

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]  
also acting on behalf of [REDACTED 3], [REDACTED 4]  
and [REDACTED 5]

**in re Accounts of Flore Heymann, Alexandre Heymann, Jeanne Weiler,  
Leon Weiler, Paul Metzger, and Lucy Metzger**

Award Amount: 965,875.00 Swiss Francs

Claim Numbers: 207284/AC; 212697/AC;<sup>1</sup> 215175/AC

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published accounts of Flore Heymann and Alexandre Heymann and upon the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together “the Claimants”) to the published accounts of Jeanne Weiler. This Award is to the published and unpublished accounts of Flore Heymann (“Account Owner Flore Heymann”) and Jeanne Weiler (“Account Owner Jeanne Weiler”),<sup>2</sup> and to the unpublished accounts of Alexandre Heymann (“Account Owner Alexandre Heymann”), Leon Weiler (“Account Owner Leon Weiler”), Paul Metzger (“Account Owner Paul Metzger”), and Lucy Metzger (“Account Owner Lucy Metzger”) (together the “Account Owners”) at the Basel, Geneva, and London branches of the [REDACTED] (the “Bank”).

All denials 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 owners, and the bank have been redacted.

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<sup>1</sup> Represented party [REDACTED 3] submitted a claim to the accounts of Selma Weiler, which is registered under Claim Number 212698. In a previous decision, the CRT awarded these accounts to [REDACTED 3] and [REDACTED 1], who was represented in that claim. See *In re Accounts of Selma Weiler* (approved on 19 November 2003).

<sup>2</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”), Jeanne Weiler and Jeanne Heymann are both indicated as owning accounts. Upon careful review, the CRT has concluded that the Bank’s records indicate that both names refer to the same person, Jeanne Weiler, née Heymann.

## Information Provided by the Claimants

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Claim Forms identifying Account Owner Alexandre Heymann as his great-grandfather, Alexandre Heymann, Account Owner Flore Heymann as his great-grandfather's second wife, Flore (Rachel) Heymann, and identifying Account Owner Jeanne Weiler and Account Owner Lucy Metzger as their daughters. Claimant [REDACTED 1] also identified Account Owner Leon Weiler and Account Owner Paul Metzger as the husbands of Account Owner Jeanne Weiler and Account Owner Lucy Metzger, respectively. Claimant [REDACTED 1] stated that his great-grandfather, who was born in 1863, was married twice, and that his paternal grandfather was the son of Alexandre Heymann and his first wife. Claimant [REDACTED 1] explained that after the death of his first wife, Alexandre Heymann married Flore Heymann, née Guthmann, who was born on 5 April 1875, in Strasbourg, France. Claimant [REDACTED 1] indicated that Alexandre and Flore Heymann had three daughters: [REDACTED], Lucy (who married Paul Metzger), and Jeanne (who married Leon Weiler). Claimant [REDACTED 1] stated that his great-grandfather, who was Jewish, resided at 59 Grande Rue in Strasbourg, where he owned a butcher's shop. Claimant [REDACTED 1] added that his great-grandfather died in 1938 in Strasbourg and that Flore Heymann, died on 7 October 1939. Claimant [REDACTED 1] indicated that his grandfather, [REDACTED], took over the business after Alexandre Heymann's death and operated it until his deportation to Auschwitz, where he perished in 1942. Claimant [REDACTED 1] added that his grandparents had attempted to flee to Switzerland but were refused entry.

In support of his claim Claimant [REDACTED 1] submitted: (1) a copy of his parents' marriage certificate, indicating that [REDACTED], a butcher, who was born on 21 June 1920 in Strasbourg, was the son of [REDACTED], who resided at 59 Grande Rue in Strasbourg; (2) his father's business card, indicating that [REDACTED] owned a butcher's shop at 59 Grand Rue in Strasbourg, and that the butcher's shop was founded in 1886; and (3) photographs of Alexandre Heymann, including a 1909 photo of the butcher's shop, indicating that it was called *Alexandre Heymann*, that it was located at 59 Grand Rue, and that it was later run by [REDACTED]. Claimant [REDACTED 1] indicated that he was born on 5 December 1949 in Strasbourg.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by René Heymann.<sup>3</sup>

### Claimant [REDACTED 2]

Claimant [REDACTED 2], who is related to Claimant [REDACTED 1] by marriage, submitted a Claim Form identifying Account Owner Jeanne Weiler as her late husband's mother, Jeanne Weiler, née Heymann, who was born to Alexandre Heymann and [REDACTED], née [REDACTED], on 5 April 1898, in Strasbourg, and was married to Dr. Leon Weiler on 8 April 1919, in Saarbrücken,

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<sup>3</sup> The CRT will treat the claim to this account in a separate determination.

