

GLOSSARY: IN RE HOLOCAUST VICTIM ASSETS LITIGATION

1945 Freeze: Pursuant to a decree of the Swiss Federal Council, all assets in Switzerland belonging to citizens of Germany and the territories incorporated into the Third Reich were frozen on February 16, 1945. A Swiss government ruling of May 29, 1945 required that all German assets in Switzerland had to be reported to the Swiss Compensation Office. The freeze was lifted pursuant to the agreements concluded between Switzerland and Western Germany and between Switzerland, USA, France and the United Kingdom in August 1952. These agreements entered into force on 19 March 1953.

1962 Survey: By Federal Decree of December 20, 1962, the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss-based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since May 9, 1945 and who were known or presumed to have been victims of racial, religious, or political persecution.

2001 List: On February 5, 2001, a list was published with the endorsement of the Swiss Federal Banking Commission (“SFBC”) that contained names of owners of approximately 21,000 accounts that were determined by the auditors for the Independent Committee of Eminent Persons (ICEP) to have probably or possibly belonged to victims of Nazi persecutions. In addition to the 21,000 published accounts, another 15,000 accounts also were determined to have probably or possibly belonged to victims of Nazi persecution but were not authorized for publication by the SFBC. All 36,000 accounts were made available to the claims process established under the Settlement Agreement as part of the “Account History Database” (AHD) (see below).

2005 List: On January 13, 2005, the Claims Resolution Tribunal (the “CRT”) published an additional list of names of approximately 2,700 Account Owners and 400 Power of Attorney holders of Swiss bank accounts whose owners were probably or possibly Victims of Nazi persecution. The purpose of the 2005 List was to enable eligible claimants to identify the owners of Swiss bank accounts that were open or opened between 1933 and 1945 and to make claims to those accounts to which they may have been entitled. The list included names previously identified during the ICEP investigation of Swiss banks as possibly belonging to Holocaust victims. These names were not included in the list of names previously published with the endorsement of the SFBC in 2001. In addition, the 2005 List contained names of Account Owners and Power of Attorney Holders previously identified in a survey of dormant bank accounts conducted pursuant to the 1962 Survey (see *1962 Survey supra*). Additional names of Account Owners were identified in records available to the CRT from archival sources.

Account History Database (AHD): On December 6, 1999, the Volcker Committee (*see infra*) released its final report. Its research showed that some 6.8 million Swiss bank accounts were open or opened during the relevant period of 1933-1945. Of these, the banks had destroyed documents relating to approximately 2.7 million accounts. Despite this massive document destruction, records still remained for approximately 4.1 million

Holocaust-era Swiss accounts. The auditors conducted research on approximately 300,000 of these 4.1 million accounts. The Volcker Committee determined that of the 300,000 accounts investigated, a total of approximately 54,000 (specifically 53,886) had a “probable” or “possible” relationship to victims of Nazi persecution. These 53,886 accounts -- subsequently reduced to 36,000 by a so-called “scrubbing” process -- were to constitute the Accounts History Database (“AHD”); *i.e.*, the database of accounts that would be made available to the CRT for use in the claims process. The Volcker Committee further recommended that approximately 21,000 of the 36,000 AHD accounts should be published. The remaining approximately 15,000 accounts were not to be published, but were to be available to the CRT for review in the event that a Holocaust victim or heir submitted a claim that appeared to match to the unpublished account. As to the bulk of the 4.1 million Holocaust-era accounts for which records continued to exist, but which were not included as part of the AHD, the Volcker Committee recommended that those remaining accounts should be consolidated into a “Total Accounts Database” (TAD) that also would be available for use in a claims process. The SFBC declined to adopt the Volcker Committee’s recommendation to create a Total Accounts Database for all of the 4.1 million accounts that existed in Swiss Banks in the relevant 1933-1945 period. The 36,000-account AHD was augmented to 38,624 accounts by information obtained by the CRT from archival records, claimant data and other sources.

Account Owner: The person named in the bank records as the owner or beneficiary of the account.

Adverse Inference: In the absence of evidence to the contrary, based upon the legal principle of spoliation, there were a variety of circumstances in which the Claims Resolution Tribunal presumed that neither the Account Owner, the Beneficial Owners, nor their heirs received the proceeds of a claimed Account. Please see Appendix A of the Rules Governing the Claims Resolution Process (As Amended) for specific circumstances.

Amendment 2: An amendment modifying the original Settlement Agreement, relating to looted art and insurance claims. Additional modifications included the defendant banks’ agreement to cooperate with the recommendations of the Volcker Committee; provisions regarding the payment of Deposited Assets claims; and provisions regarding the continued operation and funding of the CRT.

American Jewish Joint Distribution Committee (JDC): In existence since 1914, the JDC is a humanitarian agency which has been involved in relief efforts on behalf of Jewish and non-Jewish individuals worldwide. The Court appointed the JDC to implement distribution of humanitarian assistance to the neediest Jewish members of the Looted Assets Class residing in Central and Eastern Europe and the former Soviet Union.

Appendix C: A provision adopted by the Court as part of the CRT Rules (defined below), which presumed as follows: “where accounts of German owners were closed on or after January 30, 1933, the date of Hitler’s accession as Chancellor, absent evidence to the contrary such as bank records, the CRT will presume that the account owners and their heirs did not receive the benefit of their assets.”

Article 2 Fund: Program established by Article 2 of the Implementation Agreement to the German Unification Treaty of October 3, 1990 and administered by the Claims Conference to compensate survivors of the Holocaust who had previously received little or no indemnification from the German government. Eligibility is restricted to survivors who meet certain defined criteria, including income limitations and minimum incarceration periods.

