

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],

to Claimant [REDACTED 5],

to Claimant [REDACTED 6],

to Claimant [REDACTED 7],

to Claimant [REDACTED 8],

to Claimant [REDACTED 9],

to Claimant [REDACTED 10],

to Claimant [REDACTED 11]
represented by Erez Bernstein

and to Claimant [REDACTED 12]

**in re Accounts of Icek Goldstein, Berek Goldstein, Halina Goldstein,
Helena Dobrzynska, Marceli Dobrzynski, Sala Herman, Miron Herman,
Mirla Kurland, Henoch Kurland, Lina Czerny, and Dawid Czerny**

Claim Numbers: 219538/HS, 222548/HS,¹
501235/HS, 501249/HS, 501370/HS, 501529/HS, 501564/HS, 501813/HS, 790482/HS²

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”)

¹ In his Claim Form, Claimant [REDACTED 5] (“Claimant [REDACTED 5]”) also claimed the published account of Ernst Czerny. The CRT will treat the claim to this account in a separate decision.

² Claimant [REDACTED 12] (“Claimant [REDACTED 12]”) did not submit a CRT Claim Form. However, in 1997 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BUD-D-50-198-134-059, 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). Although Claimant [REDACTED 12] was awarded the account of Berek Goldstein in CRT I (*see note 3 infra*), the CRT has determined that Berek Goldstein co-owned three additional Swiss bank accounts and that it is appropriate to include Claimant [REDACTED 12] in this decision. Claimant [REDACTED 12]’s ATAG Form has been assigned Claim Number 790482.

to the published account of Icek Goldstein; the claim of [REDACTED 5] (“Claimant [REDACTED 5]”) to the published accounts of Lina Czerny and Dawid Czerny; the claims of [REDACTED 6], [REDACTED 7], [REDACTED 8], née [REDACTED], [REDACTED 9], née [REDACTED], and [REDACTED 10], née [REDACTED], (the “[REDACTED 6, 7, 8, 9, 10] Claimants”) to the published account of Marcell Dobrzynski; and the claim of [REDACTED 11], née [REDACTED] (“Claimant [REDACTED 11]”), to the published accounts of Henoch Kurland and Mirra Kurland; and the claim of [REDACTED 12] (“Claimant [REDACTED 12]”) to the published account of Berek Goldstein.³ This award treats three accounts held jointly by Icek Goldstein, Berek Goldstein, Halina Goldstein, Helena Dobrzynska, Marcell Dobrzynski, Sala Herman, Miron Herman, Mirra Kurland, Henoch Kurland, Lina Czerny, and Dawid Czerny (referred to individually by name and together as the “Account Owners”) at the Zurich branch of [REDACTED] (the “Bank”).⁴

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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying one of the Account Owners as Icek Goldstein, the husband of Claimant [REDACTED 1]’s paternal aunt, [REDACTED], née [REDACTED]. According to Claimant [REDACTED 1], his aunt was born in approximately 1900. Claimant [REDACTED 1] stated that his uncle owned a confectionary factory in Warsaw, Poland. Claimant [REDACTED 1] indicated that his aunt and uncle were Jewish and that they had no children. Claimant [REDACTED 1] further indicated that his aunt and uncle were deported to a concentration camp in May 1943, where they perished.

In support of his claim, Claimant [REDACTED 1] submitted documents, including: (1) his own birth certificate, indicating that his father was [REDACTED]; (2) several photographic postcards, dated between 1924 and 1939, from Icek Goldstein and [REDACTED] to their family members, including [REDACTED] (two of these postcards are inscribed with the name and

³ The name Berek Goldstein appeared 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”), in reference to the accounts currently under consideration. The CRT notes that the name Berek Goldstein also appeared on a list of “the names of non-Swiss persons who opened a Swiss bank account that has been dormant since the end of World War II,” published in July 1997 by the Swiss Bankers Association. In a separate decision, CRT I awarded the dormant account of Berek Goldstein to Claimant [REDACTED 12]. See *Final Award . . . in the Matter of [REDACTED 12] v. [REDACTED]* (issued 13 December 2000).

