

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
and Claimant [REDACTED]
acting on behalf of herself and [REDACTED] and [REDACTED]
acting on behalf of himself and REDACTED]; [REDACTED] (*née* [REDACTED]);
[REDACTED] (*née* [REDACTED]); [REDACTED]; [REDACTED]; [REDACTED];
and [REDACTED]

in re Account of Karl Csépai

Claim Numbers: 210975/MC; 218512/MC

Award Amount: 118,387.33 Swiss Francs

This Certified Award is based upon the Claims of [REDACTED] (hereinafter “Claimant [REDACTED 1]”) and [REDACTED] (hereinafter “Claimant [REDACTED 2]”) (the “Claimants”) to the account of Karl Csépai (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] submitted a Claim Form identifying the Account Owner as his uncle. Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her great-uncle. Both Claimants stated that their relative was born on 7 February 1888 in Szolnok, Hungary, and married to his cousin, [REDACTED], *née* [REDACTED], and that they had no children. Claimant [REDACTED 1] stated that he is the nephew of the Account Owner and that he was born in Szolnok, Hungary on 7 January 1929. Claimant [REDACTED 2] stated that she is the great-niece of the Account Owner and that she was born in Budapest, Hungary on 13 February 1959.

According to the Claimants, Karl Csépai was a doctor of internal medicine and a professor at the medical school of the University of Budapest. From 1925 to 1944 he lived at Süveg u. 7 in Budapest. From 1928 to 1944, he worked at OTI (*Országos Tarsadalmi Biztosító Intézet*), and from 1945 to 1948, he was its medical director. Claimant [REDACTED 2] stated that, beginning in 1942, Karl Csépai began facing

discrimination at the hospital because he was Jewish. She further stated that on 19 March 1944 he lost his job at OTI because he was Jewish, and both Claimants stated that he was forced into hiding. The Claimants stated that Karl Csépai died on 16 December 1975 in Budapest, and that his wife, [REDACTED], died on 9 November 1980 in Budapest.

According to Claimant [REDACTED 1], Karl Csépai had two brothers, [REDACTED] and [REDACTED]. [REDACTED] married [REDACTED]. They had no children. [REDACTED] married [REDACTED]. According to Claimant [REDACTED 1], they had one child, the Claimant [REDACTED 1].

According to Claimant [REDACTED 2], Karl Csépai had two brothers and one sister: [REDACTED], [REDACTED], and [REDACTED]. Karl's brother [REDACTED] married [REDACTED], née [REDACTED]. They had no children. [REDACTED] married [REDACTED]. [REDACTED] and [REDACTED] had one son, [REDACTED], who was born on 3 June 1922. [REDACTED] and [REDACTED] were deported to Auschwitz and murdered there. [REDACTED] married [REDACTED]. They had one child, Claimant [REDACTED 2]. [REDACTED] died on 8 March 1998.

According to Claimant [REDACTED 2], Karl Csépai's brother [REDACTED] had four children from two marriages. His first wife, whom he married in 1923, was [REDACTED]. [REDACTED] and [REDACTED] had three children: [REDACTED], [REDACTED], and [REDACTED]. In 1945, the elder [REDACTED]'s first wife [REDACTED], died. [REDACTED] and his second wife, [REDACTED], had one child, [REDACTED], née [REDACTED]. [REDACTED] and [REDACTED]'s son [REDACTED] married [REDACTED]. They had five children: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; and [REDACTED].

Information Available in the Bank Records

The bank records consist of ledger sheets from the bank's archives. According to these records, the Account Owner was Dr. Karl Csepai. The bank records do not indicate the type of account that the Account Owner held, but do note that the Account Owner had requested that the Bank hold all correspondence. The records further indicate that the Account Owner was from Hungary, and that the last known activity in the account was in 1940. The records indicate that the Bank closed the account on 31 December 1951 because it had not had any contact with the Account Owner since 1940, and transferred the assets to a collective account. The amount in the account on the date of its closure was 2,307.50 United States Dollars.

The Tribunal'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 discretion of the Claims Judges. In this case, the Tribunal determines it appropriate to join the claims of Claimant [REDACTED 1] and of Claimant [REDACTED 2] in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owner. Their relative's name and place of residence match the published name and place of residence of the Account Owner. The Claimants have also provided information regarding the Account Owner's profession, which matches unpublished information about the Account Owner contained in the bank documents. Moreover, Claimant [REDACTED 2] acknowledged that Claimant [REDACTED 1] is her relative and that he was filing a separate claim to the account.

