

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],

Claimant [REDACTED 2],
also acting on behalf of [REDACTED 3] and the Estate of [REDACTED 4],

Claimant [REDACTED 5],

Claimant [REDACTED 6],

and Claimant [REDACTED 7]

in re Account of Joseph Levy

Claim Numbers: 002891/BW; 210417/BW;¹ 215010/BW;² 500438/BW;³ 713901/BW⁴

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of [REDACTED 1];⁵ the claim of [REDACTED 2]

¹ [REDACTED 2] (“Claimant [REDACTED 2]”) has submitted one additional claim to the CRT. In 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB-0071078, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 713652. The CRT has determined that claim 713652 is a duplicate claim and is treating it under the consolidated Claim Number 210417. In a separate decision, the CRT treated Claimant [REDACTED 2]’s claim to the account of Arnold Levy. See *In re Account of Arnold Levy* (approved on 30 May 2007).

² In a separate decision, the CRT treated the claim of [REDACTED 5] (“Claimant [REDACTED 5]”) to the account of Roger Levy. See *In re Accounts of Roger Levy and Roger Levy-Finger* (approved on 19 November 2004).

³ In a separate decision approved on 18 March 2008, the CRT treated the claim of [REDACTED 6] (“Claimant [REDACTED 6]”) to the accounts of Marcel Weiller, Marguerite Weiller, and Odette Weiller.

⁴ [REDACTED 7] (“Claimant [REDACTED 7]”) did not submit a Claim Form to the CRT. However, in 1999 he submitted two IQs, numbered HEB-0077003 and HEB0074016, to the Court in the United States. These IQs were forwarded to the CRT and have been assigned claim numbers 713901 and 713743. In separate decisions, the CRT awarded the account of A. Levy to Claimant [REDACTED 7], See *In re Account of A. Levy* (approved on 10 December 2007); and treated Claimant [REDACTED 7]’s claim to the account of Anna Levy (approved on 23 June 2008).

⁵ The CRT did not locate an account belonging to Stella (Stela) Testa in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”),

(“Claimant [REDACTED 2]”) to the account of Arnold (Abraham) Levy; the claim of [REDACTED 5] (previously [REDACTED]) (“Claimant [REDACTED 5]”) to the account of Roger Lévy; the claim of [REDACTED 6], née [REDACTED], (“Claimant [REDACTED 6]”) to the account of Odette Weiller; and the claim of [REDACTED 7] (“Claimant [REDACTED 7]”) (together the “Claimants”) to the accounts of Joseph Levy and Yehuda Levy.⁶ This Award is to the published account of Joseph Levy (the “Account Owner”) at the Geneva-Cornavin 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, Joseph Levy, who was born in Bitola, Yugoslavia (now Bitola, Macedonia) and was married to [REDACTED], née [REDACTED], in 1920. Claimant [REDACTED 1] explained that her family resided on Biton St. in Bitola and that her father, who was Jewish, was a businessman who owned three stores. Claimant [REDACTED 1] stated that her father was deported and perished in Auschwitz in 1943. Claimant [REDACTED 1] submitted an extract of registry issued by the Israeli Ministry of Interior dated 6 May 2009, which indicates that her maiden name was [REDACTED].

Claimant [REDACTED 1] indicated that she was born on 27 April 1922 in Bitola.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his paternal grandfather, Joseph David Levy, who was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 2] stated that his grandparents, who were Jewish, lived in Friedrichstadt, Germany, when Claimant [REDACTED 2]’s father, [REDACTED], was born on 13 December 1887. According to Claimant [REDACTED 2], his father [REDACTED] was married to [REDACTED], née [REDACTED], and resided in Hamburg, Germany. Claimant [REDACTED 2] stated that his father was interned in a concentration camp and that he managed to escape and flee to Sweden in 1943. Claimant [REDACTED 2] indicated that his father died in Germany in 1971.

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”).

⁶ The CRT did not locate an account belonging to [REDACTED 7] in the Account History Database prepared pursuant to the investigation of the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

In support of his claim, Claimant [REDACTED 2] submitted a copy of his father's birth certificate, which indicates that [REDACTED]'s grandparents were Joseph David Levy and [REDACTED], née [REDACTED], who were Jewish, and who resided in Friedrichstadt, Germany. Claimant [REDACTED 2] also submitted a copy of his own birth certificate, which indicates that he was born on 13 September 1921, and that his parents were [REDACTED] and [REDACTED], née [REDACTED].