Germany.<sup>4</sup> Claimant [REDACTED 2] indicated that Leon Weiler, who was a medical doctor, was born on 5 September 1890. Claimant [REDACTED 2] indicated that Leon and Jeanne Weiler had three children: [REDACTED], who was born in 1920, [REDACTED], who was born in 1924 and died in 1948, and [REDACTED] (Claimant [REDACTED 2]'s late husband), who was born in 1927 and died in 2000. Claimant [REDACTED 2] indicated that her mother-in-law was Jewish, and in a telephone conversation with the CRT on 21 December 2005, Claimant [REDACTED 2] indicated that Leon and Jeanne Weiler fled Saarbrücken to France in 1933. According to Claimant [REDACTED 2], her mother-in-law lived in Strasbourg, at Avenue de la Marseillaise 20 between 1935 and 1940. Claimant [REDACTED 2] stated that her mother-in-law and her husband were forced into hiding in Marseille, France and Grenoble, France, between 1940 and 1945 to escape Nazi persecution. Claimant [REDACTED 2] indicated that Jeanne Weiler died on 17 September 1980 and that Leon Weiler died on 17 September 1974. Claimant [REDACTED 2] further indicated that none of the descendants of Lucy and Paul Metzger wanted to be represented in her claim. In a telephone conversation with the CRT on 13 December 2005, [REDACTED], Claimant [REDACTED 2]'s cousin, indicated that his parents, Paul and Lucy Metzger, resided in Strasbourg until the Nazi occupation of France, when they fled to Saumur and Marseille, France, and eventually to Geneva, Switzerland. [REDACTED] indicated that Paul and Lucy Metzger remained in Geneva until the end of the Second World War.

In support of her claim, Claimant [REDACTED 2] submitted numerous documents, including: (1) Jeanne and Leon Weiler's marriage certificate indicating that Jeanne Weiler, née Heymann, was the daughter of Alexander Heymann and [REDACTED], née [REDACTED], and indicating that the wedding took place in Sarrebruck; (2) Jeanne and Leon Weiler's family booklet (*livret de famille*) indicating the names of their three sons, and indicating that they were from Saarbrücken; (3) a copy of her own marriage certificate, indicating that she married [REDACTED], the son of Jeanne Heymann and Leon Weiler; (4) a copy of Jeanne Heymann's inheritance certificate indicating she was the widow of Leon Weiler, that she was from Strasbourg, and that her sons, [REDACTED] and [REDACTED], were to receive equal shares of her estate; and (5) a copy of her late husband's certificate of inheritance indicating that [REDACTED]'s widow, [REDACTED], was to receive one-fourth of his estate outright (*en pleine propriété*) and that she was to receive a life estate in the remaining three-fourths of his estate (*en usufruit*), the remainder of which would then pass in equal shares to their children, [REDACTED 4] and [REDACTED 5] (*en nue-propriété*), in accordance with the terms of their marital gift agreement, which was not included among the documents submitted by Claimant [REDACTED 2].

Claimant [REDACTED 2] indicated that she was born on 1 October 1930 in Strasbourg. Claimant [REDACTED 2] is representing her brother-in-law, [REDACTED 3], who was born on 24 August 1920 in Saarbrücken, and her two children, [REDACTED 4], who was born on 18 December 1957 in Strasbourg and [REDACTED 5], née [REDACTED], who was born on 12 March 1959 in Strasbourg.

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<sup>4</sup> The CRT notes that the Saarland, including its capital Saarbrücken, was under French control between the signing of the Treaty of Versailles in 1919 and a plebiscite of March 1935. In that plebiscite, the residents of the Saarland voted for reunification with Germany, and the region was placed under German control.

## **Information in the Bank's Records**

The Bank's records submitted 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") consist of power of attorney forms, customer cards, a signature sample card, and printouts from the Bank's database. 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 accounts at issue ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of additional customer cards and power of attorney forms, an account opening contract, an extract from the Bank's ledger, and an acknowledgement of receipt of general terms and conditions applying to custody accounts.

The Bank's records indicate that Account Owner Lucy Metzger was *Madame* (Mrs.) Lucy Metzger, that Account Owner Paul Metzger was Paul Metzger, Lucy Metzger's husband, and that they resided at 6 Boulevard de l'Orangerie in Strasbourg, France. The Bank's records further indicate that Account Owner Jeanne Weiler was Jeanne Weiler, née Heymann, that Account Owner Leon Weiler was Dr. Leon Weiler, a medical doctor, and that they initially resided in Saarbrücken, then France, and later at 20 Avenue de la Marseillaise in Strasbourg. Finally, the Bank's records indicate that Account Owner Alexandre Heymann was Alexandre Heymann and Account Owner Flore Heymann was Flore Heymann, née Guthmann, and that they resided at rue Twinger 8, in Strasbourg.

### Account 596

The Bank's records indicate that Account Owner Lucy Metzger held a safe deposit box, numbered 596, which was closed on 25 August 1938. The value of the contents of the safe deposit box is not known.

### Account 17498

The Bank's records indicate that Account Owner Lucy Metzger held one demand deposit account in French Francs, originally numbered 17498, which was opened on 10 April 1935. These records indicate that Account Owner Jeanne Weiler held power of attorney over the account. The Bank's records indicate that the assets from this account were transferred to account 18089, owned by Account Owner Jeanne Weiler, on 4 January 1936, and that the account was closed on 25 August 1938. The Bank's records do not indicate the value of this account.

