

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]

and to the Estate of Claimant [REDACTED 3]¹
also acting on behalf of [REDACTED 4] and [REDACTED 5]

in re Accounts of Yvonne Levy

Claim Numbers: 219450/AX; 223089/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published accounts of Marcel Klein and Sylvain Klein.² This Award is to the published account of Yvonne Levy (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as the Claimants have in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms identifying the Account Owner as Claimant [REDACTED 1]’s grandmother, and Claimant [REDACTED 3]’s aunt by marriage. The Claimants indicated that Yvonne Klein, née Levy, was born on 9 September 1904 in Valff, France, and was married to Sylvain Klein on 23 July 1923, in Obernai, France. The Claimants further stated that that Sylvain Klein was an industrialist who owned *Klein Frères*, a factory located at Route de Bernardsviller in Obernai that manufactured brushes and brooms. The Claimants indicated that Sylvain and Yvonne Klein, who were Jewish, lived in Obernai until 1939, when they fled with their daughter to Marseilles, France, and finally to Caraman, near

¹ Claimant [REDACTED 3] passed away in July 2003.

² Claimant [REDACTED 1] previously submitted a claim to the account of Sylvain Klein, and Claimant [REDACTED 3] previously submitted a claim to the account of Maurice Klein. The CRT has awarded the accounts of Sylvain Klein and Maurice Klein to the Claimants. See *In re Accounts of Marcel Klein and Sylvain Klein*, which was approved by the Court on 4 April 2003.

Toulouse, France. The Claimants stated that Yvonne Klein and her family returned to Obernai after the end of the Second World War in 1945. The Claimants indicated that their relative died in Strasbourg, France, on 23 October 1984. In support of their claims, the Claimants submitted the death certificate of Claimant [REDACTED 1]’s mother, [REDACTED], indicating that her mother was Yvonne Levy, and the birth certificate of Claimant [REDACTED 1]’s grandfather, Sylvain Klein, indicating that his parents were [REDACTED] and [REDACTED], and bearing a notation that he married Yvonne Levy. Claimant [REDACTED 1] also submitted a certificate of inheritance for [REDACTED], indicating that Claimant [REDACTED 1] and [REDACTED 2] were her children. Claimant [REDACTED 3] also submitted the birth certificate of his mother, [REDACTED], indicating that her parents were [REDACTED] and [REDACTED], and his own birth certificate, indicating that his mother was [REDACTED].

Claimant [REDACTED 1] indicated that he was born on 1 January 1952 in Toulon, France. Claimant [REDACTED 1] represents his sister, [REDACTED 2], née [REDACTED], who was born on 19 July 1948 in Toulon. Claimant [REDACTED 3] indicated that he was born on 21 July 1921 in Mulhouse, France. Claimant [REDACTED 3] represents his cousins, [REDACTED 4], who was born on 30 January 1927 in Strasbourg, and [REDACTED 5].

Information Available in the Bank’s Records

The Bank’s records consist of printouts from the Bank’s database. According to these records, the Account Owner was Yvonne Levy. The Bank’s records do not contain information about the Account Owner’s domicile. The Bank’s records indicate that the Account Owner held an account, numbered 24701, the type of which is not indicated. The Bank’s records indicate that the account was transferred to a suspense account for dormant assets on 25 October 1961. The amount in the account on the date of its transfer was 11.95 Swiss Francs (“SF”). The account remains in the Bank’s suspense account.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants’ relatives’ name matches the published name of the Account Owner. The CRT notes that the Bank’s records do not contain any specific information about the Account Owner other than her name. In support of their claims, Claimant [REDACTED 1] submitted the death certificate of his mother, [REDACTED], indicating that her mother was Yvonne Levy, and the

birth certificate of his grandfather, Sylvain Klein, bearing a notation that he married Yvonne Levy, 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. The CRT notes that there are no other claims to this account. Taking all these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victims of Nazi Persecution

The Claimants have 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 lived in France during the Second World War. Furthermore, the Claimants stated that the Account Owner and her family were forced to flee their home during the Nazi occupation of France.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s grandmother, and Claimant [REDACTED 3]'s aunt. These documents include the death certificate of Claimant [REDACTED 1]'s mother, [REDACTED], indicating that her mother was Yvonne Levy; a certificate of inheritance for [REDACTED], indicating that Claimant [REDACTED 1] and [REDACTED 2] were her children; the birth certificate of Claimant [REDACTED 1]'s grandfather, Sylvain Klein, indicating that his parents were [REDACTED] and [REDACTED]; the birth certificate of Claimant [REDACTED 3]'s mother, [REDACTED], indicating that her parents were Samuel and [REDACTED]; and Claimant [REDACTED 3]'s birth certificate, indicating that his mother was [REDACTED]. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimants represent.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1]. First, his claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s grandmother, 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.

Further, the CRT notes that Claimant [REDACTED 1] and his sister, [REDACTED 2], as the Account Owner's grandchildren, have a better entitlement to the account than Claimant [REDACTED 3] and his cousins whom he represents, who are only related to the Account Owner through marriage.

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 25 October 1961 was SF 11.95. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00, which reflects standardized bank fees charged to the account between January 1945 and October 1961. Consequently, the adjusted balance of the account at issue is SF 266.95. 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

As stated above, Claimant [REDACTED 1] and his sister are better entitled to the account than Claimant [REDACTED 3] and his cousins. 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. Accordingly, Claimant [REDACTED 1] and his sister, [REDACTED 2], are each entitled to one-half of the award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
18 November 2004