not know whether revenue or proceeds of that slave labor were deposited with Swiss banks. Or, you may have had assets looted by the Nazi regime, but you may not know whether those assets were disposed of through a Swiss bank. In both instances, you may still be entitled to share in the Settlement fund. Although there is no guarantee that you will recover any money, you should complete the enclosed Initial Questionnaire, and follow the procedures described in the enclosed Notice to preserve your rights.

No plans have yet been made for distributing the \$1.25 billion Settlement fund. On November 29, 1999, once you have had a chance to consider the enclosed material, the federal judge will hold what is called a "Fairness Hearing" to decide whether the \$1.25 billion Settlement is fair and reasonable. The attached Notice explains how you can make your views known to the judge about the Settlement's fairness.

If the judge approves the Settlement as fair and reasonable, a plan of distribution and allocation of the \$1.25 billion Settlement fund will be promptly proposed by Judah Gribetz, Esq., a Special Master appointed by the judge to help develop a fair method of distribution. Mr. Gribetz is already working on developing a proposed plan. The terms

of the proposed plan of allocation and distribution will be mailed to anyone who either asks for information or submits an Initial Questionnaire before October 22, 1999. The enclosed Notice explains how to be sure that you will receive a copy of the proposed plan of distribution.

Once you receive a copy of the proposed distribution plan, you may comment on the plan. The Special Master will carefully consider your comments, and will submit a plan of allocation and distribution to the judge for his review. The judge will then hold a hearing, and adopt a final plan for distributing the funds. The funds will then be disbursed in accordance with the plan. Not everyone affected by the Settlement will necessarily be entitled to a payment, but everyone's views will be considered.

The attached Notice explains how you can let Mr. Gribetz, as Special Master, know your views about how you believe the \$1.25 billion Settlement fund should be allocated and distributed. You may communicate with him at any time. He welcomes your views.

You should be aware of the following important dates:

**October 22, 1999: Final Date for Comments, Objections, Exclusion Requests, or Requests for Additional Information About Distribution**

If you want to let the judge know your views on the Settlement before he rules on its fairness, or if you want to exclude yourself from the Settlement and the Settlement Classes, you must do so by following the instructions in the attached Notice no later than October 22, 1999. If you exclude yourself from the Settlement Classes, you will not receive any distribution from the Settlement fund.

If you wish to receive future information about any proposed plan of allocation and distribution, you should follow the instructions in the attached Notice by requesting such information by mail or by returning the attached Initial Questionnaire no later than October 22, 1999. You may convey your views on distribution to the Special Master at any time by following the instructions in the attached Notice.

**November 29, 1999: Final Hearing Regarding Fairness of \$1.25 Billion Settlement**

If you wish, you may be present in the courtroom when the judge decides whether to accept the Settlement as fair and reasonable. You are under no obligation to be present. You may express your views to the judge in writing by following the instructions in the attached Notice. The Fairness Hearing will take place on November 29, 1999, at the United States Courthouse, Brooklyn, New York, USA.

**December 28, 1999: Circulation of Draft Plan of Allocation and Distribution**

If the Settlement is approved as fair and reasonable, the Special Master will circulate a draft proposed plan of allocation and distribution for comment by approximately December 28, 1999. All persons who request information regarding the Plan of Allocation, or who submit an Initial Questionnaire prior to October 22, 1999 by following the instructions in the attached Notice will receive summaries of the plan by mail after December 28, 1999. You will then have a period of time to comment on the plan. The Special Master will consider the comments, and will prepare and submit a final proposed plan of allocation and distribution to the Judge by approximately April 28, 2000.

The Judge will then consider the final plan proposed by the Special Master, together with any comments you have made at a hearing scheduled for May 30, 2000 (which you need not attend), and will adopt a final plan of allocation and distribution. The funds will then be promptly disbursed in accordance with the plan. If all goes according to plan, we hope to be able to begin disbursing the funds within one year.