### Account 18089

The Bank's records indicate that Account Owner Jeanne Weiler owned a demand deposit account in French Francs, numbered 18089, which was opened with a deposit of assets from account 17498 held by Account Owner Lucy Metzger. The Bank's records further indicate that Dr. Leon Weiler held power of attorney over the account. According to the Bank's records, account 18089 was closed on 8 July 1936, but was re-opened on 4 January 1940 to transfer an

amount of 184.76 United States Dollars to account 10313, the type of which is not indicated, held at the London branch of the Bank. The Bank's records indicate that account 18089 was closed on 26 January 1940.

#### Account 36709

The Bank's records indicate that Account Owner Leon Weiler held a custody account, numbered 36709, and that he granted power of attorney over this account to Account Owner Jeanne Weiler on 7 May 1931. The Bank's records further indicate that account 36709 was transferred to Account Owner Flore Heymann, no later than 30 July 1931. After the account had been transferred to Account Owner Flore Heymann, power of attorney was granted to Account Owner Leon Weiler and Account Owner Jeanne Weiler. The Bank's records do not indicate when the account was closed, nor do they indicate its value. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that Account Owner Flore Heymann, Account Owner Leon Weiler, Account Owner Jeanne Weiler, or their heirs closed the account and received the proceeds themselves.

#### Account 35235

The Bank's records indicate that Account Owner Flore Heymann owned a custody account, numbered 35235, over which Account Owner Leon Weiler and Account Owner Jeanne Weiler held power of attorney. The Bank's records further indicate that Account Owner Alexandre Heymann had authority over account 35235, but his role is not specified. The Bank's records do not indicate when this account was closed, nor do they indicate the value of this account. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that Account Owner Flore Heymann, Account Owner Leon Weiler, Account Owner Jeanne Weiler, Account Owner Alexandre Heymann, or their heirs closed the account and received the proceeds themselves.

#### Account 1825

The Bank's records indicate that Account Owner Paul Metzger and Account Owner Lucy Metzger held a safe deposit box, numbered 1825. The Bank's records indicate that the safe was rented on 8 September 1936 and was closed on 4 January 1940. The value of the contents of the safe deposit box is not known.

#### Accounts 41243, 2373, and 17496

The Bank's records indicate that Account Owner Paul Metzger and Account Owner Lucy Metzger owned one custody account and one demand deposit account in United States Dollars, both numbered 41243. The Bank's records indicate that the accounts were opened on 1 October 1936. The Bank's records further indicate that the custody and demand deposit accounts were closed on 24 March 1941. The Bank's records do not indicate the values of these accounts.

There is no evidence in the Bank's records that Account Owner Paul Metzger, Account Owner Lucy Metzger, or their heirs closed these accounts and received the proceeds themselves.

The Bank's records also indicate that Account Owner Paul Metzger and Account Owner Lucy Metzger owned two additional accounts, the types of which are not indicated, the first at the London branch of the Bank, numbered 2373, opened on or before 30 October 1936, and the second at the Geneva branch of the Bank, numbered 17496, opened on or before 1 October 1936. The Bank's records do not indicate the value of these accounts, nor do they contain any information regarding the disposition of these accounts. There is no evidence in the Bank's records that Account Owner Paul Metzger, Account Owner Lucy Metzger, or their heirs closed these accounts and received the proceeds themselves.

#### Account 1935

The Bank's records indicate that Account Owner Jeanne Weiler held a safe deposit box, numbered 1935. The Bank's records do not contain information about the disposition of the safe deposit box, nor do they indicate the value of its contents. There is no evidence in the Bank's records that Account Owner Jeanne Weiler or her heirs closed the safe deposit box and received the proceeds themselves.

#### Accounts 42471

The Bank's records indicate that Account Owner Jeanne Weiler owned one custody account and two demand deposit accounts, one in United States Dollars and one in Pound Sterling. The Bank's records further indicate that the accounts were numbered 42471 and were opened on 15 December 1937. The Bank's records further indicate that Account Owner Leon Weiler and Account Owner Lucy Metzger held power of attorney over these accounts. According to the Bank's records, the custody account and demand deposit account in United States Dollars were closed on 19 December 1939, and the demand deposit account in Pound Sterling was closed on an earlier date. The Bank's records do not indicate the value of these accounts.

#### Accounts 41244, 41409, 2374, 17499

These records indicate that Account Owner Alexandre Heymann and Account Owner Flore Heymann owned one custody account and one demand deposit account in United States Dollars, both numbered 41244 and opened on 1 October 1936. The Bank's records further indicate that Account Owner Paul Metzger and Account Owner Lucy Metzger held power of attorney over these accounts. The Bank's records show that the accounts were closed on 28 April 1937, and then a demand deposit account was re-opened under Account Owner Flore Heymann's name and assigned account number 41409. These records further indicate that account 41409, over which Account Owner Paul Metzger and Account Owner Lucy Metzger also held power of attorney, was closed on 24 March 1941. The Bank's records do not indicate the value of these accounts. There is no evidence in the Bank's records that Account Owner Flore Heymann, Account Owner Paul Metzger, Account Owner Lucy Metzger, or their heirs closed account 41409 and received the proceeds themselves.

