

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant Seweryn Lipszyc
represented by Anna (Ania) Lipszyc and Iza-Zilma Lipszyc

in re Account of Mozes Lipszyc

Claim Number: 300206/AC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Seweryn Lipszyc (the “Claimant”) to the published account of Mozes Lipszyc (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal cousin, *M.* (Mr.) Moses (also Moshe, Moishe, Moïse, Mozes) Lipszyc, who was born in approximately 1910 in Lodz, Poland. The Claimant stated that his cousin’s father was Yankel Lipszyc, who was the brother of the Claimant’s father, Zelig (Zygmunt) Lipszyc. The Claimant indicated that his cousin, who was Jewish, was the owner of a textile factory, and that he sometimes passed through Switzerland when travelling from Poland to Belgium. According to the Claimant, after his cousin’s assets were confiscated, his cousin was deported and murdered by the Nazis. The Claimant and his daughter, Anna (Ania) Lipszyc, submitted documents, including: 1) a copy of the Claimant’s birth certificate, indicating that he was born on 25 February 1918 in Lodz, and that his parents were Zygmunt Lipszyc and Anna Lipszyc, née Bezbroda; 2) a copy of a certificate from the Polish Ministry of Justice, dated 18 May 1957, indicating that the Claimant was born on 25 February 1918 in Lodz to Zygmunt and Anna Lipszyc, and indicating that the certificate was issued for the Belgian embassy; and 3) an extract from the public records of

¹ The Claimant submitted additional claims to the accounts of Adolf Lipszyc and Adolf Wolf Lipszyc, which are registered under the Claim Numbers 300204 and 300205. The CRT will treat the claims to these accounts in a separate decision.

Brussels, Belgium, indicating that the Claimant was born on 25 February 1918 in Lodz, that he was married to Bianka Franciszka, and that he died on 23 August 2001 in Brussels.²

The Claimant indicated that he was born on 25 February 1918 in Lodz.

Information Available in the Bank's Records

The Bank's records consist of the Bank's correspondence with the Account Owner, internal Bank memoranda, excerpts from the Bank's ledgers, and a printout from the Bank's database. According to these records, the Account Owner was *Herr* (Mr.) Mozes Lipszyc, who resided in Lodz, Poland. According to the Bank's records, the Account Owner was the owner of a company called *Seidenwarenfabrik Mozes Lipszyc* or *Krajowa Fabryka Tkanin Jedwabnych Moses Lipszyc* (Mozes Lipszyc' Silk Goods Factory), which was located at Piotrkowska 70 in Lodz. The Bank's records indicate that the company was established no later than 1929. The Bank's records further indicate that the Account Owner applied for a loan from the Bank for his company, and he subsequently rejected the loan terms the Bank offered.

The Bank's records indicate that the Account Owner held a demand deposit account. According to the Bank's records, the account was opened on 6 January 1931, on which date the balance of the account was 952.00 Swiss Francs ("SF").

The Bank's records do not show when the demand deposit account was closed, or to whom it was paid. 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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

There is no evidence in the Bank's records 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 cousin's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's profession as the owner of a textile factory, which is consistent with unpublished information about the Account Owner contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Mosze (Moshe) Lipszyc, and indicates that his date of birth was 1

² The Claimant's daughter, Anna (Ania) Lipszyc, informed the CRT that the Claimant had passed away, and subsequently submitted an extract of his Belgian death certificate to the CRT on 8 July 2003

January 1913 and city of residence was Lodz, which matches the information about the Account Owner provided by the Claimant, who indicated that the Account Owner was born around 1910 in Lodz. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Mozes Lipszyc 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 the other claim to this account was disconfirmed because that claimant provided a different city of residence than the city of residence of the Account Owner. Taking all 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, that his property was confiscated, and that he was deported and murdered by the Nazis.

As noted above, a person named Mosze (Moshe) Lipszyc was included in the CRT's database of victims.

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 cousin. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records, and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant and his daughter submitted a copy of his birth certificate, a copy of a document issued by the Polish Ministry of Justice, and a copy of his death certificate, which provide independent verification that the Claimant and his relatives bore the same last name as the Account Owner, and that they resided in Lodz. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

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 was deported and murdered by the Nazis during the Second World War; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; given that the Account Owner and his heirs would not have been able to obtain information about his 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 (h), (i) 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 cousin, 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 account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 6 January 1931 was SF 952.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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. Consequently, the total award amount in this case is SF 26,750.00.

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
18 November 2004