

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Hubert Lang

and to Claimant [REDACTED 2]

in re Account of C. Goldschmidt

Claim Numbers: 501573/AK; 703576/AK¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], formerly [REDACTED] (“Claimant [REDACTED 1]”) to the accounts of Conrad Goldschmidt, and the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Irma and Hermann Goldschmidt.² This Award is to the published account of C. Goldschmidt (the “Account Owner”) at 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]

Claimant [REDACTED 1] (formerly known as [REDACTED]) submitted a Claim Form identifying the Account Owner as his father, Dr. Conrad Goldschmidt, who was born on 10 January 1888 in Leipzig, Germany, and was married to [REDACTED], née [REDACTED] in Munich, Germany. Claimant [REDACTED 1] stated that his father, who was Jewish, resided in Leipzig, where he was a well-known lawyer. Claimant [REDACTED 1] indicated that his father

¹ Claimant [REDACTED 2] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0291161, 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 IQs 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 703576.

² The CRT will treat Claimant [REDACTED 2]’s claim to the accounts of Irma and Hermann Goldschmidt in separate determinations.

was disbarred because he was Jewish, and that to avoid further Nazi persecution, in 1938, he fled to Stockholm, Sweden, where he died in 1939. Claimant [REDACTED 1] indicated that he had a sister, [REDACTED], née [REDACTED], who is no longer alive. Claimant [REDACTED 1] indicated that he was born on 6 September 1919 in Leipzig. Claimant [REDACTED 1] submitted his father's German certificate of inheritance, indicating that Dr. Conrad Goldschmidt, a German citizen, died in Stockholm, Sweden on 7 February 1939, and that his only heirs were his two children, [REDACTED] and [REDACTED], née [REDACTED].

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an Initial Questionnaire ("IQ") identifying the Account Owner as herself, [REDACTED 2], née [REDACTED]. Claimant [REDACTED 2] stated that she was born in 1937, and that she and her family, who were Jewish, resided in Vacha, Germany and Frankfurt am Main, Germany. Claimant [REDACTED 2] further stated that her family's assets and real property were confiscated by the Nazis, and that she and her parents were deported to the Theresienstadt concentration camp in 1942, where they were incarcerated until 1945. Claimant [REDACTED 2] stated that her parents, [REDACTED] and [REDACTED], died after the Second World War in Frankfurt am Main, and that she emigrated to the United States. Claimant [REDACTED 2] submitted her Refugee Identification Card, indicating that her name was [REDACTED], and that she was born on 1 July 1937 in Germany, and Red Cross correspondence dated 20 July 1942 between Claimant [REDACTED 2]'s father and his brother-in-law, indicating that [REDACTED] resided in Frankfurt, was born in Vacha, and that his family had been deported to Theresienstadt.

Information Available in the Bank's Records

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 provide any Bank's records relating to the account at issue, but submitted an account report prepared by them. According to the information provided by the ICEP auditors, the Account Owner was C. Goldschmidt, who resided in Germany. The ICEP auditors reported that the Account Owner held one account of unknown type. The balance of this account is not known. The ICEP auditors did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence that the Account Owner or his/her heirs closed the account and received the proceeds themselves.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s father's first initial, surname, and country of residence match the published first initial, surname, and country of residence of the Account Owner. In support of his claim, Claimant [REDACTED 1] submitted documents, including a certificate of inheritance, indicating that his father was Dr. Conrad Goldschmidt, and that he was a German citizen, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country reported by the ICEP auditors as the name and country of residence of the Account Owner.

Claimant [REDACTED 2]'s first initial, maiden name, and country of residence also match the published first initial, surname, and country of residence of the Account Owner. In support of her claim, Claimant [REDACTED 2] submitted documents, including her Refugee Identification Card, indicating that her name was [REDACTED], and that she was born on 1 July 1937 in Germany, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country reported by the ICEP auditors as the name and country of residence of the Account Owner. The CRT notes that it is plausible that the account was opened in Claimant [REDACTED 2]'s name shortly after her birth.

The CRT notes that the report prepared by the ICEP auditors does not contain any specific information about the Account Owner other than Account Owner's first initial, surname, and country of residence. The CRT further notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2] are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the account report prepared by the ICEP auditors; that the information provided by each claimant supports and in no way contradicts any information available in the auditors' report; that there is no additional information in that report which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account were disconfirmed because these claimants provided a different first initial and/or country of residence than the first initial and country of residence of the Account Owner, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that he fled Germany because of Nazi persecution. Claimant [REDACTED 2] stated that she and her family were Jewish and deported to a concentration camp.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]’s father. These documents include a German certificate of inheritance, indicating that Conrad Goldschmidt was Claimant [REDACTED 1]’s father. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has also plausibly demonstrated that she is the Account Owner by submitting specific information and documents. These documents include her Refugee Identification Card, indicating that her maiden name was [REDACTED], and that she was born in Germany.

The Issue of Who Received the Proceeds

Given that the Account Owner was Jewish and resided in Germany after the Nazis came to power; that in the case of Claimant [REDACTED 1] the Account Owner fled in 1938 to Sweden, where he died in 1939, and in the case of Claimant [REDACTED 2], she and her family were deported to Theresienstadt in 1942, where they remained imprisoned until 1945; that there is no record of the payment of the Account Owner’s account to him or her, nor any record of a date of closure of the account; that the Account Owner and his or her heirs would not have been able to obtain information about his or her account after the Second World War from the Bank 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 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.

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] has plausibly demonstrated that the Account Owner was his father, and Claimant [REDACTED 2] has plausibly demonstrated that she is the Account Owner, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his or her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one 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 a total award amount of SF 49,375.00.

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 Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the 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
29 March 2006