Austrian Census: By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level, to register all assets as of 27 April 1938. The records of the 1938 Austrian census are housed in the Austrian State Archive (Archive of the Republic, Finance).

Average Value: See “Presumptive Value” *infra*.

Award: A final decision of the CRT that the claimant was the rightful owner of a specified amount of money to be paid with the approval of the Court.

Bank Account Categories: Any type of bank account including custody, demand deposit (also known as current), passbook/savings, safety deposit boxes, “other” and unknown type. See also “Custody Account,” “Demand Deposit Account,” “Passbook/Savings Account,” “Safe Deposit Box Account,” “Other Account,” and “Unknown Type of Account.”

Bergier Commission: See “Independent Commission of Experts” (ICE) *infra*.

Bergier Report: See “Independent Commission of Experts (ICE)” *infra*.

Bloch-Bauer: See “OZAG” *infra*.

Bundesentschädigungsgesetz (BEG): In 1953, in accordance with its commitment to the Claims Conference set forth in Protocol 1 of the Luxembourg Agreement, the Federal Republic of Germany enacted its first Holocaust Indemnification statutes. The law was revised in 1956 and again in 1965. The statutes, collectively known as the “BEG,” provided for compensation for wrongful death, disability, injury to health, incarceration, and damage to professional and economic standing, and, to a limited extent, property loss. The BEG was administered entirely by and within Germany.

Category 1: The Volcker Committee classified the AHD accounts into four different categories. “Category 1” was comprised of 3,191 accounts. These were accounts that remained open and dormant, were placed in suspense accounts, or closed after some period of dormancy, and matched exactly or almost exactly with names of known Holocaust victims or claimants.

Category 2: The second of the four categories of accounts with a “probable or possible relationship to victims of Nazi persecution” identified by the Volcker Committee. “Category 2” consisted of 7,280 accounts that did not meet the exact or near-exact name matching test, but nonetheless had other characteristics that suggested a probable or possible relationship

between the account holders and victims of Nazi persecution -- Relevant Period (*see infra*) accounts of people who were resident in an Axis or Axis-occupied country during that Period, that were either inactive for at least 10 years after 1945 or, in some cases, identified by the bank as the account of a victim, or met other criteria.

Category 3: The third of the four categories of accounts with a “probable or possible relationship to victims of Nazi persecution” identified by the Volcker Committee. Category 3 consisted of a much larger number of closed accounts -- 30,692 -- open in the Relevant Period by residents of Axis or Axis-occupied countries, matched exactly or almost exactly to names of victims, which were closed (except for Germany) during or subsequent to the year of Axis occupation of the country of residence of the account holder or after the war. These characteristics were indicators of a probable or possible relationship of these accounts to victims. The Volcker Report noted that these accounts had no direct evidence of an extended period of dormancy, or of unauthorized closure, important elements of the presumption that there was a relationship to a victim. However, the Volcker Report also pointed out that 14,716 of these accounts had unique name matches or had confirming factors, and a total of 15,980 had unique or almost unique matches. These name matches therefore indicated a significantly higher probability that the relationship of these accounts to victims was not simply a coincidence of common names but were genuine matches between account holders and victims of Nazi persecution.

Category 4: The fourth of the four categories of accounts with a “probable or possible relationship to victims of Nazi persecution” identified by the Volcker Committee. Category 4 consisted of 12,723 nominally foreign accounts open in the Relevant Period that could not be matched to victim names and lacked evidence of a residence by an account holder in an Axis or Axis-occupied country during the Relevant Period. Some 8,400 suspended, unknown and savings type accounts in this Category came from Swiss Volksbank (now a part of Credit Suisse Group) and Banque Cantonale Neuchâteloise. Although these banks had a predominantly domestic retail business during the Relevant Period, they also had many contacts with foreigners. All of the accounts in this Category were considered as having a sufficiently possible relationship to Holocaust victims to warrant their inclusion in Category 4.

Central and Eastern European Fund (CEEF): In January 1998, after negotiations with the German government, the Claims Conference reached an agreement providing compensation for the first time to Jewish victims of Nazi persecution in Central and Eastern Europe and the former Soviet Union. Eligibility is restricted to survivors who meet certain defined criteria, including income limitations and minimum incarceration periods.

Claimed Account Owner: The person asserted by the Claimant to have owned a Holocaust-era Swiss bank account. In addition to researching accounts possibly owned by the Claimed Account Owner, the CRT also conducted other research to determine whether accounts may have been owned by other family members identified by claimants in their claim forms, Initial Questionnaires, and other communications to the CRT, even if those other family members were not specifically identified by Claimants as “Claimed Account Owners.”

Claims or Settled Claims: As defined under the Settlement Agreement: “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 efforts to recover on such claims directly or indirectly from any Releasee.”

Claims Processing System (CPS): A computer system utilized by the CRT beginning in the fall of 2003 to register and track claims, record communication with claimants and document decisions regarding each claim. The CRT switched from the Claims Adjudication System (“CAS”) to CPS because: (1) the CPS matching program was superior, (2) CPS had the technical capacity to deal with the approximately 70,000 additional claims contained in Initial Questionnaires which, by Court order, were authorized to be processed as claim forms; and (3) CPS could be used by staff in Zurich and New York, allowed for sharing of claimant information and provided a variety of security measures.

Claims Resolution Tribunal (CRT): The administrative agency responsible for processing claims relating to assets deposited in Swiss banks by Victims or Targets of Nazi persecution prior to and during the Second World War. The CRT operated in Zurich and, for certain functions, in New York, under the direct supervision of the Court and the Court-appointed Special Masters.

