

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
Claimant [REDACTED 2],
Claimant [REDACTED 3],
Claimant [REDACTED 4],
and to Claimant [REDACTED 5]

in re Account of Frieda Braun

Claim Numbers: 217210/RS; 217926/RS;¹ 218932/RS; 753179/RS;² 738047/RS³

Award Amount: 30,225.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) to the account of

¹ Claimant [REDACTED 3] (“Claimant [REDACTED 3]”) submitted fifteen additional claims, which are registered under the Claim Numbers 214057, 214824, 217895, 218240, 218241, 218242, 218445, 218446, 219032, 400274, 400289, 400306, 400309, 400316, and 400320.

In a separate decision, the CRT awarded the accounts of Friedrich Spitz to Claimant [REDACTED 3]. See *In re Accounts of Friedrich Spitz* (approved on 27 December 2002). In additional decisions, the CRT treated Claimant [REDACTED 3]’s claim to the accounts of Maria Bach, Sandorne Barna (Blum), Alice Blum, Gabor Blum, Robert Blum, Imre (Emerich) Guttmann (Guttman, Gutmann), Paul Gutmann (Guttmann), Therese Gutman (Gutmann, Guttman), David Kohn, Samuel Schwarcz (Schwolrazne), Sandor Schwarz, Josef Spitz, and Siegfried Steiner. See *In re Accounts of Imre Guttman* (approved on 8 August 2006); *In re Account of Robert Blum* (approved on 27 February 2007); *In re Account of Maria Bach* (approved on 19 March 2007); *In re Account of Sandorne Barna* (approved on 19 March 2007); *In re Accounts of Alice Blum* approved on 19 March 2007); *In re Account of Gabor Blum and Account of Matyas Blum (Power of Attorney Holder Gabor Blum)* (approved on 19 March 2007); *In re Account of Therese Gutmann* (approved on 19 March 2007); *In re Account of David Kohn* (approved on 19 March 2007); *In re Account of Samuel Schwarcz* (approved on 19 March 2007); *In re Account of Sandor Schwarz* (approved on 19 March 2007); *In re Account of Siegfried Steiner* (approved on 19 March 2007); *In re Account of Paul Gutmann* (approved on 23 March 2007) and *In re Account of Josef Spitz* (approved on 23 March 2007). The CRT will treat any outstanding claims in one or more further determinations.

² Claimant [REDACTED 4] (“Claimant [REDACTED 4]”) did not submit a Claim Form to the CRT. However, in 1998 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-NYC-E-80-407-115-918, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT 1”), 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 (the “CRT”) 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). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned claim number 753179.

In a decision released 31 October 2007, the CRT treated Claimant [REDACTED 4]’s claim numbered 753179. Although in that decision the CRT indicated that it had been unable to locate an account belonging to Claimant [REDACTED 4]’s relative named Frieda Braun, upon further careful review, the CRT has concluded that Claimant [REDACTED 4] is entitled to share in the award made to the account addressed here.

³ Claimant [REDACTED 5] (“Claimant [REDACTED 5]”) did not submit a Claim Form to the CRT. However, in 1999, he submitted an Initial Questionnaire (“IQ”), numbered RUS-0688079, to the Court in the United States. Although this IQ 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 IQ was forwarded to the CRT and has been assigned claim number 738047.

Zygmund Braun;⁴ the claims of [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”) and [REDACTED 5] (“Claimant [REDACTED 5]”) to the account of Frieda Braun; and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together, the “Claimants”) to the account of Hirsh (Hersh) Braun. This Award is to the published account of Frieda Braun (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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

Information Provided by the Claimants

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1] and Claimant [REDACTED 2] - who are siblings - submitted Claim Forms identifying the Account Owner as their mother, Frieda Braun, née Mechlovic, who was born in approximately 1905 and was married to [REDACTED] in 1918 in Saldobos, Czechoslovakia (now the Ukraine). Claimant [REDACTED 1] and Claimant [REDACTED 2] indicated that their parents, who were Jewish, resided in Saldobos, where their father was a fruit wholesaler, and that they had seven children born between 1921 and 1933. According to Claimant [REDACTED 1] and Claimant [REDACTED 2], they and their family were deported to Auschwitz in 1944, where their parents and four of their siblings perished. Finally, Claimant [REDACTED 1] and Claimant [REDACTED 2] indicated that their remaining sibling, [REDACTED], died in 1992 in Chicago, the United States.

