

# CLAIMS RESOLUTION TRIBUNAL

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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], [REDACTED 4] and [REDACTED 5]<sup>1</sup>

and to Claimant [REDACTED 6]  
also acting on behalf of [REDACTED 7], [REDACTED 8] and [REDACTED 9]

## **in re Account of Henri Gross**

Claim Numbers: 005294/MBC; 600028/MBC<sup>2</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (formerly [REDACTED]) (“Claimant [REDACTED 1]”) and of [REDACTED 6] (“Claimant [REDACTED 6]”) (together the “Claimants”) to the published account of Henri Gross (the “Account Owner”) at the Delémont branch of the [REDACTED] (the “Bank”).<sup>3</sup>

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.

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<sup>1</sup> The CRT notes that Claimant [REDACTED 1] indicated that he wished to represent his cousin, [REDACTED], née [REDACTED], who is the mother of [REDACTED 4] and [REDACTED 5]. However, [REDACTED] did not submit a Power of Attorney form to the CRT, and passed away on 21 February 1999. [REDACTED 4] and [REDACTED 5] subsequently submitted Power of Attorney forms to the CRT, appointing Claimant [REDACTED 1] as their representative.

<sup>2</sup> Claimant [REDACTED 6] submitted a claim, numbered B-00966, on 13 May 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and was initially assigned Claim Number 600028. In this claim, Claimant [REDACTED 6] claimed the accounts of [REDACTED]. The CRT treated the claim to these accounts in separate decisions. See *In re Account of [REDACTED] and [REDACTED]*, which was approved by the Court on 20 May 2004, and *In re Account of [REDACTED] and [REDACTED], Account of [REDACTED], and Account of [REDACTED]*, which was approved by the Court on 5 November 2004. Claimant [REDACTED 6] also claimed the accounts of Henri Gross in this claim. The Claimant submitted additional information, which was then registered under the Claim Number 601474. The CRT is treating Claim Numbers 600028 and 601474 under consolidated Claim Number 600028.

<sup>3</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), there are two account owners identified as Henri Gross: Gross, Henri [1] and Gross, Henri [Paris, France ] [3]. The CRT will address the Claimants' claims to the accounts of Gross, Henri [Paris, France] [3] in separate determinations.

## Information Provided by the Claimants

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his maternal uncle, Henri (Henoah) Gross, who was born in 1898 in Jaslo, Poland, and was married to [REDACTED], née [REDACTED], in 1923. Claimant [REDACTED 1] indicated that his uncle and his wife had one child, [REDACTED]. Claimant [REDACTED 1] stated that his uncle, who was Jewish, was an accountant, and that he traveled to Switzerland for business purposes. Claimant [REDACTED 1] indicated that his uncle resided in Krakow, Poland until 1939, when he fled to the Ukraine. Claimant [REDACTED 1] stated that his uncle was executed by the Nazis in 1942 in Jaslo, and that his wife and child perished in the Holocaust. Claimant [REDACTED 1] submitted a notarized affidavit drafted by his mother, [REDACTED], née [REDACTED], dated 7 September 1995, confirming that [REDACTED] perished in the Holocaust, and that he was her brother and the maternal uncle of [REDACTED 2], [REDACTED], Claimant [REDACTED 1], and [REDACTED 3].

Claimant [REDACTED 1] indicated that he was born on 17 May 1939 in Petah-Tikva, Palestine. Claimant [REDACTED 1] is representing his brother, [REDACTED 3] (formerly [REDACTED]), who was born on 14 December 1943 in Petah-Tikva; his cousin, [REDACTED 2], who was born on 23 July 1924 in Jaslo, and who is the son of [REDACTED], née [REDACTED], a sister of Henri Gross. In addition, Claimant [REDACTED 1] is representing [REDACTED 4] and [REDACTED 5], who are the sons of Claimant [REDACTED 1]'s cousin, [REDACTED], née [REDACTED], who was born on 5 July 1929. [REDACTED] was also the daughter of [REDACTED], née [REDACTED], who was a sister of Henri Gross.

### Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his father, Henri Gross, who was born on 27 April 1910 in Paris, France, and was married to [REDACTED 7], née [REDACTED], on 19 June 1934 in Paris. Claimant [REDACTED 6] stated that his parents, who were Jewish, resided in Paris, but fled to southern France, where they lived in hiding, during the Second World War. Claimant [REDACTED 6] stated that his parents returned to Paris after the Second World War, and that his father died there on 20 November 1996. Claimant [REDACTED 6] submitted his birth certificate and a *Fiche Familiale D'etat Civil* (a certificate issued by the city of Boulogne-Billancourt, France), confirming that his father was Henri Gross; and his father's death certificate, confirming that Henri Gross was married to [REDACTED 7].