Closed Account: To make an Award for claims to Accounts that were categorized by ICEP as “closed unknown by whom,” the CRT had to determine whether the Account Owners or their heirs received the proceeds of the Account prior to the time when the claim was submitted to the CRT. For presumptions relating to claims to certain closed accounts, *see* CRT Rules, Article 28.

Conference on Jewish Material Claims Against Germany (Claims Conference): The Conference on Jewish Material Claims Against Germany since 1951 has secured compensation and restitution for survivors of the Holocaust and heirs of victims. The organization has negotiated for and distributed payments from Germany, Austria, other governments, and certain industry; recovered unclaimed German Jewish property; and funded programs to assist the neediest Jewish victims of Nazism. Under the supervision of the Court and Special Masters, the Claims Conference administered the Court’s programs for

Jewish members of Slave Labor Class I, the Refugee Class and the Looted Assets Class. Through the Swiss Deposited Assets Program (SDAP) (*see infra*), the Claims Conference also provided technical and other assistance to the CRT.

Confirmed Match: The CRT's determination that the Claimed Account Owner identified by the Claimant(s) was definitely or plausibly the Account Owner identified in the bank records.

Court: The US. District Court for the Eastern District of New York, U.S.A., Judge Edward R. Korman presiding in the *Holocaust Victim Assets Litigation*.

Custody Account: An interest-bearing account, also known as a "depot" or securities account. The bank held the account owner's property, usually consisting of securities (i.e., stocks or bonds).

CRT-I: The Claims Resolution Tribunal (CRT) was established in 1997 and its original mission was to arbitrate claims to 5,570 dormant accounts in Swiss banks that were published in 1997, prior to the completion of the ICEP investigation in 1999. That arbitration process is now referred to as CRT-I. The accounts adjudicated by CRT-I dated from 1933 to 1945 and remained open and dormant. Those accounts were owned both by Victims of Nazi persecution, and by non-Nazi victims. Ultimately, CRT-I adjudicated over 9,000 claims to accounts published in 1997. The work of CRT-I involving these accounts was completed in the spring of 2001.

CRT-II: The CRT began a new phase of its existence when it was charged with the processing of Deposited Assets claims as part of the Settlement Agreement and is now known as CRT-II. On February 5, 2001, CRT-II was established to provide Nazi victims or their heirs with an opportunity to make claims to assets deposited in Swiss Banks in the period before and during World War II. The claims process was part of the settlement of the *Holocaust Victim Assets Litigation* in the United States District Court for the Eastern District of New York, Judge Edward R. Korman presiding. CRT-II operated in Zurich under the supervision of the Court and the Special Masters.

CRT Rules: The rules governing the Claims Resolution Process established to provide the framework for the CRT to adjudicate the claims of victims or targets of Nazi persecution or their heirs to deposited assets in Swiss banks arising from the settlement of the *Holocaust Victims Assets Litigation*.

Cy Pres: A remedy for relief through a class-wide benefit program where it is difficult or impractical to provide direct monetary compensation to individual class members; also referred to as the "next best thing."

Data Integrity: Data Integrity ("DI") was the manual process of controlling the quality of the data that was entered into the CRT's database. During DI, claim forms and Initial Questionnaires ("IQs") (*see infra*) authorized for treatment as claim forms were reviewed to ensure that the name of every relevant family member for each claimant was included for

matching to names of account owners appearing in the Swiss bank records and other documentation to which the CRT has had access.

Data Librarian: An accountant employed by the Court, as required by the Swiss banking authorities, to review and often redact information from each bank record before it was provided to the CRT for analysis.

Defendant Banks (also known as “Settling Defendants”): As defined under the Settlement Agreement: “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 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 administrators, 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 vs. Assicurazioni Generali S.p.A. et al.*”

Demand Deposit Account: Also known as a “current account.” A cash account providing instant access to funds (similar to a checking account in the present day). Demand deposit accounts were held for liquidity, rather than for investment, and collected minimal or no interest.

Denial: The CRT’s determination that the claim was ineligible for an award. There were a variety of bases for such determinations: (a) the claimant's relative and the account owner were not the same individual, based upon information in the bank records and/or other sources (“identity” denials); (b) the available evidence indicated that the account was closed properly and the account owner received the proceeds (“disposition denials”); (c) the claimant was not entitled to the claimed account, whether due to the absence of a family relationship to the account owner or for other reasons (“entitlement” denials); and (d) the name(s) of the relative(s) claimed to have owned Holocaust-era Swiss bank accounts, and the names of account owners made available to the CRT by the Swiss banks or located via other sources, did not match (“no match” denials).

Deposited Assets: As defined under the Settlement Agreement: “(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 for any reason. A determination by the ICEP or the Claims Resolution Tribunal to award a special adjustment to 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.”

Deposited Assets Class: As defined under the Settlement Agreement: “Victims and Targets of Nazi Persecution and their heirs, successors, administrators, executors, affiliates, and assigns who have or at any time have asserted, assert, or may in the future seek to assert Claims against any Releasee for relief of any kind whatsoever relating to or arising in any way from Deposited Assets or any effort to recover Deposited Assets.”

Disconfirmed Match: The CRT’s determination that the Claimed Account Owner identified by the Claimant(s) was not the same person as the Account Owner identified in the bank records.

Disposition Denial: The CRT’s determination that the available evidence indicated that the account was closed properly and the account owner received the proceeds.