All of us who have worked on this Settlement regret that we cannot move more quickly in distributing the funds. It is our duty, however, to assure that everyone affected by the Settlement is given a chance to comment on its fairness, and to have an opportunity to express an opinion about the fairest way to allocate and distribute the funds. That takes time, especially since the Holocaust survivors who are receiving these documents live all over the world. We must translate the documents into many languages, see that they are delivered worldwide, and then collect, translate and consider everyone's comments. Because we all feel so deeply about the Holocaust, we want this process to treat every survivor with scrupulous fairness.

If, after reading the attached Notice, you have any remaining questions, please write to the Notice Administrators at the address provided in Section 22 of the attached Notice.

Sincerely yours,

Burt Neuborne  
Court-Appointed Settlement Counsel

## **PARTIAL GLOSSARY**

As used in the Settlement Agreement, the following terms have the meanings set forth below:

**Assets** means any and all objects of value including but not limited to personal, commercial, real, tangible, and intangible property, including, without limitation, cash, securities, gems, gold and other precious metals, jewelry, documents, artworks, equipment, and intellectual property.

**Claims or Settled Claims** means any and all actions, causes of action, claims, Unknown Claims, obligations, damages, costs, expenses, losses, rights, promises, and agreements of any nature and demands whatsoever, from the beginning of the world to now and any time in the future, arising from or in connection with actual or alleged facts occurring on or before the date of this Settlement Agreement, whether in law, admiralty, or equity, whether class or individual, under any international, national, state, provincial, or municipal law, whether now accrued or asserted or hereafter arising or discovered, that may be, may have been, could have been, or could be brought in any jurisdiction before any court, arbitral tribunal, or similar body against any Releasee directly or indirectly, for, upon, by reason of, or in connection with any act or omission in any way relating to the Holocaust, World War II and its prelude and aftermath. Victims or Targets of Nazi Persecution, transactions with or actions of the Nazi Regime, treatment of refugees fleeing Nazi persecution by the Swiss Confederation or other Releasees, or any related cause or thing whatever, including, without limitation, all claims in the Filed Actions and all other claims relating to Deposited Assets, Looted Assets, Cloaked Assets, and/or Slave Labor, or any prior or future effort to recover on such claims directly or indirectly from any Releasee.

**Claims Resolution Tribunal** means the group of arbitrators acting under the auspices of the ICRF.

**Cloaked Assets** means Assets wholly or partly owned, controlled by, obtained from, or held for the benefit of, any company incorporated, headquartered, or based in Germany or any other Axis country or other country occupied by an Axis country between 1933 and 1946 or any other entity or individual associated with the Nazi Regime (regardless of where such entity or individual was or is located, incorporated, headquartered, or conducting business), the identity, value, or ownership of which was in fact or allegedly disguised by, through, or as the result of any intentional or unintentional act or omission of or otherwise involving any Releasee, including, without limitation, Internationale Industrie und Handelsbeteiligungen A.G. (a.k.a. "Interhandel"), and its predecessors, successors, or affiliates.

**Court** means the United States District Court for the Eastern District of New York.

**Deposited Assets** means (1) any and all Assets actually or allegedly deposited by the beneficial owner, fiduciary, or other individual or organization with any custodian, including, without limitation, a bank, branch or agency of a bank, other banking organization or custodial institution or investment fund established or operated by a bank incorporated, headquartered, or based in Switzerland at any time (including, without limitation, the affiliates, subsidiaries, branches, agencies, or offices of such banks, branches, agencies, custodial institutions, and investment funds that are or were located either inside or outside Switzerland at any time) in any kind of account (including, without limitation, a safe deposit box or securities account) prior to May 9, 1945, that belonged to a Victim or Target of Nazi Persecution, including, without limitation, any Assets that Settling Defendants or Other Swiss Banks determine should be paid to a particular claimant because the Assets definitely or possibly belonged to a Victim or Target of Nazi Persecution; and/or (2) any and all Assets that the ICEP or the Claims Resolution Tribunal determines should be paid to a particular claimant or to the Settlement Fund because the Asset definitely or possibly belonged to an individual, corporation, partnership, sole proprietorship, unincorporated association, community, congregation, group, organization, or other entity (including, without limitation, their respective heirs, successors, affiliates, and assigns) actually persecuted by the Nazi Regime or targeted for persecution by the Nazi Regime for any reason. A determination by the ICEP or the Claims Resolution Tribunal to award a special adjustment for interest or fees to a particular claimant pursuant to the guidelines of the Panel of Experts on Interest and Fees and Other Charges shall be deemed to establish that the claimant was persecuted or targeted for persecution within the meaning of subsection (2) of this definition.