⁴ The CRT notes that, on the ICEP List, the names of Account Owners Icek Goldstein, Berek Goldstein, Helena Dobrzynska, Marcell Dobrzynski, Sala Herman, Miron Herman, Lina Czerny, and Dawid Czerny were published separately (the name of Account Owner Halina Goldstein was not published). Upon careful review, the CRT has concluded that the Bank’s records evidence that Account Owners collectively held three accounts. The CRT notes that Account Owner Lina Czerny also held an individual account. The claims to Lina Czerny’s account will be treated in a separate determination.

address of a photographic studio in Warsaw); and (3) a letter from Claimant [REDACTED 1]'s uncle, [REDACTED], to the Central Jewish Committee in Warsaw, dated in 1946, stating that he had recently been released from a concentration camp and seeking assistance in locating several of his relatives, including his sister, [REDACTED], née [REDACTED], who resided in Warsaw before the War.

Claimant [REDACTED 1] indicated that he was born on 22 May 1927 in Paris, France. Claimant [REDACTED 1] is representing: (1) his sister, [REDACTED 2], née [REDACTED], who was born on 31 March 1931 in Paris; (2) his cousin [REDACTED 3], who was born on 15 July 1926 in Laskarzew, Poland; and (3) his cousin [REDACTED 4], née [REDACTED], who was born on 28 August 1935 in Paris.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying two of the Account Owners as his paternal relatives, Lina Czerny and Dawid Czerny, who were Jewish and who lived in Warsaw. In additional correspondence with the CRT on 15 March 2006 and 8 April 2006, Claimant [REDACTED 5] stated that his late father, who was almost the only member of his family to survive the Holocaust, mentioned the names Lina and Dawid Czerny. Claimant [REDACTED 5] indicated that Lina and Dawid Czerny were probably his father's paternal aunt and uncle. Further, Claimant [REDACTED 5] stated that his father named his own children after the family members he lost in the Holocaust, including [REDACTED] (the name of Claimant [REDACTED 5]'s brother). Finally, Claimant [REDACTED 5] stated that his father's family, many of whom lived in Warsaw, perished in concentration camps, and that his father was liberated from a concentration camp at the end of the Second World War.

In support of his claim, Claimant [REDACTED 5] submitted his birth certificate, indicating that his father was [REDACTED], a Polish national, who was born in Danzig, Poland, and that his paternal grandparents were [REDACTED] and [REDACTED] from Poland.

Claimant [REDACTED 5] indicated that he was born on 24 September 1955 in Veracruz, Mexico.

Claimant [REDACTED 11]

Claimant [REDACTED 11] submitted a Claim Form identifying one of the Account Owners as her maternal great-uncle Hensch Kurland, who was born in Bedzin, Poland, in 1888 to [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 11] indicated that her mother, [REDACTED], née [REDACTED], was the daughter of [REDACTED], who was Hensch Kurland's brother. Claimant [REDACTED 11] identified another of the Account Owners as Hensch Kurland's wife, Miriam (Mila) Kurland, née Goldstein. Claimant [REDACTED 11] indicated that her great-uncle and her great-aunt, who were Jewish, resided in Katowice, Poland, and Warsaw before the Second World War. According to Claimant [REDACTED 11], Hensch Kurland was a merchant. Claimant [REDACTED 11] indicated that the Kurlands had two sons: [REDACTED], who was born in 1916 in Piotrkow, Poland, and [REDACTED], who was born in approximately 1919 in Bedzin. Claimant [REDACTED 11]

indicated that Henoeh and Mila Kurland and their children perished in the Holocaust.