Distribution Plan: The Plan of Allocation and Distribution of Settlement Proceeds. Special Master Gribetz submitted a Proposed Plan of Allocation and Distribution of Settlement Proceeds on September 11, 2000 (“Special Master’s Proposal”), in accordance with the terms of the Settlement Agreement and the Court’s March 31, 1999 Referral to Special Master for Development of Plan to Allocate and Distribute Settlement Proceeds, and subsequent amendments. On November 22, 2000, following public hearing on November 20, 2000, the Court adopted the Special Master’s Proposal in its entirety. *In re Holocaust Victim Assets Litig.*, 2000 WL 33241660 (E.D.N.Y. November 22, 2000). On July 26, 2001, the United States Court of Appeals for the Second Circuit affirmed the Court’s November 22, 2000 decision. *In re Holocaust Victim Assets Litig.*, 2001 WL 868507 (2d Cir. July 26, 2001), *reissued as a published opinion* on July 1, 2005, 413 F.3d 183 (2d Cir. 2005).

Dormant Account: As defined by the Volcker Report: “Those accounts with respect to which there have been no withdrawals or additions by, and no correspondence or other contacts with the account holders or their representatives or with beneficiaries since at least the end of 1945 as well as accounts that should have been dormant as described above but for the fact that the funds in the account are unavailable for reasons other than their return to the original depositors or their legal representatives.”

Eizenstat Report: A report prepared in connection with the late 1990s inquiry into Holocaust-era Swiss assets, officially entitled U.S. and Allied Efforts to Recover Gold and Other Assets Stolen or Hidden by Germany During World War II - Preliminary Study (May 1997). The Eizenstat Report was coordinated by then-Under Secretary of Commerce for International Trade Stuart E. Eizenstat and prepared by William Z. Slany, Department of State Historian.

Entitlement Denial: The CRT's determination that the claimant was not entitled to the claimed account, whether due to the absence of a family relationship to the account owner or for other reasons.

Fairness Hearing: The hearings held in Brooklyn, New York on November 29, 1999 and, by telephonic connection, in Israel on December 14, 1999, by Judge Edward R. Korman, United States District Court for the Eastern District of New York, to hear public comment on the proposed Settlement Agreement pursuant to the Court's obligation under United States class action law to determine whether the settlement was fair.

Fairness Opinion: The Court's decision of July 26, 2000 approving the Settlement Agreement as fair as required under United States class action law. *In re Holocaust Victim Assets Litig.*, 105 F.Supp.2d 139 (E.D.N.Y. 2000).

Final Order and Judgment: The Court's order of August 9, 2000, in which the Court granted final approval and rendered final judgment approving the Settlement Agreement, as amended.

Flight Tax: A substantial tax levied by the Nazis upon those able to flee. As described in the Bergier Final Report, beginning in 1938, "many special taxes and levies were introduced such as the so-called 'Sühneleistung' (atonement fine) instituted after the pogrom in November 1938 [*Kristallnacht*] and the *Reichsfluchtsteuer* (emigration tax), which were extended and already levied on people who were likely to emigrate. To avoid the high penalties and meet the financial burden, many Jews and others who were persecuted had to withdraw their assets and securities from Switzerland."

German Foundation "Remembrance, Responsibility, and the Future": The Foundation established by the German government to make financial compensation available through partner organizations to former forced laborers and to those affected by other injustices from the National Socialist period. A "Remembrance and Future" fund was established within the Foundation to foster projects promoting social justice, the interests of survivors, and international cooperation in humanitarian endeavors. A significant part of the German Foundation fund is for non-Jewish slave and forced laborers.

Hardship Fund: The Fund established by the German government and administered by the Claims Conference to compensate Holocaust survivors who were refugees from Soviet bloc countries and who had not previously received indemnification.

Hesed: A network of social service programs created by the JDC in 1992 to assist destitute, elderly Jewish victims of Nazi persecution still living in the former Soviet Union. Major *Hesed* services include food, medical relief, home care and winter assistance, in the home, at local community sites, and at multi-service centers in larger cities.

Holocaust Claims Processing Office of the New York State Banking Department (HCPO): To provide institutional assistance to individuals seeking to recover Holocaust-looted assets, on June 25, 1997, Governor Pataki created the Holocaust Claims Processing Office of the New York State Banking Department. The mission of the HCPO is to recover assets deposited in European banks; recover monies never paid in connection with insurance policies issued by European insurers; and recover lost or looted art.

Holocaust Victim Assets Litigation (HVAL): The lawsuit against and settlement with Swiss governmental and private entities in connection with claims to Holocaust-era assets. In late 1996 and early 1997, several class action lawsuits were filed in the United States District Court for the Eastern District of New York against certain Swiss banks, alleging that the Swiss banks knowingly retained and concealed assets of Holocaust victims and collaborated with and aided the Nazi Regime by accepting and laundering illegally obtained Nazi loot and profits of slave labor. The defendant banks included two of Switzerland's largest banks, Credit Suisse and United Bank of Switzerland ("UBS"). The lawsuit was brought before, and the settlement was supervised by, Judge Edward R. Korman of the United States District Court for the Eastern District of New York.

Holocaust Victim Assets Programme (HVAP): The program operated by the International Organization for Migration (IOM) (*see infra*) under the Court's supervision, on behalf of Roma, Jehovah's Witness, homosexual and disabled members of Slave Labor Class I and the Refugee Class. The IOM also administered all Slave Labor Class II claims. In addition, in a separate "Humanitarian and Social Programme" (see below), the IOM administered the Court's Looted Assets Class programs on behalf of needy Roma, Jehovah's Witness, homosexual and disabled Nazi victims.

