



[HOME](#) | [ABOUT HSF](#) | [NEWS](#) | [RESOURCES](#) | [HSF BLOG](#) | [SUPPORT HSF](#)

Current Issues

Click to Learn More

Survivor Welfare

Holocaust Insurance Act

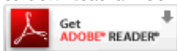
'Generali' Litigation

Restitution Oversight

Opening ITS Archive

Swiss Bank Settlement

Many links featured on this site open documents in PDF format. PDF files require Adobe Acrobat Reader to be installed on your PC. If you do not have Adobe Acrobat Reader, please go to the [Adobe Acrobat website](#) or click on the icon below to download a free Acrobat Reader.



'Generali' Insurance Claims

Beginning in 1997, victims of the Holocaust and their heirs filed multiple suits seeking to recover unpaid World War II-era insurance policies issued by Assicurazioni Generali, an Italian company, and other European insurers.

This page provides background documents and updates tracking the course of these legal actions and related appeals. The [Generali Litigation Timeline](#) features links to many court documents not currently available for free on the internet.

'GENERALI' LITIGATION UPDATES

Second Circuit rejects appeal of Generali decision

January 15, 2010: the United States Court of Appeals for the Second Circuit [affirmed the dismissal](#) of plaintiffs' claims, agreeing that such claims were preempted by an Executive Branch foreign policy favoring the resolution of such claims solely through an international commission.



Court of Appeals solicits statement from Executive Branch in Generali suit

August 1, 2008: In an unusual move, the U.S. Court of Appeals [requested a statement](#) from the Executive Branch on the question of whether court adjudication of Holocaust-era insurance claims against Italian insurance giant **Generali** conflicts with the foreign policy of the United States. The request comes over two years after plaintiffs appealed the dismissal by Federal Judge Michael Mukasey of the long-standing suit against Generali (In re *Assicurazioni Generali*, Docket No. 05-5602, et al.), and signals that the three judge panel is grappling with the issue of executive prerogatives and authority even in the absence of any formal agreements between the U.S. and Italian governments.

The Court's request was directed to Secretary of State Condoleezza Rice, and was then forwarded for action to the Department of Justice. The response is expected around September 30 ~~22~~, 2008. [Generali](#), plaintiff's attorney [Samuel Dubbin](#) and [Rep. Ileana Ros-Lehtinen](#) (R-FL), chief sponsor of H.R. 1746 - the Holocaust Insurance Accountability Act, have all submitted comments to the administration on the matter.

UPDATE: On October 24th, three members of Congress, Rep. Ileana Ros-Lehtinen (R-FL), Rep. Robert Wexler (D-FL), and Steve Chabot (R-OH), filed [their own Friend of the Court brief](#) in support of survivors appealing the 2006 Mukasey ruling on the Generali suit. On October 30, the [Department of Justice filed a brief](#) in response to the request of the Court of Appeals supporting the arguments of Generali.



Appeal of Generali Class Action settlement denied

June 6, 2008: The U.S. Court of Appeals has [denied objections](#) & affirmed the January 2008 District Court approval of the settlement.



Supplemental Briefs filed by all parties in appeal of Generali Settlement

February 29, 2008: [Objectors](#), along with [Generali](#) and [Plaintiffs' attorneys](#) seeking to settle, have filed another round of supplemental briefs with the United States Court of Appeals for the Second Circuit. The appeal of the settlement is pending.



Appeal of 'Generali' settlement

January 29, 2008: A [new legal Brief](#) has been filed on behalf of Holocaust survivors objecting to the Generali Settlement in the United States Court of Appeals for the Second Circuit.



