

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants Franklin Roberto Colin, Sonia de Camargo and Hannelore Sara Schönmann

in re Accounts of Dr. Robert Blum

Claim Numbers: 206714/PY; 206715/PY; 206716/PY

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claims of Franklin Roberto Colin (“Claimant Colin”), Sonia de Camargo, née Colin (“Claimant de Camargo”) and Hannelore Sara Schönmann, née Blum (“Claimant Schönmann”) (together “the Claimants”) to the accounts of Dr. Robert Blum (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where the claimants have not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimants

Claimant Colin submitted a Claim Form identifying the Account Owner as his maternal grandfather, Dr. Robert Blum, who was born on 5 June 1883 in Frankenthal, Germany and was married to Luise Sara Blum, née Flesch, on 4 August 1915 in Munich, Germany. Claimant Colin stated further that his grandfather had two children: his mother Liselotte Cohn Colin, née Blum, who died on 17 April 1984 in Sao Paulo, Brazil, and Claimant Schönmann. Claimant Colin stated that his grandfather, who was Jewish, resided in Frankenthal at Max-Friedrichstrasse 4. Claimant Colin asserted that Robert Blum spent his holidays in Switzerland. He added that his grandfather was forced to shut down his legal practice at Westliche Ringstrasse 29 in Frankenthal and was interned several times at Dachau concentration camp, the last time for three weeks in November 1938. Claimant Colin stated that his grandfather fled Germany to Sao Paulo with his family in 1939, and died in Sao Paulo on 20 September 1941. In support of his claim, Claimant Colin submitted Robert Blum’s death certificate and his marriage certificate, which indicates that he was a resident of Frankenthal. In addition, Claimant Colin submitted his mother’s birth and death certificates, which indicate that her parents were Robert and Luise Blum. Claimant Colin indicated that he was born on 20 March 1946 in Sao Paulo.

Claimant de Camargo submitted a Claim Form identifying the Account Owner as her maternal grandfather, Dr. Robert Blum. Claimant de Camargo submitted the same information about her grandfather and the same supporting documents as Claimant Colin, who is her brother. Claimant de Camargo indicated that she was born on 5 November 1942 in Sao Paulo.

Claimant Schönmann submitted a Claim Form identifying the Account Owner as her father, Dr. Robert Blum. She provided the same information and documents concerning her father as did Claimants Colin and de Camargo, with the addition of her birth certificate and a letter from Robert Blum dated June 1910, giving notice that he was practising as a lawyer in Frankenthal at Westliche Ringstrasse 29.

Information Available in the Bank Records

The bank records consist of an acknowledgment card signed by Dr. Robert Blum on 23 June 1929 in Frankenthal, acknowledging receipt of the Bank's regulations regarding custody accounts, a letter dated 16 June 1934 from Robert Blum to the Bank instructing them to carry out transactions relating to his accounts on his behalf, a power of attorney form signed in Basel on 7 October 1933, and printouts from the Bank's database. In addition, there is a declaration by Luise Blum dated 21 December 1938, transferring the power of attorney given to her by Robert Blum to her brother-in-law, Dr. Fritz Blum of Nuremberg, Germany, as well as a power of attorney declaration signed by Robert Blum while he was in the Dachau concentration camp, both notarized in Stuttgart, Germany on 21 December 1938. This declaration gives general power of attorney to his wife, Luise Blum, to, among other things, make bank declarations and conclude contracts relating to the receipt or disposal of their assets. According to these records, the Account Owner was Dr. Robert Blum, who resided at Max-Friedrichstrasse 4 in Frankenthal, and the Power of Attorney Holders were Luise Blum, née Flesch, the Account Owner's wife, and Dr. Fritz Blum, the Account Owner's brother, who resided in Nuremberg, Germany at Guntherstrasse 61. The bank records indicate that the Account Owner held a custody account numbered 33673 and a demand deposit account, also numbered 33673.

The bank records do not show the values of the accounts or when the accounts at issue were closed. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") determined that the amount in the accounts had been paid to the Nazi authorities.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimants Colin and Claimant de Camargo have plausibly identified the Account Owner. Claimant Colin and Claimant de Camargo's grandfather's, grandmother's and great-uncle's names match the published names of the Account Owner and the Power of Attorney Holders. Their grandfather's city of residence also matches the published city of residence of the Account Owner. Both Claimants Colin and de Camargo identified their grandfather's profession and the fact that he held a doctor title, which matches unpublished information about the Account Owner contained in the bank records. Claimants Colin and de Margo both provided their grandfather's residential address in Frankenthal, which also matches unpublished information in the bank records. They identified the names of their grandfather's children as Hannelore and Liselotte Blum, which also matches unpublished information contained in the bank records. Lastly, they stated that their grandfather was interned at Dachau concentration camp, which is also unpublished information contained in the bank records.

Claimant Schönmann has also plausibly identified the Account Owner. Her father's, mother's and uncle's names match the published names of the Account Owner and the Power of Attorney Holders. Her father's city of residence also matches the published city of residence of the Account Owner. Claimant Schönmann has provided the same information about her father matching unpublished information contained in the bank records that was provided by Claimant Colin and Claimant de Camargo.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, was compelled to shut down his legal practice by the Nazis, was interned in the Dachau concentration camp on several occasions, and was finally forced to flee to Sao Paulo.

The Claimants' Relationship to the Account Owner

Claimants Colin and de Camargo have plausibly demonstrated that they are related to the Account Owner by submitting their birth certificates and their mother's birth certificate, which indicate that her parents were Robert and Luise Blum. Claimant Schönmann has plausibly demonstrated that she is related to the Account Owner by submitting her birth certificate, which indicates that the Account Owner is her father.

The Issue of Who Received the Proceeds

The bank records indicate the accounts were paid to Nazi authorities.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their grandfather or father, and those relationships justify an Award. Finally, the CRT has determined that it is plausible

that neither the Account Owner, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

Pursuant to Article 35 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,00.00 Swiss Francs while the average value of a demand deposit account was 2,140.00 Swiss Francs, producing a total of 15,140.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 181,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account values, and 65% of the total award amount is 118,092.00 Swiss Francs.

Division of the Award

According to Article 29 of the Rules, children of Account Owners who have submitted a claim are entitled to equal shares of the Award. Where a child of the Account Owner is deceased, but that child's descendants are living and have submitted a claim or claims, those descendants are entitled to equal portions of the deceased child's share of the Award. Accordingly, Claimant Schönmann, who is one of the Account Owner's two daughters, is entitled to one-half of the Award, whereas Claimants Franklin and Claimants de Camargo, children of the Account Owner's other daughter, Liselotte Cohn Colin, née Blum, deceased, are each entitled to one-quarter of the Award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on their 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
October 24, 2002