In support of her claim, Claimant [REDACTED 11] submitted several Pages of Testimony regarding her relatives. These Pages of Testimony were originally submitted to the Yad Vashem Memorial in Israel. Several of these Pages were submitted to Yad Vashem in 1999 by Claimant [REDACTED 11] herself, and several Pages, containing identical or substantially similar information, were submitted by Henoeh Kurland's sister, [REDACTED], in 1973. In relevant part, these Pages of Testimony contain the following information: (1) [REDACTED], whom Claimant [REDACTED 11] identified as her grandfather, was born in 1884 to [REDACTED] and [REDACTED] in Katowice, married to [REDACTED], resided in Katowice, and died in Poland in 1942; (2) Henoeh Kurland, who was born in 1888 or 1890 to [REDACTED] and [REDACTED] in Katowice or Bedzin and married to Mirla Goldstein, resided in Katowice and Warsaw until he was confined to the Warsaw ghetto, and from there deported to the Treblinka concentration camp, where he died in 1942; (3) Mirla Kurland, who was born in 1891 in Piotrkow to [REDACTED] and [REDACTED], and married to Henoeh, resided in Katowice and Warsaw until she was confined to the Warsaw ghetto, and from there deported to Treblinka, where she died in 1943; and (4) [REDACTED] and [REDACTED], the sons of Mirla and Henoeh, resided in Katowice and Warsaw until they were confined to the Warsaw ghetto and from there deported to Treblinka, where they died.

Claimant [REDACTED 11] indicated that she was born on 22 May 1935 in Poland.

The [REDACTED 6, 7, 8, 9, 10] Claimants

The [REDACTED 6, 7, 8, 9, 10] Claimants, who are siblings, submitted Claim Forms identifying one of the Account Owners as their great-uncle (the brother of the their father's father), Marcelli Dobrzynski, who was born on 15 October 1877 in Plock, Poland. The [REDACTED 6, 7, 8, 9, 10] Claimants indicated that their great uncle, who was Jewish, lived in Poland and that he perished in the Holocaust.

In support of their claims, the [REDACTED 6, 7, 8, 9, 10] Claimants submitted documents, including: (1) an extract from the civil records in Plock, indicating that Marcelli Dobrzynski was born there on 15 October 1877, that he was circumcised in accordance with Jewish tradition, and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; (2) their father's birth certificate indicating that [REDACTED] was born on 8 August 1911 in Connecticut, the United States, and that his parents were [REDACTED] and [REDACTED]; (3) their paternal grandfather's death certificate, dated in New Haven, Connecticut in 1918, indicating that [REDACTED] was born on 2 March 1882 in Plock and that his father was [REDACTED]; and (4) the birth certificates of [REDACTED 6], [REDACTED 9], [REDACTED 8], and [REDACTED 10], indicating that their father was [REDACTED].

Claimant [REDACTED 6] indicated that he was born on 30 August 1946 in Mount Clemens, Michigan, the United States; Claimant [REDACTED 9], née [REDACTED], indicated that she was born on 20 March 1950 in Michigan City, Indiana, the United States; Claimant [REDACTED 7] indicated that she was born on 14 December 1951 in Michigan City; Claimant [REDACTED 8], née [REDACTED], indicated that she was born on 14 February 1953 in

Michigan City; and Claimant [REDACTED 10], née [REDACTED], indicated that she was born on 9 February 1958 in Michigan City.

Claimant [REDACTED 12]

Claimant [REDACTED 12] submitted an ATAG Ernst & Young claim form (“ATAG Form”) in 1997, asserting his entitlement to the account of his paternal uncle, Berek Goldstein. Claimant [REDACTED 12] stated that his uncle, who was Jewish, was a medical doctor, that he was married, and that he lived at Lesznostrasse 38 in Warsaw. Claimant [REDACTED 12] further stated that his own father, [REDACTED], who lived in the Ukraine, found it very difficult to find out any information about his brother in Poland after the Russian Revolution, particularly after 1930. Finally, Claimant [REDACTED 12] stated that his father went looking for his brother and his family after Warsaw was liberated at the end of the Second World War, and he discovered that they had died in the Warsaw ghetto.

