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Survivors Sue Holocaust Panel; Plaintiffs Want 100,000 Unpaid Insurance Policies Published

LOS ANGELES - Two Nazi concentration camp survivors filed suit in Los Angeles Thursday, claiming an international insurance commission colluded with European insurers to dole out meager settlements to elderly Holocaust era policyholders.

The plaintiffs, Manny Steinberg, 78, and Dr. Jack Brauns, 79, claim in the Superior Court filing that the International Commission on Holocaust Era Insurance Claims is acting as a claims adjuster for the insurance companies, especially Italy's Assicurazioni Generali. The group has arranged pittance settlements on survivors' decades-old policies, according to the suit. *Steinberg v. International Commission on Holocaust Era Insurance Claims*, BC303004 (L.A. Super. Ct., filed Sept. 25, 2003).

The lawsuit does not seek monetary damages but rather to enjoin the commission from violating the state's Business & Professions Code Section 17200. The survivors also hope to force the commission to publish 100,000 unpaid Holocaust life insurance policies that Generali has admitted exist but will not disclose.

"We estimate that they owe over \$1 billion to survivors," attorney William Shernoff said at a news conference held at the Museum of Tolerance in Los Angeles. "They have used the commission to diminish and defeat survivor claims."

"They have ignored my pleas," said survivor-plaintiff Steinberg. "They take advantage of the old and poor survivors, punished in the eyes of the world."

Shernoff also called for the chairman of the commission, former Secretary of State Lawrence Eagleburger, to resign from his post. "We need a chairman not beholden to the insurance companies who can really take hold of the commission," Shernoff of Claremont's Shernoff Bidart & Darras, said.

In a statement, Eagleburger said the commission is committed to resolving unpaid insurance claims and to "bring some measure of justice to Holocaust victims and their heirs."

"It has paid millions in claims and has allocated over \$130 million for the social welfare needs of Holocaust survivors," Eagleburger stated. "[The commission] will respond to lawsuits, when, where and as appropriate."

The insurance companies pay the commission's bills, including Eagleburger's \$360,000 annual salary.

Department of Insurance head John Garamendi also criticized the commission.

"The process has taken far too long," Garamendi said. "Insurers have failed to live up to their moral obligation to ensure that justice is done."

"It is clear the International Commission on Holocaust Era Insurance Claims must become more aggressive in pressing its member companies to fulfill obligations."

Many Holocaust survivors believe the commission is dragging its feet at the behest of the insurance companies, which are waiting for the mostly elderly plaintiffs to die.

"One of the frequent statements I hear when a survivor contacts us is, 'They're waiting for us to die,'" said

Michael Freeman of Bet Tzedek Legal Services. "It's heartbreaking because I hear it all the time.

One problem with the commission is that it's completely private, independent of any judicial or governmental oversight, said Whittier Law School professor Michael Bazyler, who wrote a book critical of the insurance claims process.

Another problem is that, unlike a similar commission to compensate Holocaust victims for stolen Swiss bank accounts, the insurance panel does not include lawyers representing the survivors, Bazyler added.