According to the Bank's records, Account Owners Alexandre Heymann and Flore Heymann also held two accounts, the types of which are not indicated, one at the London branch of the Bank, numbered 2374, and one at the Bank in Geneva, numbered 17499. The Bank's records indicate that account 2374 was later held solely by Account Owner Flore Heymann. The Bank's records do not indicate the values of these accounts, nor do they contain information regarding the disposition of these accounts. There is no evidence in the Bank's records that Account Owner Alexandre Heymann, Account Owner Flore Heymann, or their heirs closed these accounts and received the proceeds themselves.

#### Account 10313

The Bank's records indicate that Account Owner Leon Weiler, Account Owner Jeanne Weiler, and Account Owner Lucy Metzger jointly held an account at the London branch of the Bank, numbered 10313, the type of which is not indicated. The Bank's records indicate that the account was opened no later than 12 December 1939. The Bank's records do not contain information about the disposition of this account, nor do these records indicate its value. There is no evidence in the Bank's records that Account Owner Leon Weiler, Account Owner Jeanne Weiler, Account Owner Lucy Metzger, or their heirs closed the account and received the proceeds themselves.

#### Account 35674

The Bank's records indicate that Account Owner Alexandre Heymann and Account Owner Flore Heymann jointly held a custody account 35674, and that they granted power of attorney over this account to Account Owner Jeanne Weiler on 26 October 1931. The Bank's records do not contain information about the disposition of this account, nor do these records indicate its value. There is no evidence in the Bank's records that Account Owner Alexandre Heymann, Account Owner Flore Heymann, Account Owner Jeanne Weiler, or their 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") (see Appendix A), 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 Owners

The Claimants have plausibly identified the Account Owners. Their relatives' names and cities of residences match the published names and cities of residence of Account Owners Flore

Heymann and Account Owner Jeanne Weiler.<sup>5</sup> The Claimants' relatives' names and cities of residence match the unpublished names and cities of residence of Account Owner Alexandre Heymann, Account Owner Leon Weiler, Account Owner Lucy Metzger, and Account Owner Paul Metzger. Claimant [REDACTED 2] indicated that Jeanne Weiler and Leon Weiler resided in Sarrebrucken and that Leon Weiler was a medical doctor, which matches unpublished information about Account Owner Jeanne Weiler and Account Owner Leon Weiler contained in the Bank's records. Additionally, Claimant [REDACTED 2] provided Jeanne Weiler's street address, which further matches unpublished information about Account Owner Jeanne Weiler contained in the Bank's records. Finally, Claimant [REDACTED 1] provided Lucy Metzger's maiden name, and indicated that she was married to Paul Metzger, which also matches unpublished information contained in the Bank's records.

In support of her claim, Claimant [REDACTED 2] submitted numerous documents, including Jeanne Weiler and Leon Weiler's marriage certificate, indicating that Jeanne Weiler, née Heymann, was the daughter of Alexander Heymann and [REDACTED], née [REDACTED], and indicating that the wedding took place in Sarrebruck; Jeanne Weiler and Leon Weiler's family book indicating the names of their three sons, and indicating that they were from Sarrebruck; her own marriage certificate indicating that she married [REDACTED], the son of Jeanne Heymann and Leo Weiler; and Jeanne Heymann's inheritance certificate, indicating she was the widow of Leon Weiler, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same towns recorded in the Bank's records as the names and cities of residences of the Account Owners.

The CRT notes that there are no other claims to these accounts.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Jeanne Weiler, Account Owner Lucy Metzger, Account Owner Leon Weiler and Account Owner Paul Metzger were Victims of Nazi Persecution. The Claimants stated that these Account Owners were Jewish. Claimant [REDACTED 2] stated that Account Owner Jeanne Weiler was forced to hide in France between 1940 and 1945 to escape Nazi persecution. [REDACTED] indicated that Lucy and Paul Metzger, who were Jewish, fled Strasbourg when the Nazis invaded France.

The CRT notes that Account Owner Alexandre Heymann died in 1938 and Account Owner Flore Heymann died in 1939, prior to the Nazi occupation of France. However, their heirs, including Account Owner Jeanne Weiler and Account Owner Lucy Metzger, were Victims of Nazi Persecution. Further, Claimant [REDACTED 1] indicated that the son of Account Owner Alexandre Heymann perished in Auschwitz.

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<sup>5</sup> The CRT notes that [REDACTED 2] indicated that Account Owner Flore Weiler's first name was Rachel, while the Bank's records indicate that her name was Flore. The CRT determines that this discrepancy does not adversely affect [REDACTED 2]'s identification of the account Owners because she identified significant unpublished information, and [REDACTED 1] indicated that Rachel Heymann and Flore Heymann were the same person.