In 2000, Claimant [REDACTED 12] received an award for a dormant Swiss bank account belonging to his uncle, Berek Goldstein.⁵ Claimant [REDACTED 12] indicated that he was born on 24 August 1929 in Essentuki, Russia.

Information Available in the Bank’s Records

The Bank’s records consist of printouts from the Bank’s database. According to these records, the Account Owners were Icek, Berek, and Halina Goldstein; Helena Dobrzynska and Marcell Dobrzynski; Sala and Miron Herman; Mirla and Henoeh Kurland; and Lina and Dawid Czerny - all of whom lived in Warsaw, Poland. The Bank’s records indicate that the Account Owners collectively opened a custody account, numbered 33368, in 1931.

Additionally, the Bank’s records indicate that Account Owner Berek Goldstein and Account Owner Lina Czerny each held individual accounts which were open and dormant after the Second World War.⁶

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT requested the voluntary assistance of the Bank to obtain additional information about the Account Owners’ accounts (“Voluntary Assistance”). The Bank provided the CRT with additional documents. These documents consist of customer cards, contracts to open joint accounts, and signed certificates from the husbands of Halina Goldstein, Sala Herman, Lina Czerny, Helena Dobrzynska, and Mirla Kurland, granting the women permission to hold Swiss bank accounts. These documents contain each of the Account Owners’ signatures and indicate the following additional information about the Account Owners: Account Owners Berek and Halina Goldstein were married, her maiden name was Cohn (Kon), he was a medical doctor, and they lived at Lesznostrasse 38 in Warsaw; Account Owner Sala Herman was married to a person whose signature does not match the name Miron Herman, and her maiden name was Goldstein; Account Owners Lina and Dawid Czerny were married, and her maiden name was

⁵ See note 3 *supra*.

⁶ See note 3 *supra*. Account Owner Lina Czerny’s account will be treated in a separate decision.

Goldstein; Account Owners Helena Dobrzynska and Marceli Dobrzynski were married, her maiden name was Goldstein, and he held the title Dr.; Account Owners Henschel and Miriam Kurland were married, and her maiden name was Goldstein; and Account Owner Icek Goldstein lived at Panska 78 in Warsaw. The Bank's records indicate that all Bank correspondence was to be sent to Dr. Berek Goldstein at Lesznostrasse 38 in Warsaw.

With regard to the Account Owners' holdings at the Bank, these records indicate that custody account 33368 was opened in July 1931. These records also indicate that the Account Owners held a demand deposit account opened on the same date as custody account 33368. According to the Bank's records, interest and dividends from the securities in custody account 33368 as well as interest on the demand deposit account were to be paid to Account Owner Icek Goldstein.

Additionally, the records pertaining to custody account 33368 indicate that the signatures of at least seven of the Account Owners were required to authorize transactions on this account. The Bank's records indicate that on 31 January 1934 custody account 33368 was closed and transferred to another custody account owned by the Account Owners, numbered 37366. With regard to custody account 37366, the signatures of at least three of the Account Owners, at least one of whom must be a Goldstein, were necessary to authorize transactions on this account, according to the Bank's records. The Bank's records further indicate that custody account 37366 held 4% *Obl. Stadt Zurich 1930* bonds with a nominal value of 29,000.00 Swiss Francs ("SF"). Finally, these records indicate that custody account 37366 was closed on 14 October 1935.

With regard to the Account Owners' demand deposit account, it was not reported by 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"). The Bank's records do not indicate when or whether the demand deposit account was closed. There is no evidence in the Bank's records that the Account Owners or their heirs closed the demand deposit account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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 nine claims of the Claimants in one proceeding.

