

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Sally Saeman

in re Accounts of Edgar Gutmann

Claim Number: 220965/AA¹

Award Amount: 182,400.00 Swiss Francs

This Certified Award is based upon the claim of Sally Saeman (the “Claimant”) to the account of Louis and Emma Saemann.² This Award is to the accounts of Edgar Gutmann (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and an Initial Questionnaire identifying the Account Owner as her uncle by marriage, Edgar Gutmann. According to the Claimant, Edgar Gutmann’s wife, Irene Gutmann, née Saemann, who was the sister of the Claimant’s father, was born in approximately 1892 in Nuremberg, Germany, and was married to Edgar Gutmann in Berlin, Germany. In a telephone conversation with the CRT on 20 February 2002, the Claimant stated that her aunt worked in a millinery shop in Germany. The Claimant stated that her uncle and aunt, who were Jewish, had two children, Edith and Ellen. According to the Claimant, her uncle and aunt were able to flee Germany for the United States, and they lived in New York until their deaths. The Claimant stated that she believes that Edgar and Irene Gutmann’s children died many years ago, and that one of them may have had a child, but that she does not know where that child is. In support of her claim, the Claimant submitted biographical family information and stated that her paternal grandparents, Louis and Emma Saemann, were very wealthy and owned *Saemann Electronics Manufacturing Company* in Nuremberg, which was later sold by Germany to the *General Electric Company* in the United States. The Claimant indicated that her paternal grandparents had business and personal bank accounts in Germany and Switzerland. According to the Claimant, her grandparents were both killed in gas chambers during the Holocaust. The Claimant also indicated that her father, Walter Julius Saeman, who lived with his parents in Nuremberg, often traveled to Switzerland to deposit money,

¹ The Claimant submitted an additional claim to the account of her father, Walter Julius Saeman, which is registered under the Claim Number 220966. The CRT will treat the claim to this account in a separate decision.

² The CRT will treat the claim to this account in a separate decision.

and that he fled to the United States after being incarcerated in a concentration camp by the Nazis. The Claimant stated that she was born on 15 July 1941 in Akron, Ohio.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Walter Julius Saeman of Nuremberg, Germany. In the Initial Questionnaire, the Claimant referred to Irene Gutmann, the wife of Edgar Gutmann.

Information Available in the Bank Records

The Bank's records consist of a power of attorney form that was signed on 7 January 1931 in Berlin, Germany, and a printout from the Bank's database. According to these records, the Account Owner was Edgar Gutmann of Berlin, and the Power of Attorney Holder was Irene Gutmann, the Account Owner's wife. The bank records indicate that the Account Owner held a custody account³ and a time deposit account (*Festgeldkonto*).

The Bank's records do not show if or when the accounts at issue were closed, or to whom they were paid, nor do the records indicate the value of these accounts. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's name matches the published name of the Account Owner. Additionally, the Claimant stated that her uncle was married to her aunt, Irene Gutmann, which matches unpublished information about the relationship between the Account Owner and the Power of Attorney Holder contained in the Bank's records.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Walter Julius Saeman, in which she referred to Irene Gutmann as the wife of Edgar Gutmann, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a family relationship that was known to her before the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to these accounts.

³ The bank records contain a power of attorney form that references a "*Titeldepot*," a type of custody account.

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 was forced to flee Germany for the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is the niece of the Account Owner and Power of Attorney Holder. The CRT notes that the Claimant explained that the Account Owner had two children, both of whom are believed to have died many years ago. The Claimant stated that she believes that one of the Account Owner's children may have had a child, but that she does not know where the child is. As noted above, there have been no other claims filed to the account of Edgar Gutmann.

The Issue of Who Received the Proceeds

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 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 uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one time 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 custody account was 13,000.00 Swiss Francs. The Rules do not provide for an average value of a time deposit account. Accordingly, the average value provided for other types of accounts shall be applied to this account. Based on the ICEP Investigation, in 1945 the average value of an account of other type was 2,200.00 Swiss Francs. Accordingly, the total average value of the two accounts was 15,200.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 182,400.00 Swiss Francs.

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
June 3, 2003