### The Claimants' Relationships to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owners by submitting specific biographical information, demonstrating that Account Owner Alexandre Heymann was Claimant [REDACTED 1]'s great-grandfather. The CRT further notes that Claimant [REDACTED 1] identified unpublished information about the Account Owners as contained in the Bank's records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to Claimant [REDACTED 1] as family members, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owners, as he has asserted in his Claim Forms.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that Account Owners Jeanne Weiler and Leon Weiler were her late husband's parents, that Account Owners Alexandre Heymann and Flore Heymann were her late husband's grandparents, and that Account Owners Paul Metzger and Lucy Metzger were her late husband's aunt and uncle. These documents include her husband's parents' marriage certificate, indicating that Jeanne Weiler, née Heymann, was the daughter of Alexandre Heymann and [REDACTED], née [REDACTED]; Jeanne and Leon Weiler's family booklet indicating the names of their three sons, including [REDACTED]; Claimant [REDACTED 2]'s marriage certificate, indicating she married [REDACTED], the son of Jeanne Heymann and Leon Weiler; Jeanne Heymann's inheritance certificate indicating she was the widow of Leon Weiler and stating that [REDACTED 3] and [REDACTED] are her heirs; and an inheritance certificate for [REDACTED], indicating that Claimant [REDACTED 2] is his widow and [REDACTED 4] and [REDACTED 5] are his children. There is no information to indicate that the Account Owners have surviving heirs who have filed a claim, other than the parties whom Claimant [REDACTED 2] is representing. The CRT notes that none of the descendants of Lucy and Paul Metzger wish to be represented in this decision.

### The Issue of Who Received the Proceeds

With respect to account 10313 (account of unknown type held jointly by Account Owner Jeanne Weiler, Account Owner Leon Weiler, and Account Owner Lucy Metzger); accounts 36709, 35235, 2374, and 41409 (two custody accounts, account of unknown type, and demand deposit account held by Account Owner Flore Heymann); accounts 41243, 2373 and 17496 (custody account and demand deposit account as well as two accounts of unknown type held jointly by Account Owner Paul Metzger and Account Owner Lucy Metzger); account 1935 (safe deposit box held by Account Owner Jeanne Weiler); accounts 35674 and 17499 (custody account and account of unknown type held jointly by Account Owner Alexandre Heymann and Account Owner Flore Heymann); given that the Account Owners lived in Nazi-occupied France, and that they lived in hiding during parts of the Second World War; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of these accounts; and given the application of Presumptions (h) and (j), as provided in Article 28 of 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.<sup>6</sup>

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.

With respect to account 17498 (demand deposit account held by Account Owner Lucy Metzger), accounts 41244 (custody account and demand deposit account held jointly by Account Owner Alexandre Heymann and Account Owner Flore Heymann), account 1825 (safe deposit box held jointly by Account Owner Paul Metzger and Account Owner Lucy Metzger), and account 596 (safe deposit box by Account Owner Lucy Metzger), the Bank's records indicate that account 17498 was closed on 25 August 1938 and that prior to its closure it had been transferred to account 18089; accounts 41244 were closed in 1937; safe deposit box 1825 was closed on 4 January 1940; and safe deposit box 596 was closed in 1938, all prior to the Nazi occupation of France. Therefore, the CRT concludes that the Account Owners closed these accounts and received the proceeds themselves.

With respect to account 18089 (demand deposit account held by Account Owner Jeanne Weiler) and the accounts numbered 42471 (custody account and two demand deposit accounts held by Account Owner Jeanne Weiler), the Bank's records indicate that account 18089 was closed and then reopened after Account Owner Jeanne Weiler fled to France in 1933 and that the accounts numbered 42471 were first opened after that date.<sup>7</sup> The Bank's records further indicate that account 18089 was closed on 26 January 1940 and that the accounts numbered 42471 were closed on or before 19 December 1939, all prior to the Nazi occupation of France. Therefore, the CRT concludes that the Account Owners closed these accounts and received the proceeds themselves.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants and represented parties [REDACTED 3], [REDACTED 4] and [REDACTED 5]. 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 Account Owner Alexandre Heymann was his great-grandfather, and Claimant [REDACTED 2] has plausibly demonstrated that Account Owner Leon Weiler and Account Owner Jeanne Weiler were her husband's parents, [REDACTED 3]'s parents and [REDACTED 4]'s and [REDACTED 5]'s grandparents; that Account Owner Alexandre Heymann and Account Owner Flore Heymann were [REDACTED 3]'s grandparents, and [REDACTED 4]'s and [REDACTED 5]'s great-grandparents; and that Account Owner Paul Metzger and Account Owner Lucy Metzger were [REDACTED 3]'s uncle and aunt, and [REDACTED 4]'s and [REDACTED 5]'s great-uncle and great-aunt. Third, the

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<sup>6</sup> With respect to accounts 2373, 2374, and 10313, which were held at the London branch of the Bank, the Department of Trade and Industry advised, in response to an inquiry, that they have no record of these accounts, though they likely would have been frozen in June/July 1940 under the Trading with the Enemy Act.