**Fairness Hearing** means the hearing conducted by the Court in connection with the determination of fairness, adequacy, and reasonableness of this Settlement Agreement under Fed. R. Civ. P. 23.

**Filed Actions** means Weissshaus, et al., v. Union Bank of Switzerland, et al., CV-96-4849, Friedman, et al., v. Union Bank of Switzerland, et al., CV-96-5161, Trilling-Grotch, et al., v. Union Bank of Switzerland, et al., CV-96-5161, Sonabend, et al. v. Union Bank of Switzerland, et al., CV-96-5161, and World Council of Orthodox Jewish Communities v. Union Bank of Switzerland, et al., CV-97-0461, which are being considered together for pretrial purposes under the caption In re Holocaust Victim Assets, Master Docket CV-96-4849, pending in the United States District Court for the Eastern District of New York; Markovicova et al. v. Swiss Bank Corporation, et al., C98-2934, pending in the United States District Court for the Northern District of California; and Rosenberg v. Swiss National Bank, No. CV-98-1647, pending in the United States District Court for the District of Columbia.

**Final Order and Judgment** means the order to be entered by the Court, in a form to be mutually agreed upon by the parties, approving this Settlement Agreement without material alterations, as fair, adequate, and reasonable under Fed. R. Civ. P. 23, confirming the certification of the Settlement Classes under Fed. R. Civ. P. 23, and making such other findings and determinations as the Court deems necessary and appropriate to effectuate the terms of this Settlement Agreement. For purposes of this Settlement Agreement, such order shall not become the Final Order and Judgment unless and until the Settlement Date occurs.

**ICEP** means the Independent Committee of Eminent Persons.

**ICRF** means the Independent Claims Resolution Foundation.

**Looted Assets** means Assets actually or allegedly belonging in whole or in part to Victims or Targets of Nazi Persecution that were actually or allegedly stolen, expropriated, Aryanized, confiscated, or that were otherwise wrongfully taken by, at the request of, or under the auspices of, the Nazi Regime.

**Matched Assets** means Deposited Assets that the ICEP or the Claims Resolution Tribunal determines belong, and should be paid to, particular claimants.

**Nazi Regime** means the National Socialist government of Germany from 1933 through 1945 and its instrumentalities, agents, and allies (including, without limitation, all other Axis countries), all occupied countries, and all other individuals or entities in any way affiliated or associated with, or acting for or on behalf or under the control or influence of, the Nazi Regime, including, without limitation, the Accused Organizations and Individuals in the Nuremberg Trial, 6 F.R.D. 69(1946).