Claimant [REDACTED 1] indicated that he was born on 25 May 1921 in Saldobos, and Claimant [REDACTED 2] indicated that she was born on 25 August 1926 in Saldobos.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her great-aunt, Frieda Braun, who was Jewish. In correspondence with the CRT, Claimant [REDACTED 3] specified that Frieda Braun, née Blum, was her paternal grandmother’s sister, who was one of 26 siblings born to three different mothers (and including three sets of quadruplets); Claimant [REDACTED 3] indicated that Frieda Braun’s father, [REDACTED], was a famous “miracle rabbi” in Hungary. Claimant [REDACTED 3] further indicated that her great-aunt Frieda Braun resided in Germany, most likely in Frankfurt am Main. Finally, Claimant [REDACTED 3] indicated that most of her relatives, including her great-aunt, disappeared during the Second World War and presumably perished in the Holocaust.

⁴ The CRT did not locate an account belonging to Zygmund Braun in the Account History Database prepared pursuant to the investigation of ICEP, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

In support of her claim, Claimant [REDACTED 3] submitted copies of documents, including: 1) her own birth certificate and marriage certificate, indicating that [REDACTED 3] was born on 19 August 1927 in Budapest, Hungary, that her father was [REDACTED], that she was Jewish, and that she was married to [REDACTED]; and 2) her father's death certificate, indicating that [REDACTED] was born on 2 February 1906 in Abaujszanto, Hungary, that his mother was [REDACTED], née [REDACTED], and that he perished in Auschwitz in 1944.

Claimant [REDACTED 3] indicated that she was born on 19 August 1927 in Budapest.

Claimant [REDACTED 3] previously submitted an ATAG Ernst & Young claim form ("ATAG Form") asserting her entitlement to a Swiss bank account owned by her relative Frieda Braun.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an ATAG Form identifying the Account Owner as his paternal grandmother, Frieda Braun, who was married to [REDACTED]. According to the Claimant, his father's family resided in Kalev, Poland, and in parts of Romania, Hungary, and Czechoslovakia prior to the Second World War. Claimant [REDACTED 4] indicated that Frieda and [REDACTED] Braun had at least one child, namely [REDACTED], Claimant [REDACTED 4]'s father. Claimant [REDACTED 4] indicated that Frieda and [REDACTED] Braun were murdered by Nazis during the Holocaust.

In support of his claim, Claimant [REDACTED 4] submitted copies of: 1) the United States certificate of naturalization of his father, [REDACTED], indicating that he was born in 1924, and was formerly a citizen of Czechoslovakia; and 2) the expired passport of his father, [REDACTED], indicating that he was born in Czechoslovakia.

Claimant [REDACTED 4] indicated that he was born on 13 October 1956.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted an IQ identifying the Account Owner as his mother, Frida Braun, née Klein, who was born in approximately 1905 and was married to [REDACTED]. Claimant [REDACTED 5] indicated that his parents, who were Jewish, resided in Gat in the Berehovo region of Czechoslovakia (now the Ukraine), and that they had at least two children: Claimant [REDACTED 5], who was born in 1928, and his brother [REDACTED], who was born in 1936. According to Claimant [REDACTED 5], his father perished in 1942, and he and his mother and brother were deported to Auschwitz in 1944, where his mother and brother perished.

Claimant [REDACTED 5] indicated that he was born in 1928.

Information Available in the Bank's Record

The Bank's records consist of account ledgers, lists of dormant accounts, and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Frieda Braun. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings/ passbook account, which was opened in or prior to 1945, and which became inactive by the end of 1945. The Bank's records further indicate that the

account was transferred to the Bank's suspense account on or before 6 August 1955, and that it contained a balance of 1,513.00 Swiss Francs ("SF") as of 12 September 1998.

