

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 01-1859-CIV
SEITZ/GARBER

IRVING ROSNER, et al.,)
)
)
 Plaintiffs,)
)
)
 v.)
)
)
 UNITED STATES OF AMERICA,)
)
)
 Defendant.)
_____)

**THE UNITED STATES' RESPONSE TO PLAINTIFFS'
MOTION FOR AN ORDER PRELIMINARILY APPROVING SETTLEMENT**

The United States joins Plaintiffs' Motion for an Order Preliminarily Approving Settlement ("Motion") in this case. The proposed settlement agreement submitted for the Court's approval today is the product of long and arduous negotiations between the United States and counsel for the plaintiffs, with the participation of Jewish organizations in the United States, Israel and Hungary. In further support of the Motion, attached hereto as Exhibits A to D are letters of support from a number of leading Jewish organizations who wish their views to be included in the record.

Respectfully submitted,

ROBERT D. McCALLUM, JR.
Associate Attorney General

PETER D. KEISLER
Assistant Attorney General

Daniel Meron by JMS
DANIEL MERON
Principal Deputy Assistant Attorney General
Assigned No. A5500896

MARCUS D. JIMENEZ
The United States Attorney for
the Southern District of Florida

WENDY A JACOBUS
Assistant U.S. Attorney
Assigned No. A5500028

VINCENT M. GARVEY
Deputy Branch Director

JEFFREY M. SMITH
Assigned No. A5500805
U.S. Department of Justice
Civil Division
P.O. Box 883
Washington, DC 20044
Telephone: 202-514-5751
Facsimile: 202-616-8202

Attorneys for the United States

DATED: March 11, 2005

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2005, true and correct copies of the foregoing **UNITED STATES' RESPONSE TO PLAINTIFFS' MOTION FOR AN ORDER PRELIMINARILY APPROVING SETTLEMENT** were mailed first-class, postage prepaid, to:

Samuel J. Dubbin
Jeffrey L. Kravetz
Dubbin & Kravetz
701 Brickell Avenue
16th Floor
Miami, FL 33131

Steve W. Berman
R. Brent Walton
Hagens Berman LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

Jonathan W. Cuneo
David W. Stanley
Cuneo, Waldman & Gilbert, LLP
317 Massachusetts Avenue, N.E.
Suite 300
Washington, D.C. 20002

Attorneys for Plaintiffs

Jean M. Goepfinger
Waite, Schneider, Bayless & Chesley Co., L.P.A.
1513 Fourth & Vine Tower
One West Fourth Street
Cincinnati, Ohio 45202

Attorney for the Conference on
Jewish Material Claims Against Germany, Inc.



Jeffrey M. Smith

Exhibit A

WORLD JEWISH CONGRESS
CONGRES JUIF MONDIAL

New York, 501 Madison Ave
New York, NY 10022, USA
Tel: (212) 755-5770
Fax: (212) 755-5883



הקונגרס היהודי העולמי
CONGRESO JUDIO MUNDIAL

Jerusalem 21 Arlozorov St.
Jerusalem, 91042, Israel
Tel: 972-2-563-5261
Fax: 972-2-563-5544

info@worldjewishcongress.org

March 10, 2005

The Hon. Alberto R. Gonzales
Attorney General of the U.S.
Department of Justice
Washington DC 20530

Dear Attorney General,

I appreciate the open and intensive negotiations that we have had with the Department of Justice on the subject of the "Hungarian Gold Train."

I welcome the settlement which has been reached between the parties on this matter with our participation together with the involvement of the Hungarian Jewish groups.

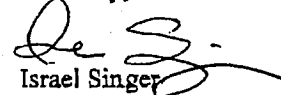
The United States was not only the liberator of Europe, it was also the rescuer of a devastated European Jewry after the Holocaust. Thousands of Americans died in this heroic effort.

I believe that this settlement will be an appropriate acknowledgement of the history of this isolated episode.

