

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant Jaroslava Cervenkova

in re Accounts of Josef Fischl

Claim Number: 221222/AC

Award Amendment Amount: 3,433.75 Swiss Francs

This Certified Award Amendment is based upon the claim of Jaroslava Cervenkova, née Fischlova, (the “Claimant”) to the accounts of Josef Fischl (the “Account Owner”) at the St. Moritz branch of the [REDACTED] (the “Bank”).

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

On 21 April 2003, the Court approved an Award to the Claimant for one custody account and one demand deposit account owned by the Account Owner (the “April 2003 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the April 2003 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of the demand deposit account was 2,140.00 Swiss Francs (“SF”), and that given the foregoing, the April 2003 Award amount shall accordingly be increased by SF 3,433.75.

The CRT notes that in the April 2003 Award, the CRT determined that the Claimant plausibly identified the Account Owner, that she plausibly demonstrated that she is related to the Account Owner, and that she made a plausible showing that the Account Owner was a Victim of Nazi persecution. Based on the information contained in the Bank’s records, the CRT determined that the Account Owner held one custody account and one demand deposit account, that the value of the custody account is unknown, and that the value of the demand deposit account was SF 1,865.30 as of 31 December 1938. Additionally, in the April 2003 Award, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of his two accounts. Finally, the CRT determined that the April 2003 Award amount was SF 178,383.60.

The CRT's Analysis

Amount of the Award Amendment

In the April 2003 Award, the CRT determined that the value of the Account Owner's demand deposit account was SF 1,865.30, which is the amount recorded in the Bank's records as the value of the demand deposit account as of 31 December 1938.

Pursuant to Article 29 of the Rules, if the amount in a demand deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the demand deposit account shall be determined to be SF 2,140.00.

In this case, the CRT does not find that the value of the demand deposit account indicated in the Bank's records constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of the Account Owner's demand deposit account shall be determined to be SF 2,140.00. The amount of SF 1,865.30, which is the value for this account used in the April 2003 Award, is then subtracted from the Article 29 value, resulting in a difference of SF 274.70. 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.

Consequently, the amount of the April 2003 Award is increased by SF 3,433.75, which reflects the adjusted difference between the value of the Account Owner's demand deposit account recorded in the Bank's records and the value determined by Article 29 of the Rules.

Certification of the Award Amendment

The CRT certifies this Award Amendment for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
30 December 2004