**Releasees** means the Settling Defendants; the Swiss National Bank; Other Swiss Banks; the Swiss Bankers Association; the Swiss Confederation (including, without limitation, the Cantons and all other political subdivision and governmental instrumentalities in Switzerland); all business concerns (whether organized as corporations or otherwise) headquartered, organized, or incorporated in Switzerland as of October 3, 1996, including, without limitation, corporations incorporated in Switzerland that are owned, operated, or controlled directly or indirectly by corporations located outside Switzerland ("the Swiss-based Concerns") and their branches and offices, wherever located; and all affiliates of any Swiss-based Concern (whether organized as corporations, partnerships, sole proprietorships or otherwise) wherever headquartered, organized, or incorporated in which the Swiss-based Concern owns or controls directly or indirectly at least 25 percent of any class of voting securities or controls in any manner the election or appointment of a majority of the board of directors, trustees or similar body ("Owned or Controlled Affiliates"). As to each of the foregoing Releasees, the term Releasees also includes, without limitation, each of its predecessors, successors, assigns, officers, directors, employees, agents, attorneys, heirs, executors, administrators, and personal representatives wherever located. The term Releasees excludes Basler Lebens-Versicherungs-Gesellschaft, Zürich Lebensversicherungs-Gesellschaft, and Winterthur Lebensversicherungs Gesellschaft and their subsidiaries in the insurance business, but only to the extent of insurance claims of the type asserted in Cornell, et al. v. Assicurazioni Generali S.p.A., et al., 97 Civ. 2262 (S.D.N.Y.). The term Releasees also excludes parent companies and other affiliates of Swiss-based Concerns that (1) before 1945 were headquartered, based, or incorporated in Germany or any other Axis country or other country occupied by an Axis country between 1933 and 1946, (2) were not Owned or Controlled Affiliates as defined herein, and (3) disguised the identity, value, or ownership of Cloaked Assets or used Slave Labor. A Company shall not be deemed a Releasee by virtue of being an Owned or Controlled Affiliate if (1) the company was headquartered, based, or incorporated in Germany or any other Axis country or other country occupied by an Axis country between 1933 and 1946, and (2) the company's parent was a Swiss-based Concern established for the sole purpose of disguising the identity, value, or ownership of Cloaked Assets.

**Settling Defendants** means Credit Suisse and UBS AG (as successor to Union Bank of Switzerland and Swiss Bank Corporation) and each of their former and current corporate parents, subsidiaries, affiliates, and branches (including, without limitation, Credit Suisse Group, Credit Suisse, Credit Suisse First Boston, Credit Suisse First Boston Corporation, Credit Suisse Financial Products, Credit Suisse First Boston (Europe) Ltd., Credit Suisse First Boston Canada, Inc., and CSFB Aktiengesellschaft), predecessors, successors, assigns, officers, directors, employees, agents, attorneys, heirs, executors, administrators, and personal representatives, wherever they were, are, or may be located, incorporated, or conducting business, except for Winterthur Lebensversicherungs Gesellschaft and its subsidiaries in the insurance business, but only to the extent of insurance claims of the type asserted in Cornell, et al. v. Assicurazioni Generali S.p.A., et al., 97 Civ. 2262 (S.D.N.Y.).

**Settling Plaintiffs** means (1) the named plaintiffs in the Filed Actions, and their heirs, successors, affiliates, and assigns, and (2) all members of the Settlement Classes, except those who, in accordance with the terms of this Settlement Agreement and Court's order certifying the Settlement Classes, submit a timely request for exclusion from the classes.

**Slave Labor** means work for little or no remuneration actually or allegedly performed by individuals involuntarily at the insistence, direction, or under the auspices of the Nazi Regime.

**Unknown Claims** means Claims that a claimant does not know or suspect to exist in his/her favor as of the date of this Settlement Agreement.

**Unmatched Assets** means Deposited Assets identified by ICEP that are not awarded or paid to particular claimants, other than Matched Assets.

**Victim or Target of Nazi Persecution** means any individual, corporation, partnership, sole proprietorship, unincorporated association, community, congregation, group, organization, or other entity persecuted or targeted for persecution by the Nazi Regime because they were or were believed to be Jewish, Romani, Jehovah's Witness, homosexual, or physically or mentally disabled or handicapped.

**WJRO** means the World Jewish Restitution Organization and all of its constituent bodies. For purposes of this Settlement Agreement, the WJRO is a party to this litigation and shall be, along with others, a representative of the Settlement Classes.