I also believe that it will enable help to be extended to many elderly Hungarian Jewish Nazi victims, in Hungary, Israel, the United States and around the world, through the administration of these funds by the Claims Conference under the direction of the Court.

We thank you for your support in enabling this settlement to be reached and look forward to working together as we move ahead.

Sincerely,



Israel Singer

CC: Mr. Robert D. McCallum, Jr.,
Associate Attorney General
Gideon Taylor, Executive Vice-President,
Claims Conference

Offices and Affiliates: Paris – European Jewish Congress, Buenos Aires – Latin America Jewish Congress
Budapest Brussels Geneva Johannesburg London Moscow Ottawa São Paulo Sydney

Exhibit B

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MUSZOE



Confederation of Holocaust Survivors in Hungary

11-1062

Budapest, Aradi u. 62

March 8, 2005

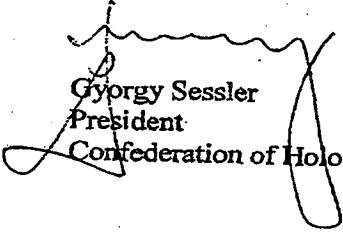
Mr. Daniel Meron
Principal Deputy Assistant Attorney General, Civil Division
U.S. Department of Justice
RFK Main Justice Bldg.
950 Pennsylvania Avenue, N.W.
Room 3605
Washington, DC 20530-0001

Dear Mr. Meron,

We wish to advise you that we endorse the proposed agreement regarding the Hungarian Gold Train as submitted to the Federal District Court in Miami.

We believe, that taking into account all the circumstances, it is an important contribution on behalf of the U.S. government which will help many needy former Hungarian Jews. We very much hope that other countries involved will take similar steps.

Sincerely,


Gyorgy Sessler
President

Confederation of Holocaust Survivors in Hungary, MUSZOE

Tel/fax: 00-36-26389106 Mobil: 00-36-304366925 e-mail: sessler@axelero.hu

Exhibit C

ב"ה



MAGYARORSZÁGI ZSIDÓ HITKÖZSÉGEK
SZÖVETSÉGE

ברית הקהלות היהודיות
בהונגריה

Budapest, VII., Síp u. 12.

..... SZ.
Válasz esetén szíveskedjék
erre a számra hivatkozni.

March 8, 2005-03-08

Mr. Daniel Meron
Principal Deputy Assistant Attorney General, Civil Division
U.S. Department of Justice
RFK Main Justice Bldg.
950 Pennsylvania Avenue, N.W.
Room 3605
Washington, DC 20530-0001

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Sincerely,

András Heisler
president - Federation of Jewish Communities in Hungary (MAZSIHISZ)

Gusztáv Zoltai
managing director - Federation of Jewish Communities in Hungary (MAZSIHISZ)

Telefon: 342-1335, 342-1334, 342-1333

Telefax: 342-1790

Levelezési cím: 1075 Budapest, 5. postafiók 333.

n

Exhibit D



התאחדות עולי הונגריה בישראל המרכז הארצי
HITACHDUT OLE HUNGARIA Be-ISRAEL Orszagos Kozpont

March 8, 2005

Mr. Daniel Meron
Principal Deputy Assistant Attorney General, Civil Division
U.S. Department of Justice
RFK Main Justice Bldg.
950 Pennsylvania Avenue, N.W.
Room 3605
Washington, DC 20530-0001

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Sincerely,



Joseph Bar-Yoel
Association of Former Hungarian Jews in Israel
(Hitachdut Ole Hungaria Be-Israel)

רח אבן גבירול 76, קומה א', ת.ד. 16624, תל-אביב 64162 סל. 6916115, 6917121-03, פקס. 03-6967049
Ibn Gviral 76 Tel-Aviv 64162, P.O.B. 16624 Israel, Tel. 6917121, 6916115 Fax. 03-6967049