

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Richard Lederer

Claim Number: 400645/AZ¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Richard Lederer (the “Account Owner”) at the Seefeld branch of the [REDACTED] (the “Bank”).²

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 paternal uncle, Dr. Richard Lederer, who was born on 6 January 1895 in Pottenstein, Austria, and was married to [REDACTED]. The Claimant indicated that his grandparents, Ignatz Lederer and [REDACTED], née [REDACTED], had four children: [REDACTED], [REDACTED] (the Claimant’s father), Fritz, and [REDACTED]. According to the Claimant, his uncle, Richard Lederer, was a medical doctor in Vienna, Austria and had one child, [REDACTED], who was born in Vienna in 1923. The Claimant further indicated that his uncle, who was Jewish, fled to England in 1938 or 1939 after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), and died in London in 1973. According to the Claimant, his uncle’s son, [REDACTED], died in England in 1950. The Claimant indicated that his father’s sister, [REDACTED], née [REDACTED], and his father’s other brother, Fritz Steiner, both perished in concentration camps, and that he is the only surviving member of his family.

¹ The Claimant submitted a separate claim, numbered B-02204, on 22 May 2002, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 650018. The CRT previously treated this claim in an award and a denial. See *In re Accounts of Ignaz Berger and Fanny Berger* (approved on 28 May 2004) and *In re Accounts of Ignaz Berger, Fritz Lederer, and Alader Anisz* (approved on 2 November 2005).

² In his claim form, the Claimant also claimed the account of I. Lederer. As noted above, the CRT has treated the claim to this account in a separate determination. See *in re Accounts of Ignaz Berger, Fritz Lederer, and Alader Anisz* (approved on 2 November 2005).

In support of his claim, the Claimant submitted documents, including: (1) a copy of a letter of confirmation from the Jewish Community of Vienna, dated 14 February 2005, indicating that Richard Lederer was born on 6 January 1895 in Pottenstein, and that his parents were Ignatz Lederer and [REDACTED]; (2) a copy of his father's birth certificate, indicating that [REDACTED] was born in Pottenstein on 19 January 1890 and that his father's parents were Ignatz Lederer and [REDACTED], née [REDACTED]; (3) a copy of his parents' marriage certificate, dated 3 February 1922, indicating that [REDACTED], who was born on 19 January 1890 in Pottenstein and was the son of Ignatz Lederer and [REDACTED], married [REDACTED], and that they resided in Vienna; (4) a copy of his own birth certificate, indicating that he was born on 2 February 1925 in Vienna, and that his parents were [REDACTED] and [REDACTED]; and (5) printouts from a database of Austrian Holocaust victims indicating that Fritz Lederer and [REDACTED], née [REDACTED], who were siblings, were victims of the Holocaust and indicating that Dr. Richard Lederer, who resided in London, was the heir of Fritz Lederer.

The Claimant indicated that he was born on 2 February 1925 in Vienna, Austria.

The Claimant previously submitted a claim to the Holocaust Claims Processing Office ("HCPO") of the New York State Banking Department, claiming the accounts of his parents, his uncle Fritz Lederer, and his grandparents, [REDACTED] and Fanny Berger.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Richard Lederer, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account. The Bank's record indicates that the account was opened on 21 June 1932 and closed on 30 June 1950. The Bank's record does not show to whom the account at issue was paid, nor does this record indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

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") also indicated that the Account Owner held a custody account, which was opened on 28 February 1929. There is no information indicating when this account was closed, to whom it was paid, or the value of this account. The auditors 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 auditors' report that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The Claimant identified the Account Owner's professional title and city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted documents, including (1) a copy of a letter of confirmation from the Jewish Community of Vienna, indicating that Richard Lederer, was born in Pottenstein; and (2) printouts from a database of Austrian Holocaust victims indicating that Dr. Richard Lederer was the heir of Fritz Lederer, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner, and that he was born in Pottenstein; the CRT notes that Pottenstein is less than 50 kilometers from Vienna, the Account Owner's city of residence.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner or because the persons claimed to be the Account Owner were deceased before one or both of the accounts were opened. 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 that he fled Vienna after the *Anschluss*. The Claimant also submitted documents indicating that the Account Owner's siblings were killed in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's uncle. These documents include: (1) a copy of a letter of confirmation from the Jewish Community of Vienna, indicating that Richard Lederer's parents were Ignatz Lederer and [REDACTED]; (2) a copy of his father's birth certificate, indicating that [REDACTED]'s parents were Ignatz Lederer and [REDACTED], née [REDACTED]; (3) a copy of his parents' marriage certificate, dated 3 February 1922, indicating that [REDACTED], who was the son of Ignatz Lederer and [REDACTED], married [REDACTED]; and (4) a copy of his own birth certificate, indicating that his parents were [REDACTED] and [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the demand deposit account was closed in 1950. The auditors who conducted the ICEP Investigation indicated that the custody account was closed on an unknown date.

Given that the Account Owner resided in Nazi-controlled Austria until his flight to England in 1938 or 1939; there is no record of the payment of the Account Owner's accounts to him, nor any record of a closure date with respect to the custody account; that the Account Owner and his heirs would not have been able to obtain information about his 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) 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 his uncle, and that relationship justifies an Award. Third, 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 demand deposit account and one custody 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 demand deposit account was 2,140.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00, for a combined average value of SF 15,140.00 for the two accounts at issue. 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 189,250.00.

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 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
23 February 2006