

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ JAN 03 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS  
LITIGATION

This Document Relates to: All Cases

BROOKLYN OFFICE

X

: Case No. CV 96-4849 (ERK)(MDG)  
: (Consolidated with CV 96-5161  
: and CV 97-461)

:  
: MEMORANDUM & ORDER  
:  
:  
X

**MEMORANDUM & ORDER APPROVING CRT SET 17: 75 SUMMARY DENIALS TO  
APPEALS AS CERTIFIED BY THE CLAIMS RESOLUTION TRIBUNAL PURSUANT TO  
ARTICLE 30 OF THE RULES GOVERNING THE CLAIMS RESOLUTION PROCESS**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 and December 14, 2006 Memoranda & Orders and in the Plan of Allocation and Distribution of Settlement Proceeds, the Claims Resolution Tribunal (the "CRT") is hereby requesting the Court's approval of the CRT's seventeenth set of appeal decisions consisting of 75 Summary Denials based upon Appeals submitted to the CRT. This set includes 12 Summary Denials to Appeals of Certified Awards and Award Amendments listed in Annex A, 8 Summary Denials to Appeals of "No Match" decisions listed in Annex B, 32 Summary Denials to Appeals of Certified Award Denials listed in Annex C, 2 Summary Denials to Appeals of Inadmissibility decisions listed in Annex D and 21 Summary Denials to Appeals of Certified Denials upon Request for Reconsideration listed in Annex E to this Order.

Under Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), an appeal must be based upon a plausible suggestion of error regarding the conclusions reached by the CRT. Any appeals submitted without a plausible suggestion of error shall be

summarily denied. At my direction, the CRT has analyzed the information provided in each of the Appeals listed in Annexes A, B, C, D and E. Upon careful consideration, the CRT has concluded that none of the Appellants whose claims are listed in Annexes A, B, C, D and E raised a plausible suggestion of error in the CRT's findings. Accordingly, the CRT recommends that these Appeals be summarily denied.

This set contains one Summary Denial to an Appeal of a Certified Denial for which the CRT has reviewed the information provided on appeal by the late claimant's son, as well as the information provided by the late claimant herself in her original claim. The CRT has noted that, in fact, the late claimant did plausibly identify the account owner as her husband. However, the account addressed in the Certified Denial issued to the late claimant's IQ was previously awarded to her and her son in a Certified Award approved by the Court on 12 September 2003 under their 2001 claim. See *In re Account of Adalbert Margittai* (approved on 12 September 2003) (the "September 2003 Award"). The CRT informs me that an administrative error resulted in the late claimant's IQ not being joined with the late claimant's son's 2001 claim. Thus, the additional information provided about the late claimant's husband in the 2001 claim was not considered when IQ was evaluated. Even though the CRT erred in its conclusion in the Certified Denial, no further award is appropriate, as the account was already awarded to the late claimant and her son in September 2003. Therefore, as the error does not result in a different outcome, the appeal is denied. However, the CRT has recommended that the Certified Denial issued under the late claimant's IQ be rescinded in order to correct the record.

I have reviewed the CRT's analyses and I concur with the CRT's recommendations. Therefore, it is

ORDERED that the 75 Appeals to the claims listed in Annex A, B, C, D and E shall be summarily denied and the relevant Appellants so informed;

ORDERED that the Certified Denial *In re Account of Adalbert Margittai* issued to claim number 772452, which was approved by the Court on 29 September 2008, be rescinded to correct the record.

It is further ordered that the CRT shall provide the Court with the name and address of every Appellant whose appeal is herewith summarily denied, which information shall be filed with the Court under seal.

Brooklyn, New York  
Dated: November 10, 2010

SO ORDERED:

s/Edward R. Korman

---

Edward R. Korman  
United States District Judge