Identification of the Account Owners

Each of the Claimants has plausibly identified one or more of the Account Owners. The names and cities of residence of the Claimants' relatives match the published names and cities of

residence of the Account Owners.⁷

Claimant [REDACTED 1]

In support of his claim, Claimant [REDACTED 1] submitted documents, including photographic postcards from his aunt and uncle, providing independent verification that the person who is claimed to be Account Owner Icek Goldstein had the same name and had connections to the same city recorded in the Bank's records as the name and city of residence of Account Owner Icek Goldstein.

Claimant [REDACTED 11]

With regard to Claimant [REDACTED 11]'s claim, the CRT notes that she identified the maiden name of Account Owner Mirla Kurland, which matches unpublished information contained in the Bank's records. Additionally, Claimant [REDACTED 11] submitted Pages of Testimony regarding Henoch and Mirla Kurland, indicating their status as a married couple, Mirla Kurland's maiden name, and the couple's residence in Warsaw, providing independent verification that the people who are claimed to be Account Owners Henoch and Mirla Kurland had the same names and resided in the same city as those recorded in the Bank's records. Moreover, Claimant [REDACTED 11] herself submitted several of these Pages of Testimony to Yad Vashem in 1999, two years before the names of Account Owners Henoch and Mirla Kurland appeared 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").

The [REDACTED 6, 7, 8, 9, 10] Claimants

In support of their claims, the [REDACTED 6, 7, 8, 9, 10] Claimants submitted documents, including an extract from the civil records in Plock, providing independent verification that the person who is claimed to be Account Owner Marcelli Dobrzynski had the same name and was born in the same province recorded in the Bank's records as the name and province of Account Owner Marcelli Dobrzynski.

Furthermore, because the Bank's records identify Account Owner Helena Dobrzynska as the wife of Account Owner Marcelli Dobrzynski, the CRT determines that the [REDACTED 6, 7, 8, 9, 10] Claimants have plausibly identified her as well.

Claimant [REDACTED 12]

Claimant [REDACTED 12] identified his uncle's profession, street address, and marital status, which match unpublished information about Account Owner Berek Goldstein contained in the Bank's records. The CRT notes that in 2000 Claimant [REDACTED 12] received an award for

⁷ The [REDACTED 6, 7, 8, 9, 10] Claimants' great-uncle, Marcelli Dobrzynski, was born in Plock, Poland, whereas Account Owner Marcelli Dobrzynski's city of residence is listed as Warsaw, Poland. However, the CRT determines that the [REDACTED 6, 7, 8, 9, 10] Claimants have identified the correct residence, since Plock - which is approximately 80 kilometers distant from the city of Warsaw - is located in the province of Warsaw and is a satellite of the city of Warsaw.

an additional Swiss bank account belonging to Account Owner Berek Goldstein.⁸ Additionally, since the Bank's records identify Account Owner Halina Goldstein as the wife of Account Owner Berek Goldstein, the CRT determines that Claimant [REDACTED 12] has plausibly identified her as well.

Other Claims

The CRT notes that the other claims to the Account Owners' accounts were disconfirmed for one or more of the following reasons: 1) the failure to provide any information about the person who is claimed to be an Account Owner; 2) the failure to identify the Account Owners' city of residence; 3) the identification of a maiden name or name spelling that differs from the maiden name or name spelling of an Account Owner; 4) the identification of a different relationship between certain Account Owners than the actual relationship between those Account Owners; 5) the identification of a different spouse for a particular Account Owner than that Account Owner's actual spouse; and 6) the identification of a different profession for an Account Owner than the actual profession of that Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] has made a plausible showing that Account Owner Icek Goldstein was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that Account Owner Icek Goldstein was Jewish, that he resided in Poland, that he was deported in May 1943, and that he perished in a concentration camp. Claimant [REDACTED 1] also submitted documents, including a 1946 letter from his uncle to the Central Jewish Committee in Warsaw, indicating that Account Owner Icek Goldstein's wife and other family members were Holocaust victims.

