

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 Achille Lonel, Jacques Lonel, Paul Weill, and Laurent Mortimore

Claim Numbers: 400430/CN; 400437/CN

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (the “Claimant”) to the published accounts of Achille Lonel and Jacques Lonel. This Award is to the published accounts of Achille Lonel (“Account Owner A. Lonel”), Jacques Lonel (“Account Owner J. Lonel”), Paul Weill (“Account Owner Weill”) and Laurent Mortimore (“Account Owner Mortimore”) (together the “Account Owners”) at the Lausanne 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 two Claim Forms identifying Account Owner A. Lonel as his maternal great-grandfather Achille Lonel, formerly Lévy, who was born in 1862 in Thionville, France, and married to [REDACTED], née [REDACTED], and Account Owner J. Lonel as his maternal grandfather, Jacques Lonel, formerly Lévy, who was born on 10 September 1902 in Paris, France, and was married to [REDACTED] on 16 October 1929 in Paris. The Claimant indicated that his family members, who were Jewish and of French nationality, changed their surname from Lévy to Lonel on 18 February 1922, and that his great-grandfather and grandfather lived in Paris, where they owned a commodities brokerage firm, *Lonel et Compagnie*. According to the Claimant, his grandparents divorced in 1934, and after the German invasion of France, his grandfather fled to England in 1940 to escape deportation. The Claimant further indicated that he believes his great-grandmother was deported on 7 October 1943 on convoy 60 to Auschwitz, where she perished. The Claimant indicated that he did not know the fate of his great-grandfather, and that his grandfather, who never remarried, died in 1978 in France.

The Claimant submitted copies of: (1) the birth and death certificates of his grandfather Jacques Lonel (Levy), indicating that he was born on 10 September 1902 to Achille Lonel (Levy) and [REDACTED], and died on 25 April 1978; (2) the birth, marriage, and death certificates of the

Claimant's mother [REDACTED], indicating that she was born on 17 July 1930 to Jacques Lonel and [REDACTED], and died on 7 January 2001; (3) inheritance documents regarding the estate of [REDACTED], indicating that her children and beneficiaries were [REDACTED 2] and [REDACTED 1].

The Claimant indicated that he was born on 2 May 1959, in Suresnes, France. The Claimant is representing his sister, [REDACTED 2], who was born on 30 December 1956, also in Suresnes.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owners were Achille Lonel, Jacques Lonel, Paul Weill, and Laurent H. Mortimore, who jointly held two demand deposit accounts, one of which was opened on 8 October 1938, and the other of which was opened on an unspecified date prior to 8 October 1938. The Bank's record indicates that correspondence was to be sent to Account Owner A. Lonel, who originally resided at 4 rue Jean Coujon and later at 3 rue François I in Paris, France. The Bank's record also indicates that the Account Owners were French citizens.

The Bank's record does not show when the accounts at issue were closed, nor does this record indicate the value of these accounts.

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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

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 Claimant in one proceeding.

Identification of the Account Owners

The Claimant's grandfather's and great-grandfather's names match the published names of Account Owner J. Lonel and Account Owner A. Lonel. The Claimant identified Account Owner A. Lonel's and Account Owner J. Lonel's nationality, as well as Account Owner A. Lonel's city and country of residence, which match unpublished information contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including his grandfather's birth and death certificates and his mother's birth, marriage, and death certificates, providing independent verification that the persons who are claimed to be Account Owner J. Lonel and Account Owner A. Lonel had the same names recorded in the Bank's record.

The CRT notes that the Claimant did not identify Account Owner Paul Weill and Account Owner Laurent Mortimore, but also notes that there is no indication in the Bank's record that Account Owner J. Lonel and Account Owner A. Lonel were related to Account Owner Paul Weill and Account Owner Laurent Mortimore. The CRT determines that it is plausible that the Claimant, who was born in 1959, would not know his grandfather's and great-grandfather's associates from before the Second World War, and determines that this does not adversely affect his identification of Account Owner J. Lonel and Account Owner A. Lonel.¹

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different nationality than the nationality of the Account Owners. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified Account Owner J. Lonel and Account Owner A. Lonel.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner J. Lonel and Account Owner A. Lonel were Victims of Nazi Persecution. The Claimant stated that Account Owner A. Lonel and Account Owner J. Lonel were Jewish and lived in France prior to the Second World War, that Account Owner J. Lonel fled to England in 1940 to escape deportation, and that he believes his great-grandmother was deported on 7 October 1943 on convoy 60 to Auschwitz, where she perished

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to Account Owner A. Lonel and Account Owner J. Lonel by submitting specific information and documents, demonstrating that they were the Claimant's great-grandfather and grandfather. These documents include the birth and death certificates of his mother and grandfather, and inheritance documents relating to his mother's estate. There is no information to indicate that Account Owner A. Lonel and Account Owner J. Lonel have surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their 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

¹ Although the Claimant did not identify the Account Owners Laurent Mortimore and Paul Weill, the CRT notes that the Claimant's great-grandmother's maiden name "[REDACTED]" matches the surname of one of the unpublished Account Owners.

liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners 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 and represented party [REDACTED 2]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner A. Lonel and Account Owner J. Lonel were his great-grandfather and grandfather and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held two demand deposit accounts. 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 (“SF”). Thus, the total 1945 average value of the accounts at issue was SF 4,280.00. 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 53,500.00.

Division of the Award

As noted above, the accounts at issue were joint accounts. According to Article 25(2) of the Rules, in cases where a joint account is claimed by relatives of only one or some of the joint Account Owners, it shall be presumed that the account was owned as a whole in equal shares by the Account Owners whose shares of the account have been claimed. Accordingly, it shall be presumed that each account was owned as a whole in equal shares by Account Owner A. Lonel and Account Owner J. Lonel.

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. Thus, as no spouse of an Account Owner has submitted a claim,² the Claimant and represented party [REDACTED 2] are to each entitled to one-half of the total Award amount.

² The CRT notes the Claimant stated that Account Owner J. Lonel was married to [REDACTED], and that [REDACTED], née [REDACTED] submitted a claim to the CRT to the account of Julie Rosenau. In a separate decision, the CRT awarded [REDACTED] that account. See *In re Account of Julie Rosenau* (approved 28 May 2004). [REDACTED], née [REDACTED], is not included in this decision as she did not claim this account and, according to the Rules Governing the Claims Resolution Process (the “Rules”), she would not be entitled to his account because she is not Account Owner J. Lonel’s spouse. The Rules define “spouse” as anyone who was married to the Account Owner at the time of the Account Owner’s death. Here, the Claimant indicated that Account Owner J. Lonel and [REDACTED] were married in 1929 and divorced in 1934, whereas Account Owner J. Lonel

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 claims 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 June 2006

died in 1978, 44 years later. Thus, [REDACTED], née [REDACTED], is not Account Owner J. Lonel's spouse for the purposes of this decision.