V
X Case No. CV 96-4849 (ERK)(MDG) (Consolidated with CV 96-5161 and CV 97-461)
MEMORANDUM & ORDER
: : X

## KORMAN, J.

On February 5, 2001, following my approval of the Special Master's Proposed Plan of Allocation and Distribution of Settlement Proceeds and my adoption of procedures to govern the claims distribution process for the five settlement classes, I adopted the Rules Governing the Claims Resolution Process (CRT Rules). Since that time, I have amended these Rules as necessary for the administration of the Deposited Assets Class claims process. Article 45 of the CRT Rules sets forth general guidelines for the archiving of files of the CRT. The purpose of this order and the accompanying amendment of the CRT Rules is to specify that certain files may be archived in either the United States or Switzerland, or in both places, as directed by this Court.

Article 45 of the CRT Rules, "Archives," as it presently reads, states that "[a]fter the resolution of all Claims, all files of the CRT shall be archived in Switzerland according to guidelines approved by the SFBC [Swiss Federal Banking Committee]." As of January 1, 2009, the SFBC was merged into the Swiss Financial Market Supervisory Authority (FINMA). I now amend the CRT Rules to confirm that certain files of the CRT, an administrative agent of the United States court, may be archived outside Switzerland in a manner determined by this Court, without reference to guidelines approved by FINMA (previously the SFBC).

First, claim documentation as submitted by claimants or their representatives was submitted to this Court or its administrative agents in the course of the claims resolution process in connection with the class action settlement of litigation brought in the United States. These files do not contain any

bank documents obtained from the Defendant Banks and are not subject to overview by Swiss banking

regulatory authorities. Such claim documentation will be archived in the United States and/or

elsewhere, including Switzerland, at the Court's determination.

Second, internal business files of the CRT, including human resources files, relate to the

operations of the CRT on behalf of the Court and are not subject to overview by Swiss banking

regulatory authorities. These files may be preserved as required in either the United States or

Switzerland, or in both places.

Third, files containing bank documentation obtained from the Defendant Banks will be

archived in a location to be determined following consultation with Swiss authorities, including, as

appropriate, FINMA.

Accordingly, it is hereby ORDERED that Article 45 of the CRT Rules is amended to read as

follows:

"Archives

After the resolution of all Claims, all claim files shall be archived in the United States and/or elsewhere, including Switzerland, as determined by the Court. All internal business files of the CRT shall be archived in the United States or Switzerland, as determined by the Court. All bank documentation obtained from Defendant Banks will

determined by the Court. All bank documentation obtained from Defendant Banks will be archived in a location to be determined following consultation with Swiss

authorities, including, as appropriate, FINMA."

SO ORDERED.

Brooklyn, New York July 20, 2011

Edward R. Korman

Edward R. Korman

Senior United States District Judge