Claimant [REDACTED 2] indicated that he was born on 13 September 1921 in Hamburg, Germany. The Claimant is representing his brother, [REDACTED 3], who was born on 12 January 1919 in Hamburg, and his sister [REDACTED 4], née [REDACTED], who was born on 15 April 1925 in Hamburg. The CRT has received documentation indicating that represented party [REDACTED 4] passed away on 3 January 2008.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as his paternal grandfather, Joseph Jérôme Lévy, who was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 5] indicated that his grandparents, who were Jewish, resided in Toul, France, where their son, [REDACTED] (Claimant [REDACTED 5]'s father), was born on 10 January 1893. Claimant [REDACTED 5] further indicated that his father lived with his family in the Alsace region of France, and later in Paris, France, until he was interned in the Drancy deportation camp, where he remained until liberated by the Allied forces.

In support of his claim, Claimant [REDACTED 5] submitted a copy of the birth certificate of his father, [REDACTED], which indicates that [REDACTED]'s parents were Joseph Jérôme Lévy and [REDACTED]; a copy of his parents' marriage certificate, which indicates that [REDACTED] and [REDACTED] were married on 27 September 1944; and an extract from the French birth records, which indicates that [REDACTED 5] was born to [REDACTED] on 10 September 1941.

Claimant [REDACTED 5] indicated that he was born on 10 September 1941 in Paris.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted a Claim Form identifying the Account Owner as her maternal grandfather, Joseph Levy, who was married to [REDACTED]. Claimant [REDACTED 6] stated that her grandparents, who were Jewish, resided in Homécourte, France, and that they had a daughter, [REDACTED] (Claimant [REDACTED 6]'s mother), who was born on 7 September 1911. Claimant [REDACTED 6] stated that her mother married [REDACTED] on 11 May 1933, and resided with her family in Saint-Dié, France, where she owned a furniture store. Claimant [REDACTED 6] stated that her mother fled the Nazi invasion, and subsequently resided in Nice, France.

In support of her claim, Claimant [REDACTED 6] submitted a copy of the marriage certificate of her mother, [REDACTED], née [REDACTED], which indicates that her mother's parents were Joseph Lévy and [REDACTED], as well as a copy of Claimant [REDACTED 6]'s own

marriage certificate, which indicates that [REDACTED 6] was born to [REDACTED], née [REDACTED], and [REDACTED] on 20 June 1935.

Claimant [REDACTED 6] indicated that she was born on 20 June 1935 in Saint-Die Vosges, France.

Claimant [REDACTED 7]

Claimant [REDACTED 7] submitted two Initial Questionnaires (“IQ’s”) identifying the Account Owner as his father, Joseph Levy, who was born on 8 August 1888, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 7] stated that his father, who was Jewish, resided with his family at Luxemburgerstrasse 5 in Cologne, Germany, where his father owned a store. Claimant [REDACTED 7] explained that his father remained in Cologne until he was deported to Lodz, Poland in 1941 where he was a slave-laborer, and that he perished in Auschwitz.

The Claimant indicated that he was born on 28 January 1923 in Cologne.

Information Available in the Bank’s Records

The Bank’s records consist of printouts from the Bank’s database and a report from 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”). According to these records, the Account Owner was Joseph Levy. These records do not indicate the Account Owner’s domicile. The records further indicate that the Account Owner held an account, the type of which is not indicated. According to these records, the account had a balance of 1,020.60 Swiss Francs (“SF”) when it was transferred to the Bank’s suspense account on 31 December 1982. The account remains suspended.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), 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 five claims of the Claimants in one proceeding.

Identification of the Account Owner

The CRT notes that the Bank’s records do not contain any specific information about the Account Owner other than his name.

Claimant [REDACTED 1]'s father's name matches the published name of the Account Owner. In support of her claim, Claimant [REDACTED 1] submitted a document from the Israeli Ministry of the Interior indicating that her maiden name was [REDACTED], which provides independent verification that the person who is claimed to be the Account Owner had the same last name recorded in the Bank's records as the name of the Account Owner.

Claimant [REDACTED 2]'s grandfather's name matches the published name of the Account Owner. In support of his claim, Claimant [REDACTED 2] submitted a copy of his father's birth certificate, which provides 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.

Claimant [REDACTED 5]'s grandfather's name matches the published name of the Account Owner. In support of his claim, Claimant [REDACTED 5] submitted a copy of his father's birth certificate, which provides 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.

Claimant [REDACTED 6]'s grandfather's name matches the published name of the Account Owner. In support of her claim, Claimant [REDACTED 6] submitted a copy of her mother's marriage certificate, which provides 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.

Claimant [REDACTED 7]'s father's name matches the published name of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Joseph Levy, and indicates that his date of birth was 8 August 1888 and that he resided in Cologne, which matches the information about the Account Owner provided by Claimant [REDACTED 7]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that Claimant [REDACTED 7] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Joseph Levy, prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED 7] has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 7] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List.

