UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS LITIGATION	Case No. CV 09-160 (ERK)(JO) Case No. CV 96-4849 (ERK)(JO) (Consolidated with CV 96-5161 and CV 97-461)
This Document Relates to: All Cases	**ORDER**

KORMAN, J.:

On a number of occasions I have directed the Clerk of the Court to give a particular matter in the Holocaust Victim Asset Litigation a separate docket number – a purely administrative mechanism that keeps all of the filings relating to the matter in one discrete file and that facilitates my ability to keep track of materials as they are filed. I am directing the Clerk to open such a file with respect to the consideration of Special Master Helen Junz's recommendation for adjustment of Deposited Assets Class presumptive values ("Special Master Junz's recommendation") dated October 10, 2008, and as docketed on December 11, 2008. All previous filings with respect to this issue will be duplicated in this file and any subsequent filings should be docketed under this docket number.

The State of Israel, the Holocaust Survivor's Foundation-USA ("HSF-USA") and related parties have already filed objections to earlier versions of Special Master Junz's recommendation. Any additional objections or submissions by them or any other interested party should be filed within thirty (30) days of the date of this order. I would emphasize one point to those parties. Special Master Junz's recommendation, if adopted, would not alter the

plan of allocation which has been adopted. The proposal simply involves a change in calculating the value of certain accounts to more accurately reflect their true value. The amount available for distribution to the Deposited Class will not exceed the eight hundred million dollars ($800,000,000) originally allocated to the class.

The Clerk is directed to serve a copy of this order on all interested persons who have previously filed papers or indicated an interest in this matter. While Samuel Dubbin, on behalf of HSF-USA, has asked me to solicit the views of plaintiff's class counsel, I decline to do so. This is not an issue concerning a single class that requires the representation of plaintiff's class counsel. On the contrary, as the opposition to Special Master Junz's recommendation demonstrates, the interests of the Deposited Assets Class and the interests of the Looted Assets Class, which assert a contingent interest in any undistributed funds allocated to the Deposited Assets Class, are in conflict with each other. *See Ortiz v. Fibreboard Corp.*, 527 U.S. 815, 119 S. Ct. 2295 (1999); *Amchem Products, Inc. v. Windsor*, 521 U.S. 591, 117 S. Ct. 2231 (1997). Under these circumstances, it would be inappropriate, indeed, unethical, for a lawyer claiming to speak as plaintiff's class counsel to advocate for or against Ms. Junz's recommendation.

Dated: Brooklyn, New York
January 14, 2009

SO ORDERED

Edward R. Korman
United States District Judge

TOTAL P.002