<sup>7</sup> The CRT notes that as of the date Account Owner Jeanne Weiler fled Saarbrücken, the Saarland remained under French control.

CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of accounts 35235, 35674, 41409, 2374, 17499, 1935, 10313, 41243, 2373, 17496, and 36709.

Further, with respect to all of the accounts except for the accounts that were jointly owned by Account Owner Alexandre Heymann and Account Owner Flore Heymann, the CRT notes that Claimant [REDACTED 2] and the parties she represents, who are descendants (or the heir of a descendant) of both Account Owner Alexandre Heymann and Account Owner Flore Heymann, have a better entitlement to the accounts than Claimant [REDACTED 1], who is Account Owner Alexandre Heymann's great-grandchild from a previous marriage. The CRT also notes that Paul and Lucy Metzger's descendants have not submitted claims, and their potential entitlement is therefore not treated in this decision.

#### Amount of the Award

In this case, the Award is for four custody accounts, two demand deposit accounts, one safe deposit box, and five accounts of unknown type: two custody accounts, one demand deposit account, and one account of unknown type held by Account Owner Flore Heymann (accounts 36709, 35235, 41409, and 2374), one custody account and one account of unknown type held jointly by Account Owner Alexandre Heymann and Account Owner Flore Heymann (accounts 35674 and 17499), one custody account, one demand deposit account, and two accounts of unknown type held jointly by Account Owner Paul Metzger and Account Owner Lucy Metzger (accounts 41243, 2373 and 17496), one safe deposit box held by Account Owner Jeanne Weiler (account 1935), and one account of unknown type held jointly by Account Owner Jeanne Weiler, Account Owner Leon Weiler, and Account Owner Lucy Metzger.

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 average value of a custody account was SF 13,000.00, the average value of a safe deposit box was SF 1,240.00, and the average value for an account of unknown type was SF 3,950.00. Thus, the total 1945 average value of four custody accounts, two demand deposit accounts, one safe deposit account, and five accounts of unknown type is SF 77,270.00. 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 965,875.00.

#### Division of the Award

With respect to the safe deposit box (1935) owned by Account Owner Jeanne Weiler, according to Article 23(2)(a)-(b) of the Rules, the award shall provide for distribution among any beneficiaries named in the Account Owner's will or other inheritance documents who have submitted a claim, and to any claimant who has submitted an unbroken chain of wills or other inheritance documents, starting with the will of, or other inheritance documents pertaining to, the Account Owner. In this case, Jeanne Weiler's certificate of inheritance indicated that her estate was to be divided equally between her sons, represented party [REDACTED 3] and

[REDACTED], Claimant [REDACTED 2]'s late husband. [REDACTED]'s certificate of inheritance indicates that his wife, Claimant [REDACTED 2], was to receive one-fourth of his estate, and a life estate in the remaining three-fourths of his estate, which was then to pass in equal shares to his children, represented parties [REDACTED 4] and [REDACTED 5]. Accordingly, represented party [REDACTED 3] is entitled to one-half of the award amount for the account owned by Account Owner Jeanne Weiler. Claimant [REDACTED 2] is entitled to one-fourth of [REDACTED]'s share of Account Owner Jeanne Weiler's account, so that she will receive one-eighth of Account Owner Jeanne Weiler's account, and represented parties [REDACTED 4] and [REDACTED 5] are each entitled three-eighths of [REDACTED]'s share of Account Owner Jeanne Weiler's account, so that they will each receive three-sixteenths of Account Owner Jeanne Weiler's account.<sup>8</sup> As noted above, Claimant [REDACTED 1] is not entitled to a share of Account Owner Jeanne Weiler's account.

According to Article 25(1) of the Rules, if an account is a joint account and Claimants related to each of the Account Owners have submitted a claim to the account, it shall be presumed that each Account Owner was an owner of an equal share of the account. Therefore, the CRT shall presume that account 10313 (jointly owned by Account Owner Lucy Metzger, Account Owner Jeanne Weiler, and Account Owner Leo Weiler), accounts 41243, 2373, and 17496 (jointly owned by Account Owner Lucy Metzger and Account Owner Paul Metzger), and accounts 17499 and 35674 (jointly owned by Account Owner Alexandre Heymann and Account Owner Flore Heymann), were each owned in equal shares by their respective Account Owners.

With respect to the accounts owned by Account Owner Flore Heymann (custody accounts 35235 and 36709, demand deposit account 41409, and account of unknown type 2374), and the shares of account 17499 of unknown type and custody account 35674 owned by Account Owner Flore Heymann, according to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. In this case, Jeanne Weiler was the daughter of Account Owner Flore Heymann and the only child of Account Owner Flore Heymann whose heirs have submitted claims. Jeanne Weiler's certificate of inheritance indicated that her estate was to be divided equally between her sons, represented party [REDACTED 3] and [REDACTED], Claimant [REDACTED 2]'s late husband. Thus, represented party [REDACTED 3] is entitled to one-half of the award amount for the accounts owned by Account Owner Flore Heymann, including one-half of Account Owner Flore Heymann's one-half share of account 17499 of unknown type and custody account 35674. As explained above, Claimant [REDACTED 2] is entitled to one-fourth of [REDACTED]'s share of Account Owner Flore Heymann's accounts, so that she will receive one-eighth of Account Owner Flore Heymann's accounts, including one-eighth of Account