Claimant [REDACTED 5]

Claimant [REDACTED 5] has made a plausible showing that Account Owners Lina and Dawid Czerny were Victims of Nazi Persecution. Claimant Czerny stated that Account Owners Lina and Dawid Czerny were Jewish, that they resided in Poland, and that they perished in a concentration camp.

Claimant [REDACTED 6]

Claimant [REDACTED 6] has made a plausible showing that Account Owners Henoah and Mirla Kurland were Victims of Nazi Persecution. Claimant [REDACTED 6] stated that Account Owners Henoah and Mirla Kurland were Jewish and she submitted Yad Vashem Pages of Testimony indicating that they and their children were confined to the Warsaw ghetto and later deported to their deaths in Treblinka.

⁸ See note 3 *supra*.

The [REDACTED 6, 7, 8, 9, 10] Claimants

The [REDACTED 6, 7, 8, 9, 10] Claimants have made a plausible showing that Account Owner Marcelli Dobrzynski was a Victim of Nazi Persecution. The [REDACTED 6, 7, 8, 9, 10] Claimants stated that Account Owner Marcelli Dobrzynski was Jewish, that he lived in Poland, and that he perished during the Holocaust.

Claimant [REDACTED 12]

Claimant [REDACTED 12] has made a plausible showing that Account Owner Berek Goldstein was a Victim of Nazi Persecution. Claimant [REDACTED 12] stated that Account Owner Berek Goldstein was Jewish and that he perished in the Warsaw ghetto.

The Claimants' Relationships to the Account Owners

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that he is related to Account Owner Icek Goldstein by submitting specific information and documents demonstrating that Account Owner Icek Goldstein was married to Claimant [REDACTED 1]'s paternal aunt. These documents include a letter to the Central Jewish Committee in Warsaw and photographic postcards sent to Claimant [REDACTED 1]'s father. Together, these records indicate that Claimant [REDACTED 1]'s father's sister was married to Account Owner Icek Goldstein.

Claimant [REDACTED 5]

Claimant [REDACTED 5] has plausibly demonstrated that he is related to Account Owners Lina and Dawid Czerny by submitting specific biographical information demonstrating that Account Owner Dawid Czerny was his father's uncle and Account Owner Lina Czerny was Dawid Czerny's wife. Claimant [REDACTED 5] indicated that his father named his children after family members lost in the Holocaust, including Dawid Czerny. Claimant [REDACTED 5] also submitted his birth certificate, indicating that his paternal relatives had the surname Czerny and that they lived in the same country as Account Owners Dawid and Lina Czerny.

Claimant [REDACTED 11]

Claimant [REDACTED 11] has plausibly demonstrated that she is related to Account Owners Henoeh and Mirla Kurland by submitting specific biographical information and documents demonstrating that Account Owner Henoeh Kurland was her maternal grandfather's brother and that Account Owner Mirla Kurland was his wife. These documents include Pages of Testimony which Claimant [REDACTED 11] submitted to Yad Vashem, identifying Account Owners Henoeh and Mirla Kurland as relatives, two years before their names appeared on the ICEP List.

The [REDACTED 6, 7, 8, 9, 10] Claimants

The [REDACTED 6, 7, 8, 9, 10] Claimants have plausibly demonstrated that they are related to

Account Owner Marcelli Dobrzynski by submitting specific information and documents demonstrating that Account Owner Marcelli Dobrzynski was their great-uncle. These documents include an extract from the civil records in Plock, their father's and their own birth certificates, and their grandfather's death certificate, indicating that their great-uncle had the same name as Account Owner Marcelli Dobrzynski and that he came from the same province. Furthermore, the Claimants [REDACTED 6, 7, 8, 9, 10] have plausibly demonstrated that they are related to Account Owner Helena Dobrzynska, since the Bank's records indicate that she was married to Account Owner Marcelli Dobrzynski.