Humanitarian and Social Programmes (HSP): The program administered on behalf of the Court by the International Organization for Migration (IOM) as part of the services provided to the neediest Nazi victims, all of whom were members of the Looted Assets Class. The IOM was responsible for operating programs on behalf of Roma, Jehovah's Witness, disabled and homosexual victims or targets of Nazi persecution. The program, which was supervised by the Court and the Special Master and is now complete, provided food, medical aid, coal, and other basic necessities of life to more than 73,000 needy Nazi victims, most of whom had not previously received Holocaust compensation.

Identity Denial: The CRT's determination that the Claimed Account Owner (as identified by the Claimant) and the Account Owner (as identified in the bank records or other documentation) were not the same individual.

Inadmissibility Decision: The CRT's determination that a claim was ineligible under the Deposited Assets Class process. Under the terms of the Settlement Agreement, only the accounts of "Victims or Targets of Nazi Persecution" could be paid from the Settlement Fund. The Settlement Agreement defined "Victims or Targets of Nazi Persecution" as those who were, or were perceived to be, Jewish, Romani, Jehovah's Witness, disabled, or homosexual. Other grounds for issuance of an Inadmissibility Decision were as follows: the claim was based essentially on a statement that the Claimant or his or her relative and the Account Owner had the same or similar last name; the Claimant provided no relevant information and/or documentation regarding his or her relationship to the Account Owner; the Claimant did not assert a relationship to the Account Owner that would justify an Award to the Account; or, it was apparent that the person the Claimant believed to be the Account Owner and the actual Account Owner were not the same person.

Incentive Award: \$575,000 in payments were made to seven class members whom the Court determined provided efforts which materially aided the plaintiff class.

Independent Claims Resolution Foundation (ICRF): Foundation chaired by Paul A. Volcker which was established to oversee an objective, impartial, streamlined process for resolving claims to dormant accounts listed in notification published worldwide by the Swiss Bankers Association.

Independent Commission of Experts (ICE); Bergier Commission: An independent group of internationally recognized historians chaired by Jean Françoise Bergier, which the Swiss Confederation established in 1996 to examine Switzerland's relationship with Nazi Germany. The Commission was established in December 1996 by a unanimously approved resolution of the Swiss federal assembly (parliament). Its mandate was to investigate the volume and fate of assets moved to Switzerland before, during and immediately after the Second World War from a historical and legal point of view, and to present a final report. *See also* Bergier Report.

Independent Committee of Eminent Persons (ICEP): Committee, chaired by Paul A. Volcker, former Chairman of the United States Board of Governors of the Federal Reserve System. ICEP was established in 1996 by the Swiss Bankers Association, the World Jewish Congress and other Jewish organizations to conduct an independent audit of Swiss banks to identify accounts from the World War II era that could possibly belong to victims of Nazi persecution.

Initial Questionnaire (IQ): In connection with notice to the class of the proposed settlement, a six-page Initial Questionnaire was circulated to all potential class members to obtain information on the nature and scope of their claims. Over 600,000 Initial Questionnaires were received from Holocaust victims and heirs residing in more than 100 nations.

Insurance Claim: The Settlement Agreement permitted claims to be filed by those who could demonstrate that they were the legitimate owners of or heirs to unpaid insurance

policies issued prior to or during the Second World War by the Participating Companies. Claimants were also required to demonstrate that policyholders or policyholders' heirs were Victims or Targets of Nazi persecution.

International Commission for Holocaust Era Insurance Claims (ICHEIC): Commission established in 1998 following negotiations among European insurance companies and U.S. insurance regulators, as well as representatives of international Jewish and survivor organizations and the State of Israel, charged with establishing a just process to collect and facilitate the signatory companies' processing of insurance claims from the Holocaust period.

International Organization for Migration (IOM): One of the four Court-appointed agencies designated to process claims under the Settlement Agreement, the IOM is a non-governmental organization which was established in 1951, and as reported at www.iom.int, remains the leading inter-governmental organization in the field of migration. The IOM has 127 member states, another 17 states holding observer status, and has offices in over 100 nations. The IOM administered the settlement on behalf of Roma, Jehovah's Witness, homosexual and disabled members of Slave Labor Class I, the Refugee Class and the Looted Assets Class, as well as all members of Slave Labor Class II.

“J” Stamp: A mark on the passports of Jews from the Reich. The “J”-stamp commenced with an August 22, 1938 communication from the Swiss Legation in Bern to the German Foreign Office proposing that there be some delineation on German passports as to whether the person was Aryan or non-Aryan.

Independent Commission of Experts (ICE); Bergier Commission: An independent group of internationally recognized historians chaired by Jean Françoise Bergier, which the Swiss Confederation established in 1996 to examine Switzerland's relationship with Nazi Germany. The Commission was established in December 1996 by a unanimously approved resolution of the Swiss federal assembly (parliament). Its mandate was to investigate the volume and fate of assets moved to Switzerland before, during and immediately after the Second World War from a historical and legal point of view, and to present a final report. *See also* Bergier Report.

Kapo: A prisoner given a supervisory position by the Germans over slave laborers.

Kaufman Factor: At its September 4, 1997 meeting, ICEP decided to establish a panel of experts to provide advice on the adjustment factor to be applied to the 1945 balance of an account in order to calculate its present value. Financial economist Henry Kaufman chaired the panel and on September 8, 1998, the Kaufman Panel submitted its final report to members of ICEP. After considering the Kaufman Panel Report, the ICEP Board agreed that the applicable rate of return would be an adjustment factor of 10 from the 1945 value. As a result of Court-authorized amendments recommended by Mr. Volcker, the Kaufman factor ultimately was increased to 12.5.