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<sup>8</sup> The CRT notes that [REDACTED]'s inheritance certificate indicated that [REDACTED 2] was to receive one-fourth of his estate as an outright gift (*en pleine propriété*), and a life estate in the remaining three-fourths (*en usufruit*), and that his children were to receive equal shares the remainder (*en nue-propriété*). The CRT notes that it is not possible to award the accounts as such, but that applying the CRT's guidelines for distribution in the absence of a will or other inheritance documents would not allow [REDACTED 2] to receive a share of the award, despite the clear intention of [REDACTED] to include both his wife and his children in his estate. The CRT therefore determines that awarding [REDACTED 2] a one-fourth share of [REDACTED]'s share, and represented parties [REDACTED 4] and [REDACTED 5] three-eighths shares of his share, follows the intent of [REDACTED].

Owner Flore Heymann's one-half share of account 17499 of unknown type and custody account 35674, and represented parties [REDACTED 4] and [REDACTED 5] are each entitled three-eighths of [REDACTED]'s share of Account Owner Flore Heymann's accounts, including three-eighths of Account Owner Flore Heymann's one-half share of account 17499 of unknown type and custody account 35674, so that they will each receive three-sixteenths of Account Owner Flore Heymann's accounts. The CRT notes that Claimant [REDACTED 1] is not entitled to share in the award for Account Owner Flore Heymann because Claimant [REDACTED 1] is related to Account Owner Alexandre Heymann's first wife, but has no direct relationship to Account Owner Flore Heymann.

With respect to the shares of account 17499 of unknown type and custody account 35674 owned by Account Owner Alexandre Heymann, according to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. In this case, Claimant [REDACTED 1]'s grandfather, [REDACTED], was the son of Account Owner Alexandre Heymann (with his first wife), and Jeanne Weiler was the daughter of Account Owner Alexandre Heymann (with his second wife), and they are the only children of Account Owner Alexandre Heymann whose descendants have submitted claims. Thus, Claimant [REDACTED 1] is entitled to one-half of Account Owner Alexandre Heymann's one-half share of account 17499 of unknown type and custody account 35674, and Claimant [REDACTED 2] and the parties she represents are entitled to share the other half of Account Owner Alexandre Heymann's share of these accounts. Jeanne Weiler's certificate of inheritance indicated that her estate was to be divided equally between her sons, represented party [REDACTED 3] and [REDACTED], Claimant [REDACTED 2]'s late husband. Thus, represented party [REDACTED 3] is entitled to one-fourth of the award amount for the shares of the accounts owned by Account Owner Alexandre Heymann. As explained above, Claimant [REDACTED 2] is entitled to one-fourth of [REDACTED]'s share of Account Owner Alexandre Heymann's accounts, so that she will receive one-sixteenth of the award amount for the shares of the accounts owned by Account Owner Alexandre Heymann, and represented parties [REDACTED 4] and [REDACTED 5] are each entitled three-eighths of [REDACTED]'s share, so that they will each receive three-thirty-seconds ( $3/32$ ) of the award amount for the shares of the accounts owned by Account Owner Alexandre Heymann.

With respect to the shares of accounts 2373 and 17496 of unknown type, and demand deposit account and custody account 41243 owned by Account Owner Lucy Metzger, 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 the descendants of the Account Owner's parents who have submitted a claim in equal shares by representation. Furthermore, according to Article 23(2)(a)-(b) of the Rules, the award shall provide for distribution among any beneficiaries named in the Account Owner's will or other inheritance documents who have submitted a claim, and to any claimant who has submitted an unbroken chain of wills or other inheritance documents, starting with the will of, or other inheritance documents pertaining to, the Account Owner. In this case, Lucy Metzger's parents were Alexandre Heymann and Flore Heymann, whose other daughter, Jeanne Weiler, was the only child whose heirs have submitted claims. Jeanne Weiler's certificate of inheritance indicated that her estate was to be divided

equally between her sons, represented party [REDACTED 3] and [REDACTED], Claimant [REDACTED 2]'s late husband. Thus, represented party [REDACTED 3] is entitled to one-half of the award amount for the share of the accounts owned by Account Owner Lucy Metzger. As explained above, Claimant [REDACTED 2] is entitled to one-fourth of [REDACTED]'s share of Account Owner Lucy Metzger's share of the accounts, so that she will receive one-eighth of Account Owner Lucy Metzger's share of the accounts, and represented parties [REDACTED 4] and [REDACTED 5] are each entitled three-eighths of [REDACTED]'s share of Account Owner Lucy Metzger's share of the accounts, so that they will each receive three-sixteenths of Account Owner Lucy Metzger's share of the accounts. The CRT notes that Claimant [REDACTED 1] is a descendant of only one of Account Owner Lucy Metzger's parents, Alexandre Heymann, while [REDACTED 3], [REDACTED 4], and [REDACTED 5], are descendants of both of Account Owner Lucy Metzger's parents, and Claimant [REDACTED 2] is an heir of a descendant of both of Account Owner Lucy Metzger's parents. The CRT further reiterates that Article 23(1)(d) of the Rules indicated that 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 the descendants of the Account Owner's *parents* who have submitted a claim in equal shares by representation. Claimant [REDACTED 1] is therefore not entitled to share in the award for Account Owner Lucy Metzger.

