

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 Accounts of René Levy

Claim Number: 501103/AX

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published accounts of René Levy (the “Account Owner”), over which [REDACTED] (the “Power of Attorney Holder”), held power of attorney at the Basel 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 father, Daniel René Levy, who was born on 17 March 1894 in Haguenau, France, and was married to [REDACTED], née [REDACTED], on 9 August 1927 in Strasbourg, France. The Claimant indicated that his father, who was Jewish, was a medical doctor and lived at Place St. Thiebaut No. 37 in Metz, France before the Second World War. The Claimant further indicated that his family fled Metz in 1941 to Clermont Ferrand, France. In a telephone conversation with the CRT on 31 March 2005, the Claimant indicated his family was advised to leave Clermont Ferrand, and move to the country side to escape Nazi persecution. According to the Claimant, his family moved to a small village called Faux la Montagne, France where they remained in hiding until the end of the Second World War. The Claimant stated that his family managed to escape several raids by the Nazis due to the fact that they were living under false papers. The Claimant indicated that his father died on 21 December 1972 and that his mother died on 2 November 1989, both in Metz. In support of his claim, the Claimant submitted his *Livre de Famille* (family book), indicating that his parents were Daniel Rene Levy and [REDACTED], née [REDACTED], that his father was a medical doctor who was known by his middle name, Rene, and that the Claimant was born in Metz; and his mother’s identification card and the invitation to the Claimant’s wedding, indicating that his parents resided at Place St. Thiebaut No. 37 in Metz. The Claimant indicated

that he was born on 28 June 1931 in Metz. The Claimant is representing his brother, [REDACTED 2], who was born on 6 April 1934 in Metz.

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. René Levy, who resided at Place St. Thiébault 37 in Metz, France, and the Power of Attorney Holder was *Madame* (Mrs.) [REDACTED], née [REDACTED]. The Bank's record further indicates that the account owner held one custody account, and one demand deposit account held in French Francs, both numbered 39109. According to the Bank's record, the accounts were opened on 18 August 1933. The Bank's record further indicates that the accounts were closed on 26 April 1948. The Bank's record does not show the amounts in the accounts on the date of their closure. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holder, or their 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. The Claimant's father's name, country, and city of residence match the published name, country, and city of residence of the Account Owner. The Claimant's mother's name matches the published name of the Power of Attorney Holder. The Claimant indicated that his father was a medical doctor and that his parents lived at Place St. Thiebaut 37 in Metz, which matches unpublished information contained in the Bank's record. In support of his claim, the Claimant submitted documents, including his family book, indicating that his parents were Daniel Rene Levy and [REDACTED], née [REDACTED], and that he was born in Metz, and his mother's identification card and the invitation to the Claimant's wedding, indicating that his parents resided at Place St. Thiebaut No. 37 in Metz, providing independent verification that the persons who are claimed to be the Account Owner and the Power of Attorney Holder had the same names and resided at the same street address recorded in the Bank's record as the names and street address of the Account Owner and Power of Attorney Holder.

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

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 and his family fled Metz in 1941 to Clermont Ferrand and later to Faux la Montagne, where they remained in hiding until the end of the Second World War.

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 father. These documents include the Claimant's family book, indicating that his father was Daniel Rene Levy. There is no information to indicate that the Account Owner has surviving heirs, other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner remained in hiding during the Second World War; that there is no record of the payment of the Account Owner's accounts to him; 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, the Power of Attorney Holder, or their 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account and 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 current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF") and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 189,250.00.

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, in equal shares by representation. In this case, the Claimant is representing his brother, [REDACTED 2]. Accordingly, the Claimant and his brother are each entitled to one-half of the total 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
14 December 2005