Late Claim: Claims filed after the Court-ordered deadline. Under Rule 6(b)(2) of the Federal Rules of Civil Procedure, the court has the authority to extend the time for complying with a court-ordered deadline upon motion by a party and a finding that the failure to act was the result of excusable neglect. The Court extended the filing deadlines several times for the various classes. The last extended deadline, that for the Deposited Assets Class, expired on December 31, 2004.

Lead Settlement Counsel: The Court appointed Members of the Plaintiffs' Executive Committee to serve as Settlement Class Counsel with regard to the Settlement Agreement. Burt Neuborne, the Norman Dorsen Professor of Civil Liberties at New York University Law School, was designated Lead Settlement Counsel.

Looted Assets: As defined by the Settlement Agreement: "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."

Looted Assets Class: As defined by the Settlement Agreement: the Class consisting of "Victims and Targets of Nazi Persecution and their heirs, successors, administrators, executors, affiliates, and assigns who have or at any time have asserted, assert, or may in the future seek to assert Claims against any Releasee for relief of any kind whatsoever relating to or arising in any way from Looted Assets or Cloaked Assets or any effort to recover Looted Assets or Cloaked Assets."

Match: The CRT's determination that there was information about the account owner in the bank records made available to the CRT which corresponded to the information about the claimed account owner (CAO) (*see infra*) provided in the claim form.

Matching: The process of comparing computer databases of names of Victims and/or Claimants with names of Account Owners using algorithms to identify exact name matches, near-exact name matches, and name matches with confirming factors under procedures used in the ICEP investigation and under the CAS system. For definitions of "ICEP" and "CAS," *see supra*.

Multiple Plausible Match (MPM): The CRT's determination that the relatives of two or more unrelated claimants plausibly matched the account owner; in such instances, if it was determined that an award of the account(s) is appropriate, the payment was divided *pro rata* among the claimants.

Nazi Regime: As defined by the Settlement Agreement: "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 Nurnberg Trial, 6 F.R.D. 69 (1946)."

No Match Decision: The CRT’s determination that the name of the relative claimed to have owned Holocaust-era Swiss bank accounts, and the names of account owners made available to the CRT by the Swiss banks or located via other sources, did not match. The CRT used advanced name matching systems and computer programs in conducting its matching analysis. Further, the CRT matched not only the names of persons specifically claimed to have owned a Swiss bank account, but the names of other family members identified by the claimant.

Occupation and Alliance Dates: For purposes of the Deposited Assets Class claims process, the date upon which the Third Reich gained control over the account owner’s country of residence, whether by incorporation into the Reich, occupation or formal alliance; this is the date upon which it was presumed that the Account Owner lost control over his/her Swiss bank account.

Organizational Endorsements: The Settlement Agreement became operative as of March 30, 1999 following execution of written “Organizational Endorsements” of the agreement by the following 17 major worldwide Jewish organizations: Agudath Israel World Organization, Alliance Israelite Universelle, the American Gathering/Federation of Jewish Holocaust Survivors, the American Jewish Committee, the American Jewish Congress, the American Jewish Joint Distribution Committee, the Anti-Defamation League, B’nai B’rith International, the Centre of Organizations of Holocaust Survivors in Israel, the Conference [on] Jewish Material Claims Against Germany, the Council of Jews from Germany, the European Council of Jewish Communities, the Holocaust Educational Trust, the Jewish Agency for Israel, the Simon W[ie]senthal Center, the World Jewish Congress, and the World Zionist Organization. *See also* “Related Agreement.”

Österreichische Zuckerindustrie AG (OZAG): A Deposited Assets Class Award compensating the heirs of Ferdinand Bloch-Bauer and Otto Pick, two of the major shareholders of ÖZAG, Austria’s most important pre-War refiner of sugar, for the major losses that they suffered as a result of the Bank’s active participation in the confiscation of their shareholdings in ÖZAG by Nazi authorities. This Award, SF 26,450,993.36 (approximately \$21 million) was the largest approved by the Court. The amount of the Award reflected the value of the stock in question on the date the Bank violated the terms of the Syndicate Agreement by unlawfully transferring ownership to a designated Nazi “purchaser” at a fraction of the shares’ value, less any sums received by the Claimant and represented parties (i.e. prior restitution). The Award included the standard interest equivalent multiplier of 12.5 to bring the Award up to current value. While this Award was unique in its size, it was representative of several general findings by the CRT.

“Other” Account: These were Holocaust-era Swiss accounts which the ICEP auditors determined also were known as *Bürge*, *Festgeldkonto*, *Pfandbestellung* or *Depositenkonto*.

Participating Insurance Carriers: Swiss Re, Swiss Life, and their member companies.

Passbook/Savings Account: A savings account in which a passbook had to be presented upon withdrawal of assets. Savings accounts with values under 250 Swiss Francs or unknown values were excluded by ICEP. The terms “passbook account” and “savings account” were used interchangeably.

Plausible Undocumented Award: An award for a claim plausibly indicating entitlement to a Swiss bank account, but for which bank documentation had not been provided or was no longer available due to the banks’ destruction of records relating to millions of Holocaust-era accounts. Among the criteria considered in determining such claims were the account owner’s relationship to Switzerland; efforts made by the claimant or other family members to retrieve Swiss bank accounts prior to the finalization of the Settlement Agreement; the relationship between the claimant and the account owner; and other factors.