Claimant [REDACTED 12]

Claimant [REDACTED 12] has plausibly demonstrated that he is related to Account Owner Berek Goldstein by submitting specific biographical information, which matches unpublished information contained in the Bank's records, demonstrating that Account Owner Berek Goldstein was his uncle. Additionally, Claimant [REDACTED 12] has plausibly demonstrated that he is related to Account Owner Halina Goldstein, since the Bank's records indicate that she was married to Account Owner Berek Goldstein.

The Issue of Who Received the Proceeds

The CRT notes that account 33368 was transferred into a second account, numbered 37366, on 31 January 1934. The CRT further notes that account 37366 was closed on 14 October 1935. Given that these two accounts were closed several years before the September 1939 Nazi invasion of Poland, where the Account Owners resided, the CRT concludes that the Account Owners themselves closed the two custody accounts and received the proceeds.

With regard to the demand deposit account, however, given that there is no record of the payment of the demand deposit account to the Account Owners nor any date of closure of the account; that, according to the information provided by the Claimants, at least seven of the Account Owners perished in the Holocaust; that Account Owner Lina Czerny and Account Owner Berek Goldstein each held accounts which were open and dormant after the Second World War;⁹ that the Account Owners and their heirs would not have been able to obtain information about the demand deposit account after the 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 (f), (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 Owners or their 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.

⁹ See note 3 *supra*. As mentioned above, Account Owner Lina Czerny's account will be treated in a separate decision.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimants [REDACTED 5], [REDACTED 11], [REDACTED 6, 7, 8, 9, 10], and [REDACTED 12]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 5] has plausibly demonstrated that Account Owner Dawid Czerny was his great-uncle; Claimant [REDACTED 11] has plausibly demonstrated that Account Owner Henoeh Kurland was her great-uncle; the [REDACTED 6, 7, 8, 9, 10] Claimants have plausibly demonstrated that Account Owner Marcelli Dobrzynski was their great-uncle; and Claimant [REDACTED 12] has plausibly demonstrated that Account Owners Berek and Halina Goldstein were his uncle and aunt; and those relationships justify an award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the demand deposit account.

Furthermore, the CRT determines that the following Account Owners are blood relatives of one another: Helena Dobrzynski, née Goldstein; Icek Goldstein; Sala Herman, née Goldstein; Mirla Kurland, née Goldstein; Berek Goldstein; and Lina Czerny, née Goldstein (the “Goldstein Account Owners”). Therefore, since Claimant [REDACTED 12] is the only Claimant to have established a blood relationship to the Goldstein family, he is entitled to the other Goldstein Account Owners’ account shares. Additionally, Claimant [REDACTED 12] is entitled to the account share of Account Owner Halina Goldstein, since she is the wife of Claimant [REDACTED 12]’s paternal uncle, Account Owner Berek Goldstein, and none of the other Claimants has established an equal or closer relationship to her. Likewise, each of the remaining Claimants is entitled to the account share belonging to the Account Owner with whom the Claimant has established a plausible blood relationship. Thus, the Claimants [REDACTED 6, 7, 8, 9, 10] are entitled to Account Owner Marcelli Dobrzynski’s account share; Claimant [REDACTED 1] is not entitled to share in the award, since he is related only by marriage to Account Owner Icek Goldstein; Claimant [REDACTED 11] is entitled to Account Owner Henoeh Kurland’s account share; and Claimant [REDACTED 5] is entitled to Account Owner Dawid Czerny’s account share.

Amount of the Award

For the purpose of this Award, the Account Owners 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 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 amount of SF 26,750.00

Division of the Award

In this case, eleven Account Owners collectively owned one demand deposit account. However, none of the Claimants has established a plausible relationship to Account Owner Miron Herman. According to Article 25(2) of the Rules, in cases such as this, where a joint account is claimed by relatives of only some of the joint account owners, it shall be presumed that the account was

owned as a whole in equal shares by the account owners whose shares of the account have been claimed. Accordingly, the CRT shall presume that the demand deposit account was owned in equal shares by the remaining ten Account Owners; that is, the CRT presumes that each of the ten remaining Account Owners owned one-tenth of the account.