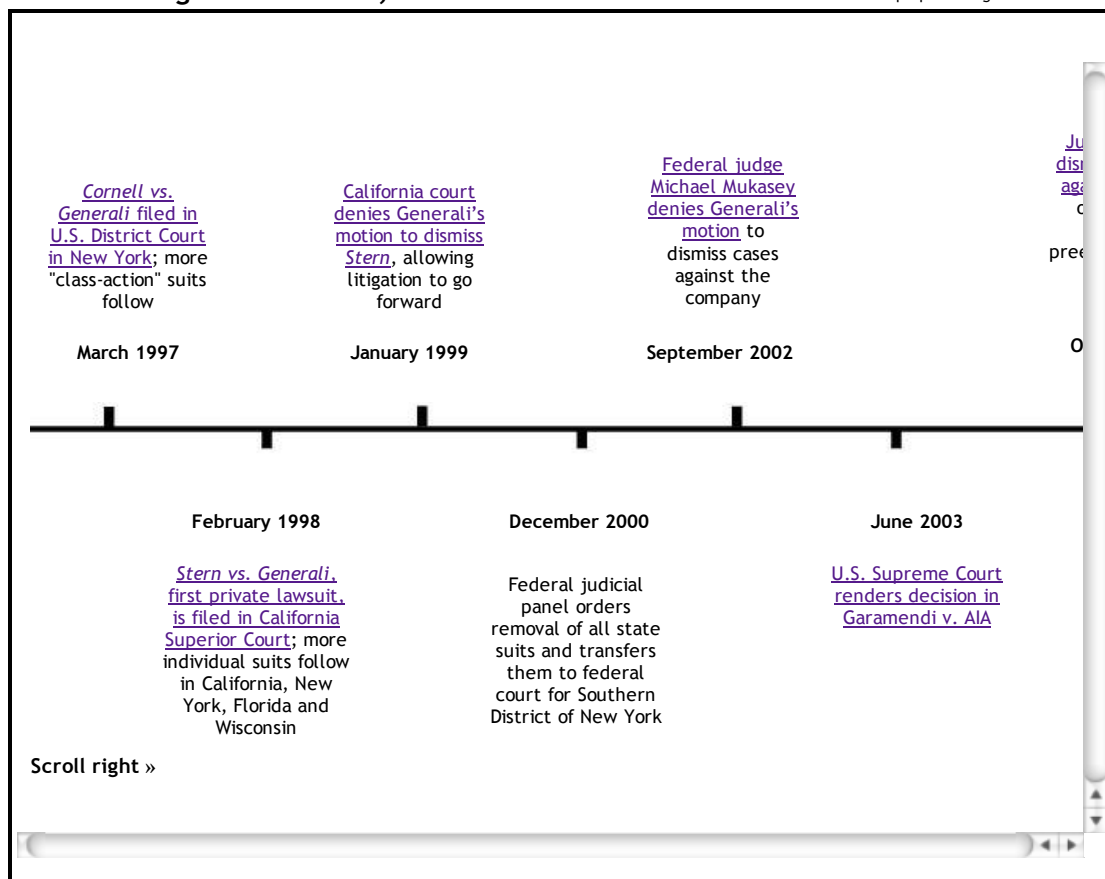
'Generali' Holocaust settlement

January 7, 2008: A Federal judge has [re-approved](#) a settlement proposed by the company and some plaintiffs that would settle class-action suits first filed 10 years ago. See coverage in [New York Sun](#) and [New York Times](#).



SPECIAL HSF WEBSITE FEATURE

Generali Litigation Timeline, 1997-2010 n colored boxes refer to Generali Settlement proposed Aug. 2006



Appeal of 2004 U.S. District Court decision

A 2004 U.S. District Court decision to dismiss all remaining suits brought against Generali dating back to 1997 was appealed. The following filings related to the appeal are from 2006:

- [Joint Plaintiffs' Appeal Brief, June 2006](#)
- [Weiss Plaintiffs' Appeal Brief, June 2006](#)
- [Shernoff Appeals Brief, June 2006](#)
- [Generali Proof Brief, September 2006](#)
- [Weiss Reply Brief, October 2006](#)
- [Shernoff Reply Brief, October 2006](#)

2007 Generali settlement

The settlement of a long-standing class action lawsuit by Holocaust survivors against Italian insurer Assicurazioni Generali was proposed by the company and some original plaintiffs' attorneys was initially approved in March 2007, but another group of original plaintiffs opposed to the settlement appealed the decision.

In late 2007 the public notification process about the settlement [was ruled inadequate by the 2nd Circuit Court of](#)

[Appeals, and new notice was ordered.](#) The court set a December 26, 2007 deadline for affected persons to exclude themselves from (or "opt out of") the settlement and keep their legal options open.

- For detailed discussion of the Generali settlement notice [see this bulletin](#) from the National Association of Jewish Holocaust Survivors (NAHOS).
- For additional background, [click here](#).

See also the following news coverage:

- *New York Jewish Week* (Dec. 20), "[Ditch Generali Settlement, Survivors Told](#)"
- *New York Times* (Oct 3), "[Appeals Court Extends Time for Suit on Holocaust Insurance Payments](#)"
- *NY Jewish Week* (Oct. 12), "[Court Holds Up Generali Settlement](#)."

After successfully appealing the inadequate public notice and forcing an extension of the claims deadline, formal objections to the proposed class action settlement were filed on December 26, 2007 by a group of survivors in the U.S. and Israel, on behalf of class members. See the following documents filed with the Court:

- [Objections to Generali Class Settlement](#)
- [Exhibits 1-5](#)
- [Exhibits 6-8](#)
- [Exhibits 9-11](#)
- [Exhibits 12-17](#)

In January 2008, the class action settlement was re-approved, and an appeal was filed by non-settling plaintiffs objecting to the settlement. This appeal was denied in June 2008.

The 2004 decision to dismiss the original suit against Generali remains under active appeal in 2010.

—

© 2007-2010. Holocaust Survivors' Foundation-USA, Inc. All Rights Reserved. | Email: contact@hsf-usa.org