The account remains suspended.

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 five claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names and marital status match the published name and marital status of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name and the fact that she was married.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Frida Braun, née Mechlovic, and indicates that she was born in approximately 1895 and that she resided in Saldobos, which matches the information about the Account Owner provided by Claimant [REDACTED 1] and Claimant [REDACTED 2]. The database also contains a person named Frida Braun, née Klein, and indicates that she was born between approximately 1902 and 1907, that she was married to [REDACTED], that she resided in Gat, and that she had a child born in 1927, which matches the information about the Account Owner provided by Claimant [REDACTED 5]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Frieda Braun appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that Claimant [REDACTED 3] and Claimant [REDACTED 4] filed ATAG Forms in 1998, and that Claimant [REDACTED 5] and Claimant [REDACTED 1] filed IQs with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by the Account Owner or a related family member, prior to the publication of the ICEP List. This indicates that those claimants have based their claims not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them before the publication of the ICEP List. It also indicates that those claimants had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by those claimants.

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2]'s relative, Claimant [REDACTED 3]'s relative, Claimant [REDACTED 4]'s relative, and Claimant [REDACTED 5]'s relative are different persons. However, given that the Claimants have

identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] and Claimant [REDACTED 2] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Those claimants stated that the Account Owner was Jewish, and that she perished in Auschwitz. As noted above, a person named Frida Braun, née Mechlovic, was included in the CRT's database of victims.

Claimant [REDACTED 3] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, that she resided in Nazi Germany, and that she presumably perished in the Holocaust.

Claimant [REDACTED 4] also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 4] indicated that the Account Owner was Jewish, and that she perished together with her husband in the Holocaust.

Finally, Claimant [REDACTED 5] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 5] stated that the Account Owner was Jewish, and that she perished in Auschwitz. As noted above, a person named Frida Braun, née Klein, was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was these claimants' mother. The CRT further notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999, identifying his father as [REDACTED], prior to the publication in February 2001 of the ICEP List; and that these claimants also identified information which matches information contained in the Yad Vashem records. 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 these claimants as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] and Claimant [REDACTED 2] are related to the Account Owner, as they have asserted in their Claim Forms. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s paternal great-aunt. The CRT notes that Claimant [REDACTED 3] submitted an ATAG Form in 1998, identifying the relationship between the Account Owner and Claimant [REDACTED 3], prior to the publication of the ICEP List. 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 Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] is related to the Account

Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 4] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 4]'s paternal grandmother. The CRT further notes that Claimant [REDACTED 4] filed his ATAG Form with the Court in 1998, identifying the relationship between the Account Owner and Claimant [REDACTED 4], prior to the publication of the ICEP List. The CRT notes that Claimant [REDACTED 4] indicated that he has other surviving relatives, but that because they are not represented in Claimant [REDACTED 4]'s claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

Claimant [REDACTED 5] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 5]'s mother. The CRT further notes that Claimant [REDACTED 5] filed his IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 5], prior to the publication of the ICEP List; and that Claimant [REDACTED 5] also identified information which matches information contained in the Yad Vashem records. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains suspended.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that the Account Owner was their mother; Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her great-aunt; Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was his grandmother; and Claimant [REDACTED 5] has plausibly demonstrated that the Account Owner was his mother, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the value of the account as of 12 September 1998 was SF 1,513.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 905.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1998. Consequently, the adjusted balance of the account at issue is SF 2,418.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 30,225.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each group of Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are jointly entitled to one-quarter of the Award amount; Claimant [REDACTED 3] is entitled to one-quarter of the Award amount; Claimant [REDACTED 4] is entitled to one-quarter of the Award amount; and Claimant [REDACTED 5] is entitled to one-quarter of the Award amount.

With respect to the portion of the Award jointly designated to Claimant [REDACTED 1] and Claimant [REDACTED 2], according to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] and Claimant [REDACTED 2] are siblings and the children of the Account Owner. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-eighth of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 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
8 October 2008