

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹
represented by [REDACTED]

in re Account of Emil Goldschmidt

Claim Number: 753036/AX²

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of [REDACTED].³ This Award is to the published account of Emil 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 claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted an ATAG Ernst & Young claim form (“ATAG Form”) identifying the Account Owner as her father, Emil Goldschmidt, who was married to [REDACTED]. In a telephone conversation with the CRT, the Claimant’s granddaughter, [REDACTED] indicated that the Claimant was the only child of Emil Goldschmidt and [REDACTED]. Mrs. [REDACTED] further indicated that her great-grandparents resided in Vienna, Austria before the

¹ Claimant [REDACTED]’s (the “Claimant”) grand-daughter, [REDACTED], who represents her, informed the CRT in a telephone conversation on 7 July 2005 that her grandmother passed away on 4 December 2002, and subsequently submitted copies of the Claimant’s death certificate and will, indicating that the Claimant appointed [REDACTED] as the executor of her estate.

² The Claimant did not submit a CRT Claim Form. However, in 1998 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-NYC-D-70-916-030-440, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 753036.

³ The CRT will treat the claim to an account of [REDACTED] in a separate determination.

Second World War. Mrs. [REDACTED] indicated that her great-grandparents, who were Jewish, both perished in the Holocaust. However, Mrs. [REDACTED] could not provide any more details about her great-grandparents' life in Austria. According to Mrs. [REDACTED], the Claimant, along with her daughter, fled to England in 1939 to escape Nazi persecution. Mrs. [REDACTED] submitted her grandmother's death certificate, indicating that [REDACTED]'s father was Emil Goldschmidt, and that she was born in Austria. The Claimant indicated that she was born on 24 December 1894 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Emil Goldschmidt, who resided in Vienna, Austria. The Bank's records indicate that the Account Owner owned *Rosshaarstoff-Webereien* (horse hair weaving mill business). The Bank's record indicates that the Account Owner held one demand deposit account. The Bank's record indicates that the account was closed on 20 December 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant's father's city of residence matches the unpublished city of residence of the Account Owner. In support of her claim, the Claimant's granddaughter submitted the death certificate of the Claimant, indicating that the Claimant's father was Emil Goldschmidt and that she was born in Vienna, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country as the name and country of residence of the Account Owner.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city of residence, or inconsistent information regarding the Account Owner's date of death than the city of residence and date of death of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.⁴

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he perished in the Holocaust.

⁴ The CRT notes that the Claimant's granddaughter, [REDACTED], could not identify the Account Owner's profession. The CRT further notes that the Account Owner was Mrs. [REDACTED]'s great-grandfather, and that it is plausible that she would not know the profession of her great-grandfather, who perished before she was born.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's death certificate, indicating that her father was Emil Goldschmidt. There is no information to indicate that the Account Owner has surviving heirs other than the Claimant's granddaughter, who is not represented in this case.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-controlled Austria; that the Account Owner perished in the Holocaust; that there is no record of the payment of the Account Owner's account to him; 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 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 (a), (h), and (j), as provided in Article 28 of 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

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 the Account Owner was her father, 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

In this case, 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 2,140.00 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 26,750.00.

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 claim 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
30 November 2005