

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Frida Lederer

Claim Number: 202735/PY

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the unpublished account of Frida Lederer (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Frida (Frieda) Lederer, née Rosenbaum, who was born on 20 March 1891 in Austria, and was married to [REDACTED] on 15 June 1920 in Vienna, Austria. The Claimant indicated that his parents lived at Schmalzhofgasse 17 and Spiegelgasse 21 in Vienna with their two children until April of 1938, when the family fled to Paris, France, after being forced to leave Austria. The Claimant further indicated that in June 1940 his family moved to Marseilles, France, and then to the United States in January 1942. The Claimant stated that his father had business connections in Switzerland and that he made a number of trips to Zurich, Switzerland. The Claimant indicated that his father died on 17 July 1963 in New York, New York, the United States and his mother died on 4 May 1980 in Forest Hills, New York. The Claimant submitted documents including a family tree, a copy of his mother’s death certificate identifying her as Frida Lederer of Austria,

¹ The CRT did not locate an account belonging to [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”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

and copies of his and his sister's birth certificates, indicating that they were born in Vienna, and that their parents were [REDACTED] and Frieda Lederer.

The Claimant indicated that he was born on 9 June 1921 in Vienna. The Claimant is representing his sister, [REDACTED 2], who was born on 19 February 1923, also in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Frida Lederer who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account that was opened on 20 June 1931 and closed on 10 June 1940. The amount in the account at the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the unpublished name of the Account Owner. The Claimant identified his mother's city and country of residence, which matches unpublished information about the Account Owner's place of residence contained in the Bank's record. In support of his claim, the Claimant submitted documents, including a copy of his mother's death certificate identifying her as Frida Lederer of Austria, and his and his sister's birth certificates, indicating that they were born in Vienna to [REDACTED] and Frieda Lederer.

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 that she was forced to flee Austria with her family in April 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he and his sister are related to the Account Owner by submitting specific information and documents demonstrating that they are her children. These documents include their birth certificates, which indicate that their mother is the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner's demand deposit account was closed after the *Anschluss* on 14 March 1938; that Nazi confiscatory legislation was in effect at the time the account was closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that the Claimant stated that the Account Owner was forced to flee Austria after the *Anschluss*; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her closed account 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 (a), (h) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds 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 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 his mother, and that relationship justifies an Award. Finally, 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 demand 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 present value of the account being awarded. Based on the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. The present 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 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the Award shall be in favor of any descendants of the Account Owner who have submitted a claim to the account, in equal shares by representation. The Claimant is representing his sister in these proceedings. Accordingly, the Claimant and his sister are each entitled to receive one-half of the Award amount.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
28 May 2004