Claimant [REDACTED 1]

As indicated above, because Claimant [REDACTED 1] has a better entitlement to Account Owner Icek Goldstein's share of the account, Claimant [REDACTED 1] and the parties he represents are not entitled to share in the Award.

Claimant [REDACTED 5]

Under Article 23(1)(d) of the Rules, if neither the account owner's spouse nor any descendants of the account owner have submitted a claim, the award shall be in favor of any descendants of the account owner's parents who have submitted a claim, in equal shares by representation. Accordingly, as the grandson of Account Owner Dawid Czerny's parents, Claimant [REDACTED 5] is entitled to Account Owner Dawid Czerny's share of the account, or one-tenth of the total award amount. As indicated above, Claimant [REDACTED 12] has a better entitlement than Claimant [REDACTED 5] to Account Owner Lina Czerny's share of the account.

Claimant [REDACTED 11]

As above, under Article 23(1)(d) of the Rules, as the granddaughter of Account Owner Henoeh Kurland's parents, Claimant [REDACTED 11] is entitled to Account Owner Henoeh Kurland's share of the account, or one-tenth of the total award amount. Further, Claimant [REDACTED 12] has a better entitlement than Claimant [REDACTED 11] to Account Owner Mirla Kurland's share of the account.

The Claimants [REDACTED 6, 7, 8, 9, 10]

Again, applying Article 23(1)(d) of the Rules, as the grandchildren of Account Owner Marcelli Dobrzynski's parents, the [REDACTED 6, 7, 8, 9, 10] Claimants are entitled to Account Owner Marcelli Dobrzynski's share of the account, or one-tenth of the total award amount. Further, according to Article 23(1)(d), since they are siblings, each of the five [REDACTED 6, 7, 8, 9, 10] Claimants ([REDACTED 6], [REDACTED 7], [REDACTED 8], [REDACTED 9], and [REDACTED 10]) is entitled to an equal share of Account Owner Marcelli Dobrzynski's share of the account, or one-fiftieth each of the total award amount.

As above, Claimant [REDACTED 12] has a better entitlement than the [REDACTED 6, 7, 8, 9, 10] Claimants to Account Owner Helena Dobrzynski's share of the account.

Claimant [REDACTED 12]

Under Article 23(1)(d) of the Rules, as the grandson of Account Owner Berek Goldstein's

parents, Claimant [REDACTED 12] is entitled to Account Owner Berek Goldstein's share of the account. Additionally, Article 23(1)(g) of the Rules provides that if none of the persons entitled to an award pursuant to Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the account owner, whether by blood or marriage, who has submitted a claim, consistent with the principles of fairness and equity. Accordingly, since Account Owner Halina Goldstein is the wife of Claimant [REDACTED 12]'s uncle, Account Owner Berek Goldstein, and none of the other Claimants has established an equal or closer relationship to her, Claimant [REDACTED 12] is entitled to Account Owner Halina Goldstein's share of the account.

Finally, with regard to the account shares belonging to the remaining five Goldstein Account Owners (Helena Dobrzynski, Icek Goldstein, Sala Herman, Mirla Kurland, and Lina Czerny), Claimant [REDACTED 12] has a plausible, though undetermined, blood relationship to them, which is stronger than that of the other Claimants, who are related to the Goldstein Account Owners by marriage alone.¹⁰ Accordingly, Claimant [REDACTED 12] is entitled to the shares of the account belonging to the remaining five Goldstein Account Owners, in addition to the shares belonging to Account Owners Berek and Halina Goldstein. Accordingly, Claimant [REDACTED 12] is entitled to seven-tenths of the total 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
24 October 2008

¹⁰ Under Article 23 of the Rules, General Rule on Distribution, the entitlement of claimants who are related to the account owner by birth is superior to the entitlement of claimants who are related to the account owner by marriage. There is an exception to this rule, inapplicable in the present case, when the claimant is the account owner's spouse.