

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant [REDACTED]¹

in re Accounts of Manfred Ehrenreich

Claim Number: 211374/BW

Original Award Amount: 26,750.00 Swiss Francs

Award Amendment Amount: 26,750.00 Swiss Francs

This Certified Award Amendment is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Manfred Ehrenreich (the “Account Owner”) at the [REDACTED] (the “Bank”). This Amendment addresses a previously treated demand deposit account held by the Account Owner at the Bank.

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

Procedural History

On 8 April 2004, the Court approved an Award to the Claimant for one demand deposit account belonging to the Account Owner (the “April 2004 Award”). In this Award Amendment, the CRT adopts and amends its findings to address the disposition of a second demand deposit account, which was treated but was not awarded to the Claimant in the April 2004 Award. In the April 2004 Award, the CRT determined that the Account Owner had received the proceeds of the second demand deposit account. After additional review of the Bank’s record, however, the CRT concludes that it is plausible that the Account Owner did not receive the proceeds of the account, and that the Claimant is therefore entitled to an award for the proceeds of the account, as detailed below.

¹ On 8 April 2004, the Court approved an award to Claimant [REDACTED] (the “Claimant”) for the accounts of Manfred Ehrenreich (the “April 2004 Award”). This Award Amendment addresses one of the two demand deposit accounts treated in the April 2004 Award.

The April 2004 Award

In the April 2004 Award, the CRT determined that the Account Owner owned two demand deposit accounts. The CRT further determined that the Claimant plausibly identified the Account Owner, that he plausibly demonstrated that he is related to the Account Owner, and that he made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Additionally, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of one of the demand deposit accounts, but that he closed the second account and received the proceeds himself. With respect to the account for which the CRT determined it was plausible that the Account Owner did not receive the proceeds, the CRT noted that the Bank's records did not indicate the value of the account, and therefore presumed that its value was 26,750.00 Swiss Francs ("SF"), and the April 2004 Award amount was SF 26,750.00. Finally, the CRT determined that the Claimant was entitled to the entire award amount.

Information Available in the Bank's Record

As detailed in the April 2004 Award, the Bank's record indicates that the Account Owner was Manfred Ehrenreich, and Vienna, Austria, Nice, France, and Zurich, Switzerland were provided as his addresses. The Bank's record indicates that the Account Owner held two demand deposit accounts, which were opened on 31 July 1930. According to this record, one of the accounts was closed on 10 June 1940, the other on 28 February 1947. The Bank's record does not show to whom the accounts were paid, nor does it indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

The Issue of Who Received the Proceeds

In the April 2004 Award, the CRT concluded that the Account Owner had received the proceeds of the demand deposit account closed on 10 June 1940, when the Account Owner resided in Nice, France, which, at that time, was not under control of the Vichy government.

The CRT notes, however, that it is CRT policy to consider France in its entirety to be under Nazi domination from the date of the German invasion, 10 May 1940. Given that the account was closed after the date of the invasion of France; that there is no information as to whom the account was closed; 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 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 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.

Basis for the Award Amendment

The CRT has determined that an Award Amendment 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, as determined in the April 2004 Award, the Claimant has plausibly demonstrated that the Account Owner was his 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 Amendment

For the purposes of this Award Amendment, 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 the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was SF 2,140.00. 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 amendment amount of SF 26,750.00.

Scope of the Award Amendment

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he 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 Amendment

The CRT certifies this Award Amendment for approval by the Court.

Claims Resolution Tribunal
9 November 2006