

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2],
[REDACTED 3] and [REDACTED 4]

in re Account of Elisabeth Goldschmidt

Claim Number: 500586/SJ

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Elisabeth Goldschmidt (the “Account Owner”) at [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 a Claim Form identifying the Account Owner as his mother, Elisabeth Rosalie Goldschmidt, née Straus, who was born on 12 June 1904 in Karlsruhe, Germany, and was married to [REDACTED] on 14 July 1928 in Karlsruhe. The Claimant indicated that Elisabeth and [REDACTED] Goldschmidt had four children: [REDACTED 2], [REDACTED 3], [REDACTED 4] and [REDACTED 1] (the Claimant). The Claimant indicated that his mother, who was Jewish, was a housewife and that she lived on Richard Wagner Strasse in Karlsruhe from 1934 through 1938. The Claimant indicated that his family’s assets were seized by Nazis in 1938 and that his mother fled to the United States thereafter, living at 185 Hillcrest Road in Berkeley, California, from 1938 until 1967 and then in Kensington, California, until her death in 1968. The Claimant indicated that his father committed suicide in 1949. In support of his claim, the Claimant submitted his mother’s death certificate, showing that she was the daughter of [REDACTED] and that she died in California in 1968; his mother’s Last Will and Testament, indicating that her four children were to inherit her Estate in equal shares; his own birth certificate, stipulating that he was born in Karlsruhe and was the son of [REDACTED] and Elisabeth Goldschmidt, née Straus; and his United States certificate of citizenship, showing his address in 1952 as 185 Hillcrest Road, Berkeley, California.

The Claimant stated that he was born on 18 March 1934 in Karlsruhe. The Claimant represents his siblings, [REDACTED 2], who was born on 5 July 1929 in New York, New York, the United States; [REDACTED 3], née [REDACTED], who was born on 25 September 1931 in Stuttgart, Germany; and [REDACTED 4], née [REDACTED], who was born on 18 January 1933 in Stuttgart.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Elisabeth Goldschmidt, who resided in Stuttgart, Germany, at Dillmannstrasse 17. According to the Bank's record, the Account Owner held a demand deposit account, which was opened no later than 1932. The Bank's record further that the Account Owner moved from Stuttgart to Karlsruhe, Germany. Additionally, the customer card indicates that, as of 5 April 1933, correspondence was to be sent to Dr. [REDACTED] of Karlsruhe. According to the Bank's record, Dr. [REDACTED] of New York, New York, the United States was granted *verfügungsberechtigt* in 1938 (meaning he was allowed to access the account). Finally, the Bank's record shows that, as of 6 March 1940, the Account Owner resided at 185 Hillcrest Road, Berkeley, California, the United States.

The Bank's record does not show when the account at issue was closed, nor does this record indicate the value of this account. 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 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 in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's mother's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's father as [REDACTED], which matches the unpublished name contained in the Bank's record of the person to whom correspondence was to be sent. Furthermore, the Claimant identified his mother's address in Berkeley, California, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including his own birth certificate, showing that his mother was Elisabeth Goldschmidt, and that she lived in Karlsruhe, Germany, in 1934; and his United States certificate of citizenship, showing his former address in Berkeley; all of which provides independent verification that the person who is claimed to be the Account

Owner had the same name, resided in the same cities and had the same address recorded in the Bank's record as the name, cities of residence and address of the Account Owner.

The CRT notes that the name Elisabeth Goldschmidt appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). Finally, the CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities of residence than the city of residence of the Account Owner.

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, that the Nazis seized his family's possessions in 1938 and that his family fled from Germany to the United States thereafter.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include his own birth certificate, showing that his mother was Elisabeth Goldschmidt. There is no information to indicate that the Account Owner has other surviving heirs other than the parties that the Claimant is representing.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record shows that the Account Owner was outside Nazi-dominated territory by 6 March 1940 and was able to contact the bank on that date. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled her country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in her country of origin and that she may therefore have yielded to Nazi pressure to turn over her accounts to ensure their safety, that the Account Owner and her heirs would not have been able to obtain information about her 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 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 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 his mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her 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 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.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, the Claimant submitted Elisabeth Goldschmidt's will, indicating that her four children were to inherit her Estate in equal shares. The Claimant represents his three siblings. Accordingly, the Claimant and his siblings are each entitled to one-quarter of the Award amount.

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 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

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

Claims Resolution Tribunal
24 December 2004