Presumptive Value: “Presumptive values,” or average values, were utilized by the CRT to determine the amount of an award for a particular Holocaust-era Swiss bank account where bank records containing the actual valuation data no longer existed. When the amount in a bank account was unavailable from bank records or the amount was less than the amount determined by the CRT Special Masters at the beginning of the Claims Resolution Process, the amount in the account was to be determined by a schedule of value presumptions, in the absence of plausible evidence to the contrary.

Probable or Possible Accounts: All accounts identified at each bank investigated by the ICEP Audit Firms and reported to ICEP as being in Categories 1 to 4 for its Report of December 6, 1999 and designated by ICEP as probably or possibly related to Victims, as adjusted as a result of a review of such Accounts for the purpose of identifying duplicate Accounts, missing Accounts, and other similar factors. Approximately 36,000 Swiss bank accounts were identified by the ICEP auditors as “probably” or “possibly” belonging to victims of the Holocaust. *See also* “Accounts History Database.”

Proposals on Allocation of Residual Funds: Proposals solicited by the Court from all interested individuals and organization for the allocation of unclaimed residual funds (if any) that might remain from the up to \$800 million allocated to the Deposited Assets Class.

Refugee Class: As defined by the Settlement Agreement: the Class consisting of “Victims and Targets of Nazi Persecution who sought entry into Switzerland in whole or in part to avoid Nazi persecution and who actually or allegedly either were denied entry into Switzerland or, after gaining entry, were deported, detained, abused, or otherwise mistreated, and the individuals’ heirs, executors, administrators, and assigns, and who have or at any time have asserted, assert, or may in the future seek to assert Claims against any Releasee for relief of any kind whatsoever relating to or arising in any way from such actual or alleged denial of entry, deportation, detention, abuse, or other mistreatment.”

Related Agreement: In a so-called “Related Agreement” executed in connection with the Settlement Agreement, each “Organizational Endorser” (defined *supra*) “endorse[d] the Settlement Agreement . . . as a fair, adequate and reasonable settlement”; “affirm[ed] that the

Settlement Agreement brings about complete closure and an end to confrontation with respect to the issues dealt with in the settlement”; “agree[d] not to make any public statement or take any action that would violate or be inconsistent with this endorsement, including requesting or approving sanctions or opposing business transactions involving Swiss entities released by the Settlement Agreement based on conduct covered by the settlement”; “covenant[ed] not to sue, call for suits against, or support suits against any Swiss entity released by the Settlement Agreement based on conduct covered by the settlement”; and “waive[ed] any and all claims it may have against the Swiss entities released by the Settlement Agreement based on conduct covered by the settlement.”

Relevant Period: As defined by the Volcker Report, the period from January 1, 1933 to December 31, 1945.

Safe Deposit Box Account: Customers rented boxes for a fee, with two keys associated with the box, one for the customer and one for the bank.

Second Memorandum to Files: On June 10, 2004, the parties entered into an agreement approved by the District Court on June 17, 2004, the "Second Memorandum to the File." The agreement permitted the New York SDAP facility to be linked by computer to the Zurich-based CRT; provided for the publication of approximately 3,000 additional bank accounts; and established access conditions for the Total Accounts Database. The Swiss Federal Banking Commission approved the agreement on July 26, 2004.

Self-Identification Requirement: As a condition to approval of the Settlement Agreement, the Court required Swiss entities who used slave labor and who sought releases under Slave Labor Class II to self-identify. The Court explained that “those who were forced to perform slave labor for a Swiss company in German or elsewhere” had “no reason to know at the time that the company was Swiss” and “may not be aware that they are in the class” even with notice of the settlement. *In re Holocaust Victim Assets Litig.*, 105 F.Supp.2d 139 (E.D.N.Y. 2000).

Settlement Agreement: The agreement between the plaintiff class members and the two defendant Swiss banks, governed by basic contract law but also subject to the due process requirements of a class action lawsuit, settling Holocaust-era claims against Swiss entities in the amount of \$1.25 billion.

Settlement Class or Settlement Classes: The plaintiff classes designated under the terms of the Settlement Agreement: the Deposited Assets Class, Looted Assets Class, Slave Labor Class I, Slave Labor Class II, and the Refugee Class; a separate Insurance Class later was added upon further negotiation by the parties.

Settlement Date: Under the Settlement Agreement, distributions from the Settlement Fund could not commence until the “Settlement Date”; i.e., until all appeals from the Final Order and Judgment were resolved. Lead Settlement Counsel advised on May 16, 2001 that the Settlement Date had been reached upon the withdrawal of the one appeal that had been filed against the Court’s order approving the Settlement Agreement.

Settlement Fund: The \$1.25 billion amount paid by the defendant banks in settlement of Holocaust-era claims against Swiss entities.

Settling Defendants: *See* “Defendant Banks” *supra*.

Settling Plaintiffs: As defined by the Settlement Agreement: “(a) the named plaintiffs in the Filed Actions, and their heirs, successors, affiliates, and assigns, and (b) all members of the classes of plaintiffs for which Settling Plaintiffs and Settling Defendants shall seek conditional certification pursuant to Fed. R. Civ. P. 23, except those who, in accordance with the terms of the Settlement Agreement and the Court’s order certifying the classes, submit a timely request for exclusion from the classes.”

Slave Labor: As defined by the Settlement Agreement: 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.”