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 and lived in Budapest, Hungary. Dr. Csépai faced discrimination from his employer, was not allowed to practice medicine, lost his job in 1944, and was forced into hiding during the Nazi occupation.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents in support of their claim, including excerpts from the birth records of Karl Csépai and Karl's brother [REDACTED], a letter written by Karl Csépai, and a copy of his *curriculum vitae* that Karl Csépai authored. The credibility of other information provided by the Claimants gives the Tribunal no basis to question the veracity of this information concerning their relationship to the Account Owner.

The Issue of Who Received the Proceeds

Since the Claimants would not be entitled to an award if the account at issue was paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the "ICEP Investigation") demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, if the funds were not in fact paid to the account owners or their family, as is apparently the case here as described below, there is a substantial likelihood that the funds went to the Nazis or to the Swiss bank.

In this case, on or before 31 December 1951 the Bank transferred the accounts at issue to a collective/suspense account for administrative and bookkeeping purposes. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the account.

Basis for the Award

The Tribunal has determined that an Award may be made in favor of the Claimants. First, the claimed account belonged to a Victim of Nazi Persecution. Second, the Claimants have plausibly demonstrated that the Account Owner was their relative and that certain relationships justify an Award. Finally, the Tribunal has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the account as of 31 December 1951 was 2,307.50 United States Dollars. This amount has been converted into Swiss Francs using the average yearly exchange rate provided by the Swiss National Bank for the year 1951. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 280.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 31 December 1951. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 10,294.55 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 118,387.33 Swiss Francs.

In cases where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. In this case, there is the possibility of other competing claims. After all claims are processed, subject to approval by the Court, claimants may receive a

subsequent payment of up to the remaining 65% of the total award amount. In this case, 35% of the total award amount is 41,435.57 Swiss Francs.

Division of the Award

Article 29 of the Rules provides that, in the absence of other claimants more entitled to the Account Owner's Account, the Award shall be divided by representation among any of the children of the Account Owner's grandparents or their descendants who have submitted claims to the account. Because [REDACTED] and [REDACTED] are neither the children of the Account Owner's grandparents nor their descendants, they are not entitled to a portion of the Award. Accordingly, half of the Award amount, or 59,193.67 Swiss Francs, shall be awarded to Claimant [REDACTED 2], who is the descendant of Karl Csépai's sister [REDACTED]. The other half of the Award, or 59,193.67 Swiss Francs, shall be divided in four equal portions of 14,798.42 Swiss Francs and shall be awarded to each child, or that child's descendants, of the Account Owner's brother [REDACTED] who has filed a claim or is represented in a claim to this account. Accordingly, [REDACTED] ([REDACTED], *née* [REDACTED]), [REDACTED] (Claimant [REDACTED 1]), and [REDACTED] (*née* [REDACTED]) are entitled to 14,798.42 Swiss Francs each. The five children of [REDACTED] and [REDACTED] are each entitled to one-fifth of their father's share of 14,798.42 Swiss Francs. Accordingly, [REDACTED], [REDACTED] (*née* [REDACTED]), [REDACTED], [REDACTED], [REDACTED], and [REDACTED] are entitled to 2,959.68 Swiss Francs each.

Scope of the Award

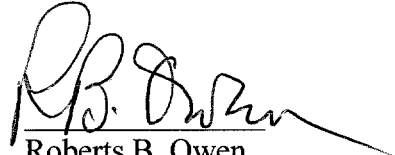
The Claimants should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a plausible case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. The Special Masters appointed by the Court to supervise the Claims Resolution Process for Deposited Assets Claims have stressed the importance of moving ahead quickly to begin to make awards to Holocaust victim claimants or their heirs. They have therefore instructed the Tribunal that in particular cases where the Tribunal is satisfied that the currently identified claimants have a plausible claim and that the risk of future competing claims is low, the Tribunal shall prepare an award to that claimant and submit it to the Court for approval. This is such a case.

In this case, the Tribunal is of the opinion that the Claimants have presented a plausible claim to the account at issue, thus reducing the likelihood of competing claims. On this basis, and taking into account the instructions of the Special Masters, the Tribunal recommends approval by the Court of the present Award for payment by the Special Masters in accordance with Article 37(3) of the Rules.

27 Feb. 2002
Date


Roberts B. Owen
Senior Claims Judge