

## **Lawsuit accuses Generali of deceiving Holocaust survivors in California**

**European insurer Assicurazioni Generali is involved in a deceptive scheme to lure some of the estimated 20,000 Holocaust survivors living in California into relinquishing their legal rights to settle potentially valuable claims on insurance policies purchased before World War II, according to a lawsuit filed May 16, 2001, in Los Angeles Superior Court.**

The lawsuit, which seeks class action status, was filed by attorneys with Shernoff Bidart & Darras on behalf of Felicia Spierer Haberfeld, an 89-year-old Holocaust-era survivor and Los Angeles resident. Haberfeld's only daughter, parents, and brother were killed in Nazi death camps during World War II. According to her attorneys, Haberfeld's husband, Alfons, purchased several insurance policies from Generali before the war began. The Haberfeld family has been trying to collect the benefits on these policies since 1957.

In their complaint against Generali, the attorneys say the insurer is sending California Holocaust survivors and their heirs an intentionally misleading "voluntary payment form letter" that tries to get recipients to give up their rights to file lawsuits for damages against the insurer under the state's Holocaust Victims Insurance Act.

"Generali's letter offered Mrs. Haberfeld a meager \$500 for claims on her husband's and daughter's insurance policies that are decades overdue and are of substantial value," says William M. Shernoff, the lawsuit's lead attorney. Shernoff has handled several Holocaust life insurance claims against the insurer.

By comparison, in 1999 the New York Times reported Generali settled an unpaid Holocaust-era life insurance policy claim for \$1.2 million.

The latest charges levied against Generali come amid mounting allegations that the insurer, and other European insurance companies, continue to deny claims of Holocaust survivors and their heirs. It has been reported that they have denied close to 90 percent of all the survivors' claims. The companies often stonewall claimants, demanding nonexistent death certificates from relatives of those who died in concentration camps.

"If there ever is a group that deserves their day in court it is these survivors," Shernoff says.

### **Slippery status**

According to Haberfeld's attorneys, Generali's form letters imply that the company is acting on behalf of the International Commission of Holocaust Era Insurance Claims (ICHEIC). However, Shernoff says ICHEIC is actually a private consortium funded by five major European insurers -- Allianz, Axa, Generali, Winterthur, and Zurich -- that has no official standing and has "no power to do anything Generali doesn't want to do."

The lawsuit alleges that ICHEIC holds its meetings at luxury hotels all over the world and has spent more than \$30 million on expenses to date -- and has committed another \$60 million to expenses -- while paying out a paltry \$3 million to survivors.

"ICHEIC is nothing more than a country club for the insurers who want to limit their exposure," Shernoff says. "It denies the vast majority of the claims presented to it and operates in secret. Generali is trying to supplant the public judicial process with ICHEIC's secret process that is answerable to no one."

Generali is still reviewing the legal complaint and has no comment at this time, according to Peter

Simshauser, Generali's lead counsel.

In addition to seeking class action status, the lawsuit seeks to make public the settlements of other similar lawsuits. Presently, these payouts have been kept secret as a result of confidentiality agreements insisted upon by Generali, according to Haberfeld's co-counsel Lisa Stern, a Los Angeles attorney whose family brought the first Holocaust suit under the state's Holocaust Victims Insurance Act.

The lawsuit also seeks to void any settlements induced by Generali's form letters and to prevent Generali from sending out such letters in the future.