Claimant [REDACTED 6] indicated that he was born on 5 April 1938 in Paris, France. Claimant [REDACTED 6] is representing his mother, [REDACTED 7], née [REDACTED], who was born on 9 October 1911 in Budapest, Hungary; his maternal aunt, [REDACTED 8], and [REDACTED 9], the widow of Claimant [REDACTED 6]'s maternal uncle, [REDACTED] (formerly [REDACTED]).

## **Information Available in the Bank's Record**

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Henri Gross, who held one account, numbered 6411, the type of which is not indicated. The Bank's record indicates that the account was considered dormant by the Bank and was transferred to a suspense account on 14 December 1987, and that the amount in the account on this date was 160.20 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

## **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

The Claimants' relatives' name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

In support of their claims, Claimant [REDACTED 1] submitted documents, including a notarized affidavit drafted by his mother, [REDACTED], née [REDACTED]. Claimant [REDACTED 6] submitted documents, including his birth certificate, a *Fiche Familiale D'etat Civil*, and his father's death certificate, all of which confirm that his father was named Henri Gross. These documents provide independent verification that the person who is claimed to be the Account Owner by the Claimants had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 6]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 6] have each plausibly identified the Account Owner.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 6] stated that the Account Owner was Jewish, and that he

hid in southern France during the Second World War. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that he was executed by the Nazis in 1942. Claimant [REDACTED 1] also submitted a notarized affidavit drafted by his mother, [REDACTED], née [REDACTED], confirming that the Account Owner perished in the Holocaust.

#### The Claimants' Relationship to the Account Owner

##### *Claimant [REDACTED 1]*

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 maternal uncle. These documents include a notarized affidavit drafted by his mother, [REDACTED], née [REDACTED], confirming that [REDACTED] was the maternal uncle of Claimant [REDACTED 1].<sup>4</sup>

##### *Claimant [REDACTED 6]*

Claimant [REDACTED 6] 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 6]'s father. These documents include his birth certificate and a *Fiche Familiale D'etat Civil*, confirming that his father was Henri Gross.

#### The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains in the Bank's suspense account.

#### 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 uncle, and Claimant [REDACTED 6] has plausibly demonstrated that the Account Owner was his father, and those relationships justify an Award. Third, the CRT has determined 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 an account of unknown type. The Bank's record indicates that the value of the account of unknown type as of 14 December 1987 was SF 160.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 845.20. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account

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<sup>4</sup> As indicated above, Claimant [REDACTED 1] indicated that his maternal uncle referred to himself as both "Henri" and "Henoeh."

shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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] and the individuals he is representing, and Claimant [REDACTED 6] and the individuals he is representing, are each, as two groups, entitled to one-half of the Award amount.

Moreover, according to Article 23(1)(d), 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. In this case, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his maternal uncle, and Claimant [REDACTED 1] is representing his brother, [REDACTED 3]; his cousin, [REDACTED 2], who is also the son of [REDACTED], née [REDACTED]; and [REDACTED 4] and [REDACTED 5], who are the sons of his cousin, [REDACTED], who was the daughter of [REDACTED], née [REDACTED]. Accordingly, Claimant [REDACTED 1] and his brother, as well as [REDACTED 4] and [REDACTED 5], are each entitled to one-twelfth of the total award amount, and [REDACTED 2] is entitled to one-sixth of the total award amount.

Furthermore, according to Article 23(1)(b) of the Rules, if the Account Owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and any descendants who have submitted a claim shall receive the other half in equal shares by representation. In this case, Claimant [REDACTED 6] is representing his mother, [REDACTED 7], his maternal aunt, [REDACTED 8], and his maternal aunt by marriage, [REDACTED 9]. The CRT notes that Claimant [REDACTED 6] and his mother, as the Account Owner's son and widow, have a better entitlement to the account than Claimant [REDACTED 6]' maternal aunt, and than his maternal aunt by marriage. Accordingly, Claimant [REDACTED 6] and [REDACTED 7] are each entitled to one-fourth of the total award amount, and [REDACTED 8] and [REDACTED 9] are not entitled to any share 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  
21 September 2005

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