Slave Labor Class I: As defined by the Settlement Agreement: the Class “consisting of Victims and Targets of Nazi Persecution who actually or allegedly performed Slave Labor for companies or entities that actually or allegedly deposited the revenues or proceeds of that labor with, or transacted such revenues or proceeds through, Releasees, and their heirs, successors, administrators, executors, affiliates, and assigns who have or at any time have asserted, assert, or may in the future seek to assert Claims against any Releasee for relief of any kind whatsoever relating to or arising in any way from the deposit of such revenues or proceeds or Cloaked Assets or any effort to obtain redress in connection with the revenues or proceeds of Slave Labor or Cloaked Assets.”

Slave Labor Class II: As defined by the Settlement Agreement: the Class “consisting of Victims and Targets of Nazi Persecution who actually or allegedly performed Slave Labor at any facility or work site, wherever located, actually or allegedly owned, controlled, or operated by any corporation or other business concern headquartered, organized, or based in Switzerland or any affiliate thereof, and the individuals’ heirs, executors, administrators, and assigns, and who have or at any time have asserted, assert, or in the future may seek to assert Claims against any Releasee other than Settling Defendants, the Swiss National Bank, and Other Swiss Banks for relief of any kind whatsoever relating to or arising in any way from such Slave Labor or Cloaked Assets or any effort to obtain redress in connection with Slave Labor or Cloaked Assets.”

Special Master: Under the terms of the Settlement Agreement and the Court’s order of referral of March 31, 1999 and subsequent orders, and pursuant to Federal Rule of Civil Procedure 53, Judah Gribetz served as Special Master, with responsibility for proposing to the Court a plan to allocate and distribute the \$1.25 billion settlement (adopted as the Distribution Plan; *see above*), and thereafter, overseeing implementation of the Distribution Plan. By order of the Court, Shari C. Reig served as Deputy Special Master. In addition, by Court order, Michael Bradfield (previously with Paul Volcker) and Helen B. Junz served as

Special Masters with responsibility for assisting the Court in administering the Deposited Assets Class claims process.

Swiss Deposited Assets Program (SDAP): The program operated in New York by the Claims Conference to provide administrative, technical and other assistance to the Court and CRT-II in Zurich in connection with the Deposited Assets Class.

Swiss Humanitarian Fund: On February 26, 1997, the Swiss Fund for Needy Victims of the Holocaust/Shoa was established “to support persons in need who were persecuted for reasons of their race, religion or political views or for other reasons, or otherwise were victims of the Holocaust/Shoa.”

Total Accounts Database (TAD): On December 6, 1999, the Volcker Committee released its final report. Its research showed that some 6.8 million Swiss bank accounts were open or opened during the relevant period of 1933-1945. Of these, the banks had destroyed documents relating to approximately 2.7 million accounts. Despite this massive document destruction, records still remained for approximately 4.1 million Holocaust-era Swiss accounts. The auditors conducted research on approximately 300,000 of these 4.1 million accounts. The Volcker Committee determined that of the 300,000 accounts investigated, a total of approximately 54,000 (specifically 53,886) had a “probable” or “possible” relationship to victims of Nazi persecution. These 53,886 accounts -- subsequently reduced to 36,000 by a so-called “scrubbing” process -- were to constitute the Accounts History Database (“AHD”); *i.e.*, the database of accounts that would be made available to the CRT for use in the claims process. The Volcker Committee further recommended that approximately 21,000 of the 36,000 AHD accounts should be published. The remaining approximately 15,000 accounts were not to be published, but were to be available to the CRT for review in the event that a Holocaust victim or heir submitted a claim that appeared to match to the unpublished account. As to the bulk of the 4.1 million Holocaust-era accounts for which records continued to exist, but which were not included as part of the AHD, the Volcker Committee recommended that those remaining accounts should be consolidated into a “Total Accounts Database” (TAD) that also would be available for use in a claims process. The SFBC declined to adopt the Volcker Committee’s recommendation to create a Total Accounts Database for all of the 4.1 million accounts that existed in Swiss Banks in the relevant 1933-1945 period.

United States Holocaust Memorial Museum (USHMM): The United States Holocaust Memorial Museum is America’s national institution for the documentation, study, and interpretation of Holocaust history, and serves as America’s memorial to the millions of people murdered during the Holocaust.

Unknown Type of Account: This category was used by the ICEP auditors if they were unable to definitively determine the type of account at issue. However, the CRT often was able to discern the account type upon thorough analysis of the account records.

Voluntary Assistance: The voluntary production of additional records, including bank records, which were intended to allow the CRT to assess all existing documents as part of the review of each claim. This mechanism was required by the Court as part of its July 26, 2000 decision approving the Settlement Agreement.

Victim List Project: The Court-approved Distribution Plan allocated \$14.5 million to the Victim List Program. The intent of the Program was to collect and make widely available the names of all victims or targets of Nazi persecution, those who perished as well as those who survived. The program transferred funds to the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority in Israel and the United States Holocaust Memorial Museum in implementation of these goals. The Claims Conference served as the Court's agent for purposes of administration of the Victim List Project.

Victim or Target of Nazi Persecution: As defined by the Settlement Agreement: "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, homosexual, or physically or mentally disabled or handicapped."

Volcker Report: *See* Independent Committee of Eminent Persons (ICEP) *supra*.

Yad Vashem (The Holocaust Martyrs' and Heroes' Remembrance Authority): Yad Vashem was established in 1953 by an act of the Israeli Knesset. As described at www.yadvashem.org: "Since its inception, Yad Vashem has been entrusted with documenting the history of the Jewish people during the Holocaust period, preserving the memory and story of each of the six million victims, and imparting the legacy of the Holocaust for generations to come through its archives, library, school, museums and recognition of the Righteous Among the Nations."