The CRT also notes that a database containing the names of victims of Nazi persecution includes multiple persons named Joseph Levy. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant [REDACTED 5]'s relative, Claimant [REDACTED 6]'s relative, and Claimant [REDACTED 7]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and given that there are no other equally plausible claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] have each plausibly identified the Account Owner.⁷

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] and Claimant [REDACTED 7] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] indicated that the Account Owner was Jewish, that he was deported, and that he perished in Auschwitz in 1943. Claimant [REDACTED 7] indicated that the Account Owner was Jewish, and that in 1941, he was deported to Lodz, Poland, where he was a slave-laborer, and that he later perished in Auschwitz.

Although Claimant [REDACTED 2], Claimant [REDACTED 5], and Claimant [REDACTED 6] did not provide specific details about their relatives' fate, they too have made a plausible showing that their relatives, as Account Owners, were Victims of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner, his grandfather, was Jewish, that he lived in Germany, and that his son (Claimant's Levy's father) was interned in a concentration camp, from which he managed to escape. Claimant [REDACTED 5] stated that the Account Owner, his grandfather, was Jewish, resided in France, and that his son (Claimant [REDACTED 5]'s father) was interned in Drancy. Claimant [REDACTED 6] stated that the Account Owner, her grandfather, was Jewish, resided in France, and that his daughter (Claimant [REDACTED 6]'s mother), fled from the Nazis.

⁷ As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

As noted above, several persons named Joseph Levy were included in the CRT's database of victims. The CRT notes that information about one of the entries specifically matches the information that Claimant [REDACTED 7] provided about his relative.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was Claimant [REDACTED 1]'s father. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that Claimant [REDACTED 1] submitted a copy of an extract of a document from the Israeli Ministry of the Interior, which indicates that her maiden name was [REDACTED], which provides independent verification that Claimant [REDACTED 1]'s relatives bore the same family name as the Account Owner. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as she has asserted in her Claim Form.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 2]'s grandfather. These documents include a copy of his father's birth certificate, which indicates that [REDACTED]'s father was Joseph David Levy; and a copy of his own birth certificate, which indicates that his father was [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs other than the parties whom Claimant [REDACTED 2] is representing.

Claimant [REDACTED 5]

Claimant [REDACTED 5] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 5]'s grandfather. These documents include a copy of the birth certificate of his father, [REDACTED], which indicates that [REDACTED]'s father was Joseph Jérôme Lévy; a copy of his parents' marriage certificate, which indicates that [REDACTED] and [REDACTED] were married on 27 September 1944; and an extract from the birth records, which indicates that Claimant [REDACTED 5] was born to [REDACTED] on 10 September 1941. The CRT notes that Claimant [REDACTED 5] indicated that he has other surviving relatives, but that because they are not represented in Claimant [REDACTED 5]'s claim, the CRT will not treat his potential entitlement to the Account Owner's account in this decision.

Claimant [REDACTED 6]

Claimant [REDACTED 6] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 6]'s grandfather. These documents include a copy of the marriage certificate of Claimant [REDACTED 6]'s mother, [REDACTED], née [REDACTED], which indicates that her father was Joseph Lévy; and a copy of Claimant [REDACTED 6]'s marriage certificate, which indicates that her mother was [REDACTED], née [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 7]

Claimant [REDACTED 7] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 7]'s father. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that Claimant [REDACTED 7] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 7], prior to the publication in February 2001 of the ICEP List; that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 7] as a family member; and all of this information supports the plausibility that Claimant [REDACTED 7] is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the Bank's suspense account, where it remains suspended.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] and Claimant [REDACTED 7] have each plausibly demonstrated that the Account Owner was their father, and Claimant [REDACTED 2], Claimant [REDACTED 5], and Claimant [REDACTED 6] have each plausibly demonstrated that the Account Owner was their grandfather, and those relationships justify 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 account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 31 December 1981 was SF 1,020.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 565.00, which

reflects standardized bank fees charged to the account between 1945 and 1981. Consequently, the adjusted balance of the account at issue is SF 1,585.60. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] are each entitled to one-fifth of the Award amount, and Claimant [REDACTED 2] and the parties that he represents are jointly entitled to one-fifth of the Award amount, or SF 9,875.00 for each Claimant or group of claimants.

Claimant [REDACTED 2] is representing his brother, [REDACTED 3], and the Estate of his sister [REDACTED 4]. According to Article 23(c), 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, in equal shares by representation. As Claimant [REDACTED 2] and his siblings are all grandchildren of the Account Owner, Claimant [REDACTED 2], [REDACTED 3], and the Estate of [REDACTED 4] will each receive an equal portion of the Award amount, namely one-fifteenth of the total Award amount.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
21 December 2009