

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Jeanne Marie Dreyfus
represented by Chloé Thieblemont

in re Accounts of Sophie Brunschwig, Charles Brunschwig, and Jeanne Marie Brunschwig

Claim Numbers: 216116/AX ; 216117/AX ; 216118/AX

Award Amount: 49,375.00 Swiss Francs

This Claim Award is based on the claims of Jeanne Marie Dreyfus, née Brunschwig (the “Claimant”) to the published accounts of Jeanne Marie Brunschwig (“Account Owner Jeanne Marie Brunschwig”) at the [REDACTED] (“Bank 1”) and the published accounts of Sophie Brunschwig (“Account Owner Sophie Brunschwig”) and Charles Brunschwig (“Account Owner Charles Brunschwig”) (together the “Account Owners”) at the [REDACTED] (“Bank 2”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted Claim Forms identifying the Account Owners as herself, Jeanne Marie Dreyfus, née Brunschwig, her mother, Sophie Brunschwig, née Gaensbourger, and her father, Dr. Charles Brunschwig. According to the Claimant, Sophie Brunschwig and Charles Brunschwig were born on 3 October 1885, in Strasbourg, France, and 20 July 1875, in Blotzheim, France, respectively, and were married in 1909, in Strasbourg. The Claimant stated that she is their only daughter, and that she was born in Besançon, France on 24 January 1913. According to the Claimant, her parents, who were Jewish, lived in Besançon until 1940, at Grand Rue 64. The Claimant indicated that her parents went into hiding when the Nazis invaded France in 1942. The Claimant further indicated that her family remained in hiding until after the Second World War when they finally moved back to Besançon in 1945. The Claimant also stated that Georges Guggenheim, of Zurich, was her parents’ representative in Switzerland. According to the Claimant, her mother died on 22 August 1953, and her father died on 7 August 1957, both in Besançon. In support of her claims, the Claimant submitted her family booklet (*Livre de Famille*), indicating that the Claimant’s parents were Charles and Sophie Brunschwig, and that the Claimant and her parents resided in Besançon. The Claimant indicated that she was born on 24 January 1913 in Besançon.

Information Available in the Banks' Records

Account of Jeanne Marie Brunshwig

Bank 1's records consist of printouts from the Bank's database. According to these records, the Account Owner was Jeanne Marie Brunshwig from Besançon. Bank 1's records do not indicate the type of account, but indicate that it was opened on 21 April 1939. 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") did not find this account in Bank 1's system of open accounts, and they therefore presumed that it was closed. There is no evidence in Bank 1's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

Account of Sophie Brunshwig and Charles Brunshwig

Bank 2's records include customer cards, account opening contracts, lists of securities, and Power of Attorney documents. According to Bank 2's records, the Account Owners were Dr. Charles Brunshwig and Sophie Brunshwig, née Gaensbourger, who resided in Besançon at Grand Rue 64.

According to Bank 2's records, Account Owner Charles Brunshwig and Account Owner Sophie Brunshwig jointly held a custody account numbered 45220. The records indicate that Jeanne Marie Dreyfus was added as an authorized party to the account in 1939. The records indicate that the contents of the custody account numbered 45220 were transferred to another custody account, numbered 50047, in or before 1940. The records indicate that the Account Owners also owned an accompanying demand deposit account. The records indicate that Georg Guggenheim, a lawyer in Zurich, was granted power of attorney over the accounts on 21 November 1940, and that correspondence relating to the accounts was to be addressed to him.

According to Bank 2's records, in 1957, all the securities in the custody account ("*ganzes Depot*") numbered 50047 were transferred to a custody account numbered 63816 held in the name of Georg Guggenheim. This custody account was held under the code number "7513." Bank 2's records indicate that on 23 August 1957, Jeanne Marie Dreyfus and Jacques Dreyfus were granted power of attorney over this account. Bank 2's records do not indicate a closing date or value for the account owned by Georg Guggenheim. With regard to custody account 50047 and the accompanying demand deposit account, the auditors who carried out the ICEP Investigation of this bank did not find these accounts in Bank 2's system of open accounts, and they therefore presumed that they were closed. Bank 2's records do not indicate the value of custody account 50047 or the demand deposit account. According to a typewritten note affixed to the list of securities contained in custody account 50047, pursuant to verbal communication with the Account Owner on 30 October 1945, the name of the Account Owner was under no circumstances to be released to a third party.¹

¹ "*Gemäss mündlicher Mitteilung des Deponenten vom 30 Okt. 1945 darf sein Name auf keinem Fall an irgend jemand bekanntgegeben werden.*"

The CRT's Analysis

Joinder of Claims

According to Article 37(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 Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's name and city and country of residence match the published name and city and country of residence of Account Owner Jeanne Marie Brunschwig. The Claimant's parents' names and city of residence match the published names and city of residence of Account Owners Charles Brunschwig and Sophie Brunschwig. The Claimant identified her mother's maiden name, which matches published information contained in Bank 2's records. The Claimant further stated that her father held the title of Dr., and that her parents resided at Grand Rue 64 in Besançon, which matches unpublished information about Account Owner Charles Brunschwig contained in the Bank 2's records. The Claimant's parent's representative's name and city of residence match unpublished information about the Account Owners contained in Bank 2's records. The Claimant's name and her husband's name match the unpublished name of the Power of Attorney Holder for the Account of Georg Guggenheim. In support of her claims, the Claimant submitted her *Livre de Famille*, indicating that the Claimant's parents were Charles Brunschwig and Sophie Brunschwig, and that the Claimant and her parents resided in Besançon, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Banks' records as the names and city of residence of the Account Owners. The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and went into hiding in France during the Second World War to avoid Nazi persecution.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owners Charles Brunschwig and Sophie Brunschwig by submitting specific information and documents demonstrating that Account Owners Charles Brunschwig and Sophie Brunschwig were her parents and that she is Account Owner Jeanne Marie Brunschwig. These documents include the Claimant's *Livre de Famille*, indicating that the Claimant's parents were Charles Brunschwig and Sophie Brunschwig. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Regarding the account of Account Owner Jeanne Marie Brunschwig at Bank 1, given that Account Owner Jeanne Marie Brunschwig went into hiding to escape Nazi persecution, that there is no record of the payment of Account Owner Jeanne Marie Brunschwig's account to her, nor any record of a date of closure of the account; that Account Owner Jeanne Marie Brunschwig and her heirs would not have been able to obtain information about her account after the Second World War from Bank 1 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Jeanne Marie Brunschwig or her 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.

Regarding the accounts of Account Owners Charles Brunschwig and Sophie Brunschwig, Bank 2's records indicate that the contents of custody account numbered 45220 were transferred to custody account numbered 50047, and that they in turn were transferred to a custody account numbered 63816 held by Georg Guggenheim, who had held power of attorney over the Account Owners' accounts. Moreover, Bank 2's records indicate that Jeanne Marie Brunschwig was granted power of attorney over Georg Guggenheim's account in 1957, and that the Account Owners were in contact with Bank 2 regarding their accounts on 30 October 1945. Accordingly, the CRT concludes that the Account Owners had dominion over these accounts and disposed of the proceeds.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that she is Account Owner Jeanne Marie Brunschwig. Third, the CRT has determined that it is plausible that neither Account Owner Jeanne Marie Brunschwig nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, Account Owner Jeanne Marie Brunschwig held an account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 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 an award amount of SF 49,375.00.

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 she 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
18 November 2004