

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by [REDACTED]

and to Claimant [REDACTED 2]
represented by [REDACTED]

in re Account of Sophie Grünberg

Claim Numbers: 216516/AE; 224312/AE;¹ 224313/AE²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”) and of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Sophie Grünberg (the “Account Owner”) at the Zurich branch of 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her mother, Sophie Grünberg, who was born on 2 May 1907 in Moinesti, Romania. Claimant [REDACTED 1] indicated that she is the daughter of Sophie Grünberg and [REDACTED], who

¹ The CRT previously awarded the account of Leon Grünberg to Claimant [REDACTED 2]. See *In re Account of Leon Grünberg*, approved by the Court on 31 December 2003.

² Claimant [REDACTED 2] submitted two additional claims to the accounts of [REDACTED], which are registered under the Claim Numbers 224358 and 224359. The CRT did not locate an account belonging to Claimant [REDACTED 2]’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons “ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Claimant [REDACTED 2] should be aware that the CRT will carry out further research on his claims to determine whether an award may be made upon the information provided by Claimant [REDACTED 2] or upon information from other sources.

were not married, and that she and her parents resided in Nice, France, from 1930 to 1938. Claimant [REDACTED 1] indicated that her father was an industrialist who exported player-pianos and manufactured furniture. Claimant [REDACTED 1] further indicated that her father opened a numbered Swiss bank account in the name of Sophie Grünberg. Claimant [REDACTED 1] indicated that in 1938 she and her mother, who was Jewish, left Nice to live in Bucharest, Romania, with her mother's family. Claimant [REDACTED 1] further indicated that on 6 March 1939, she and her mother returned to Nice, where they lived until they were discovered by the Nazis in 1942. Claimant [REDACTED 1] indicated that she and her mother were forced to live in hiding in Nice, and that they changed their last name to [REDACTED] in an attempt to hide the fact that they were Jewish. Claimant [REDACTED 1] indicated that in 1942 they were denounced to the Gestapo and were taken to a torture chamber where, Claimant [REDACTED]'s mother was beaten by three Gestapo officers.

In support of her claim, Claimant [REDACTED 1] submitted her birth certificate, indicating her mother as Sophie Grünberg, from Romania; her marriage certificate, indicating her mother as Sophie Grünberg and her father as [REDACTED]; a codicil to a will written by her father on 2 May 1930, indicating that he opened a Swiss bank account at the in Geneva, Switzerland branch of the Bank in the name of Sophie Grünberg, for their daughter, Claimant [REDACTED 1], the proceeds of which Claimant [REDACTED 1] was to receive upon her attaining majority on 22 January 1951; an addendum to the codicil of the will written by her mother on 2 May 1930, indicating that she accepted the terms of the codicil; her mother's French identity card, indicating her name as Sophie Grünberg, from Romania; and her mother's death certificate, likewise indicating her name as Sophie Grünberg, from Romania. Claimant [REDACTED 1] indicated that she was born on 22 January 1930 in Nice.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a two Claim Forms identifying the Account Owner as his maternal grandmother, Sophie Grünberg, née Bernstein, who was born in Braila, Romania, and was married to [REDACTED] in Braila. Claimant [REDACTED 2] indicated that his grandmother, who was Jewish, was a teacher and a housewife and that she resided in Bucharest, Romania from 1930 to 1950. Claimant [REDACTED 2] indicated that the Nazis confiscated his grandmother's possessions during the Second World War and that she was forced to perform slave labor. Claimant [REDACTED 2] further indicated that his grandmother resided in Bucharest until 1950, when she left for Israel, where she resided until her death in 1967. In support of his claim, Claimant [REDACTED 2] submitted his mother's death certificate indicating his mother as [REDACTED], her husband as [REDACTED], and his mother's parents as [REDACTED] and Sophie Bernstein; the death certificate of [REDACTED], indicating that Claimant [REDACTED 2] is the son of the deceased; and the death certificate of his maternal aunt, [REDACTED], showing that his grandmother's name was Sofia Grünberg. The Claimant stated that he was born in Bucharest on 21 October 1926.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a printout from the Bank's database.

According to these records, the Account Owner was *Frau* (Mrs.) Sophie Grünberg, who resided in Bucharest, Romania. The Bank's records indicate that the Account Owner held a numbered account with the designation 11676, the type of which is not indicated. The Bank's records indicate that the account was closed by November 1949. The Bank's records do not indicate the value of this account. There is no evidence in the Bank's records that the Account Owner or 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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The name, city and country of residence of Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s grandmother match the published name, city and country of residence of the Account Owner. In support of their claims, Claimant [REDACTED 1] submitted her mother's French identity card and death certificate, indicating her name as Sophie Grünberg, from Romania; and Claimant [REDACTED 2] submitted his mother's death certificate indicating her name as [REDACTED], her husband as [REDACTED], and her parents as [REDACTED] and Sophie Bernstein, as well as the death certificate of his maternal aunt, [REDACTED], showing that his grandmother's name was Sofia Grünberg.³ These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'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 records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records 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 those claimants provided a different city or country of residence than the city or 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.

³ The CRT notes that Claimant [REDACTED 2]'s grandmother's name is spelled Sofia on his maternal aunt's death certificate, while the Account Owner's name was spelled "Sophie." The CRT finds that this discrepancy does not adversely effect Claimant [REDACTED 2]'s identification of 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. The Claimants indicated that the Account Owner was Jewish. Claimant [REDACTED 1] indicated that the Account Owner was forced to live in hiding under an assumed name in Nice, and that she was beaten by Gestapo officers. Claimant [REDACTED 2] stated that the Account Owner's possessions were confiscated by the Nazis and that she was forced to perform slave labor.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s grandmother. Claimant [REDACTED 1] submitted her birth certificate, indicating her mother as Sophie Grünberg, from Romania, and her marriage certificate, indicating her mother as Sophie Grünberg and her father as [REDACTED]. Claimant [REDACTED 2] submitted his mother's death certificate identifying her as [REDACTED], her husband as [REDACTED], and her parents as [REDACTED] and Sophie Bernstein, and the death certificate of [REDACTED], identifying Claimant [REDACTED 2] as his son.

The Issue of Who Received the Proceeds

Given that according to Claimant [REDACTED 1], the Account Owner was forced to go into hiding in Nice; that according to Claimant [REDACTED 2], the Account Owner resided in Nazi-allied Romania; that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner and her heirs would not have been able to obtain information about the accounts 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), (i) 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 accounts 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s grandmother, and those relationships justify 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 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 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 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
31 August 2005

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