

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant [REDACTED 1]
also representing [REDACTED 2]

in re Account of Max Blatt

Claim Numbers: 210918/MBC; 400253/MBC; 704083/MBC; 751737/MBC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Max Blatt (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted Claim Forms identifying the Account Owner as her mother’s brother, Max Blatt, who was born on 29 March 1909 in Jaroslaw, Poland, and married [REDACTED] in 1932 in Offenbach, Germany. The Claimant stated that her maternal grandparents,

¹ In 1999, Claimant [REDACTED 1]’s mother, [REDACTED], submitted an Initial Questionnaire, numbered ENG-0400-191, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned Claim Number 704083. [REDACTED] also submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-S-90-518-151-737, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). This ATAG Form was forwarded to the CRT and has been assigned Claim Number 751737. In an e-mail dated 7 September 2003, Claimant [REDACTED 1] informed the CRT that her mother died on 2 August 2000 and filed a claim form in 2001 with the intent to carry on her mother’s claims. The CRT is therefore treating the IQ and ATAG form submitted by [REDACTED], identified as claims numbered 704083 and 751737, as supplemental information to Claimant [REDACTED 1]’s claims.

[REDACTED] and [REDACTED], née [REDACTED], had three children: Max Blatt, [REDACTED], and [REDACTED] (Claimant [REDACTED 1]’s mother), who was born on 24 November 1911 in Wuppertal-Elberfeld, and that the family owned several successful grocery stores in Wuppertal-Elberfeld, Germany. The Claimant indicated that Max Blatt, who was Jewish, lived and worked in Wuppertal-Elberfeld until 1933, when he and his wife left Germany, settling at 40 Amstellaan in Amsterdam, the Netherlands. According to the Claimant, [REDACTED] and her husband fled to Amsterdam in late 1936, and [REDACTED] followed in approximately 1938. The Claimant added that Max Blatt operated a grocery store in Amsterdam until 1944. According to information provided by the Claimant, [REDACTED] died in 1937, her parents managed to escape to Australia in 1939, and her grandfather and her mother’s two brothers perished in concentration camps. According to information provided by Claimant [REDACTED 1]’s mother, before he and his wife were deported to Auschwitz in 1944, Max Blatt told her that he had deposited assets in Switzerland. The Claimant submitted a family tree, indicating that her maternal grandfather had multiple connections to Frankfurt am Main, Germany, and that both of his brothers were deported from Frankfurt to concentration camps during the Second World War.

The Claimant submitted copies of documents, including: (1) her birth certificate, indicating that her mother was [REDACTED], née [REDACTED], who was born in Elberfeld, Germany; (2) a name change certificate, dated 24 March 1965, indicating that [REDACTED], née [REDACTED], changed her surname from [REDACTED] to [REDACTED]; (3) an undated letter written by [REDACTED] after her arrival to Australia, indicating her interest in claiming any account of Max Blatt and indicating that she was his only surviving heir; (4) Blatt family registration records, indicating the name Max Blatt; (5) a detailed family tree; and (6) her own marriage certificate, indicating that her parents were [REDACTED] and [REDACTED]. The CRT notes that Claimant [REDACTED 1]’s mother, [REDACTED], submitted an Initial Questionnaire (“IQ”) to the Court in 1999 and an ATAG Ernst & Young claim form (“ATAG Form”), asserting her entitlement to accounts belonging to Max Blatt. On 7 September 2003, Claimant [REDACTED 1] informed the CRT that her mother, [REDACTED], passed away on 2 August 2000, and on 21 June 2006, the Claimant submitted a copy of her late mother’s will, in which she bequeathed her entire assets to her daughters, the Claimant and her sister, [REDACTED 2], née [REDACTED].

The Claimant indicated that she was born on 21 June 1941 in Melbourne, Australia. Claimant [REDACTED 1] is representing her sister, [REDACTED 2], née [REDACTED], who was born on 27 January 1943 in Melbourne.

Information Available in the Bank’s Record

The Bank’s record consists of a customer card. According to this record, the Account Owner was Max Blatt, who resided in Frankfurt am Main, Germany. The Bank’s record indicates that the Account Owner held a demand deposit account that was opened on 31 July 1930 and closed on 31 January 1934. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank’s record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the four claims of the Claimant in one proceeding.

Identification of the Account Owner

The name of the Claimant uncle, as well as his country of residence in 1930, matches the published name and country of residence of the Account Owner. The CRT notes that the Claimant identified the Account Owner's city of residence as Wuppertal-Elberfeld, Germany, until 1933, whereas the Bank's records indicate Frankfurt am Main, Germany, a city located approximately 200 kilometers from Wuppertal-Elberfeld, as the Account Owner's city of residence. The CRT further notes that the Account Owner had numerous relatives living in Frankfurt, which is a much larger city than Wuppertal-Elberfeld, and determines that it is plausible that he opened an account using an address in Frankfurt. Moreover, the Claimant indicated that her mother's brother, Max Blatt, told her mother in the 1930s that he had deposited monies in Swiss banks.

In support of her claim, the Claimant submitted documents, including an undated letter written by [REDACTED] and Blatt family registration records, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the name Max Blatt appears only once on the February 2001 list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). Furthermore, the CRT notes that the Claimant's mother filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Max Blatt, prior to the publication in the ICEP List. This indicates that the Claimant, in filing her claim based upon her mother's previous filings, has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, that he fled Germany in 1933, and that in 1944 he was deported to Auschwitz, where he perished.

The Claimant's Relationships to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was her uncle. There is no information to indicate that the Account Owner has surviving heirs, other than the party whom the Claimant is representing.

The CRT notes that the Claimant's mother filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and herself, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted copies of her birth certificate, a name change certificate, Blatt family registration records, and her own marriage certificate. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess, and which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Germany. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Forms.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 31 January 1934, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled his country of origin in 1933 due to Nazi persecution, that the Account Owner had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability, and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendices A and C),² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

² Appendix C is located on the CRT's website at www.crt-ii.org.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant as plausibly demonstrated that the Account Owner was her uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

Division of the Award

In this case, the Claimant is representing her sister, [REDACTED 2], née [REDACTED]. According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of the any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, the Claimant and her sister, as grandchildren of the Account Owner's parents, are each entitled to one-half of the award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
28 June 2006