

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award upon Appeal

to Claimant Nada Selan

in re Account of Milan Laus

Claim Number: 210682/TC

Award Amount: 49,375.00 Swiss Francs

This Certified Award upon Appeal is based upon the claim of Nada Selan, née Lausch, (the “Claimant”) to the published account of Milan Laus (the “Account Owner”) at 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.

The CRT notes that in a previous decision, the Claimant’s claim to this account was denied. See *In re Claimed Account Owners Vilim Lausch and Milan Laus* (approved on 11 May 2007). The denial was based on the discrepancy between the Claimant’s father’s last name, Lausch, and the Account Owner’s last name, Laus. The Claimant subsequently appealed this decision, asserting that her father was known as both Vilim Laus and Vilim Lausch, and that her uncle signed his name and was known as Milan Laus. With her appeal, the Claimant submitted sworn affidavits stating that the Claimant’s father was known as Vilim Lausch and that her paternal uncle was known as Milan Laus. In the decision on appeal, approved on 10 March 2008, Special Master Helen Junz concluded that it was plausible that the Claimant’s uncle’s name was spelled “Laus.” In this regard, she noted that, on 22 December 1955, the Claimant’s maternal aunt submitted Pages of Testimony to the Yad Vashem Memorial in Israel regarding the Claimant’s parents, Vilim Lauš and Slava Lauš, née Hiršl, and that in both Pages of Testimony, which were written in Serbo-Croatian, the Claimant’s family’s last name was spelled “Lauš.” Accordingly, Special Master Junz overturned the CRT’s denial on this basis, and returned the claim to the CRT for further review. This decision addresses the Claimant’s claim to the Account Owner’s account in light of the appellate decision. Upon careful review of the appellate decision and the facts contained in the records, the CRT concludes that the Claimant has plausibly identified the Account Owner as her relative.

Information Provided by the Claimant

The Claimant submitted a Claim Form and Initial Questionnaire identifying the Account Owner as her paternal uncle, Milan Lausch (Laus). The Claimant stated that her uncle, who was Jewish,

owned the *Café Corso* (*Kavana "Corso"*), Ilica 25, in Zagreb, Yugoslavia (now Croatia). The Claimant explained that when her uncle's business encountered financial difficulties in the early 1940s, he turned it over to her father, Vilim (Willim, Willem) Lausch (Laus). The Claimant stated that when the Nazis occupied Yugoslavia in 1941, they took over the café and looted furniture, paintings, carpets, silverware, crystal, jewelry and money from her family's twelve-room apartment, which was located over the café. According to the Claimant, she, her father, and her family were imprisoned in the concentration camp "Zbor" in Savska Cesta, Zagreb, from where they eventually fled to Italy, trying to reach Switzerland. The Claimant indicated that her parents and one of her sisters were captured in Italy and deported to Buchenwald, where they perished, and her oldest sister was deported to Auschwitz, where she perished. Finally, the Claimant indicated that she and her family, including her infant son and one of her three sisters, were the sole survivors of her family.

In support of her claim, the Claimant submitted copies of documents, including: (1) her birth certificate, indicating that Nada Lausch was born on 1 January 1919 in Bjelovar, Yugoslavia (now Croatia), to Vilim Lausch and Slava Lausch, née Hirschl; (2) her parents' marriage certificate, indicating that Vilim Lausch and Miroslava Hirschl were married on 8 November 1910 in Križevci, Austria-Hungary (now Croatia); (3) her parents' and sisters' death certificate, indicating that Café owner Vilim Lausch, Miroslava Lausch, née Hirschl, Renata Kohn, née Lausch, and Olga Fischer, née Lausch, all with a last address at Ilica 25, Zagreb, were declared dead as of 31 December 1945; and (4) two sworn affidavits, each dated 5 September 2007, indicating that Milan Laus, the original owner of Café Corso, Ilica 25 in Zagreb, was the brother of Vilim (Vili) Lausch (Laus), Nada Selan's father, who subsequently took over ownership of the café.

The Claimant indicated that she was born on 1 January 1919 in Bjelovar. The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Willim Lausch.¹

Information Available in the Bank's Records

The Bank's records consist of two numbered account ledgers. According to these records, the Account Owner was Milan Laus, who resided in Zagreb, Yugoslavia (now Croatia). The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, numbered 66719, which was opened on 6 March 1939.

The Bank's records indicate that the account was transferred on an illegible date to a collective suspense account, where it remains today. The amount in the account on the date of its transfer is unknown.

¹ The CRT did not locate an account belonging to Willim (Willem, Vilim) Lausch (Laus) 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").

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner.

The CRT notes that the name Milan Laus appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

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 Willim Lausch, prior to the publication in February 2001 of 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 direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 lived in Nazi-allied Croatia. The CRT further notes that the Account Owner's brother's family members were Victims of Nazi Persecution. The Claimant indicated that the Account Owner's brother, sister-in-law and one of his nieces were captured in Italy and deported to Buchenwald, where they perished, and that another niece was deported to Auschwitz, where she perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's uncle. The CRT notes that the Claimant indicated that she has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The CRT further notes that the Claimant submitted a copy of her parents' death certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Zagreb. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports

the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred on an illegible date to a collective suspense account, where it remains today.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, and that relationship justifies 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 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 ICEP instructions (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.

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
17 March 2008