With respect to the shares of accounts 2373 and 17496 of unknown type, and demand deposit account and custody account 41243 owned by Account Owner Paul Metzger, according to Article 23(1)(g) of the Rules, 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 by marriage, who has submitted a claim, consistent with principles of fairness and equity. The CRT notes that none of Account Owner Paul Metzger's blood relatives have submitted a claim, and therefore determines that his shares in the accounts shall be awarded to the relatives of his wife, Account Owner Lucy Metzger, according to the distribution determined above. Thus, represented party [REDACTED 3] is entitled to one-half of the award amount for the share of the accounts owned by Account Owner Paul Metzger. As explained above, Claimant [REDACTED 2] is entitled to one-fourth of [REDACTED]'s share of Account Owner Paul Metzger's share of the accounts, so that she will receive one-eighth of Account Owner Paul Metzger's share of the accounts, and represented parties [REDACTED 4] and [REDACTED 5] are each entitled three-eighths of [REDACTED]'s share of Account Owner Paul Metzger's share of the accounts, so that they will each receive three-sixteenths of Account Owner Paul Metzger's share of the accounts. As noted above, Claimant [REDACTED 1] is not entitled to share in the award for Account Owner Paul Metzger.

With respect to the joint account owned by Account Owner Leon Weiler, Account Owner Jeanne Weiler, and Account Owner Lucy Metzger, as noted above, according to Article 25(1) of the Rules, if an account is a joint account and Claimants related to each of the Account Owners have submitted a claim to the account, it shall be presumed that each Account Owner was an owner of an equal share of the account. Therefore, the CRT shall presume that Account Owner Leo Weiler, Account Owner Jeanne Weiler, and Account Owner Lucy Metzger each owned one-third of the joint account. As noted above, for the accounts owned by Account Owner Jeanne Weiler and Account Owner Lucy Metzger, [REDACTED 3] is entitled to one-half, Claimant [REDACTED 2] is entitled to one-eighth, and [REDACTED 4] and [REDACTED 5] are each

entitled to three-sixteenths of the award for the shares of the account owned by Account Owners Jeanne Weiler and Lucy Metzger. With respect to the share owned by Account Owner Leon Weiler, according to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. In this case, represented party [REDACTED 3] and [REDACTED] were Account Owner Leon Weiler's children. Thus, represented party [REDACTED 3] is entitled to one-half of the award amount for the share of the account owned by Account Owner Leon Weiler. As explained above, Claimant [REDACTED 2] is entitled to one-fourth of [REDACTED]'s share of Account Owner Leon Weiler's share of the account, and represented parties [REDACTED 4] and [REDACTED 5] are each entitled three-eighths of [REDACTED]'s share of Account Owner Leon Weiler's share of the account. In sum, [REDACTED 3] is entitled to one-half, Claimant [REDACTED 2] is entitled to one-eighth, and [REDACTED 4] and [REDACTED 5] are each entitled to three-sixteenths of the award for the account jointly held by Account Owner Leon Weiler, Account Owner Jeanne Weiler, and Account Owner Lucy Metzger. As explained above, Claimant [REDACTED 1] is not entitled to share in the award for Account Owner Leon Weiler, Account Owner Jeanne Weiler, and Account Owner Lucy Metzger.

In conclusion, with respect to all of the accounts except for account 17499 of unknown type and custody account 35674, [REDACTED 3] is entitled to one-half of the Award amount for these accounts, Claimant [REDACTED 2] is entitled to one-eighth of the Award amount for these accounts, and [REDACTED 4] and [REDACTED 5] are each entitled to three-sixteenths of the Award amount for these accounts.

With respect to account 17499 of unknown type and custody account 35674, which were jointly owned by Account Owner Alexandre Heymann and Account Owner Flore Heymann, Claimant [REDACTED 1] is entitled to one-fourth of the Award amount for these accounts, [REDACTED 3] is entitled to three-eighths of the Award amount for these accounts, Claimant [REDACTED 2] is entitled to three-thirty-seconds ( $3/32$ ) of the Award amount for these accounts, and [REDACTED 4] and [REDACTED 5] are each entitled to nine-sixty-fourths ( $9/64$ ) of the Award amount for these accounts.

Consequently, [REDACTED 3] is entitled to SF 456,453.13, Claimant [REDACTED 2] is entitled to 114,113.28, [REDACTED 4] and [REDACTED 5] are each entitled to SF 171,169.92, and Claimant [REDACTED 1] is entitled to SF 52,968.75.

### **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  
6 May 2006