

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant George Loewe

in re Account of *Gesellschaft für Elektrische Unternehmungen Ludwig Loewe & Co. A.G.*¹

Claim Number: 219808/AY²

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of George Loewe (the “Claimant”) to the account of Ludwig Loewe. This Award is to the account of *Gesellschaft für Elektrische Unternehmungen Ludwig Loewe & Co. A.G.* (the “Account Owner”) at 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 *Gesellschaft für Elektrische Unternehmungen Ludwig Loewe & Co A.G.*, a company established by his paternal great-grandfather, Ludwig Loewe, in Berlin, Germany. Documents and information provided by the Claimant show that: Ludwig Loewe was born in 1837 in Heiligenstadt, Germany and was married to Sophie Loewe, née Lindheim, founded in 1869 a company named *Ludwig Loewe Commanditgesellschaft auf Aktien für Fabrikation von Nähmaschinen*, which manufactured sewing machines and in 1872 began producing rifles for the German army under the name *Ludwig Loewe & Co.*; that he had a son named George Loewe, who is the Claimant’s paternal grandfather; that Ludwig Loewe’s younger brother, Isidor Loewe, who was born in 1848 in Heiligenstadt, entered the business in 1875, and that he, after Ludwig’s death on 11 September 1886, took over the business. Further, according to the Claimant’s submissions, under the management of Isidor Loewe, the company developed and expanded until eventually it was called *Gesellschaft für Elektrische Unternehmungen Ludwig Loewe & Co. A.G.* and was comprised of three enterprises: electricity, machinery, and the manufacture of arms. The

¹ The account was erroneously published in February 2001 as belonging to Ludwig Loewe on a list of Swiss bank accounts identified by auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”).

² The Claimant submitted an additional claim to the account of Erich Loewe, which is registered under the Claim Number 219807. The CRT will treat the claim to this account in a separate decision.

documents indicate that in 1903 the company entered a joint venture with *AEG*, and in the early 1930s a deal was made with the financially struggling *AEG* to purchase 25 Million German Marks of new *AEG* shares and to place elected representatives from each firm on the other firm's board. According to the Claimant, in July 1936, the contract was redrafted due to Nazi pressure, leaving Erich Loewe, Isidor Loewe's son, who was on the boards of both *Gesellschaft für Elektrische Unternehmungen Ludwig Loewe & Co. A.G.* and *AEG*, with supervisory rather than managing powers. According to the Claimant's submissions, in 1938, Erich Loewe and Egon Loewe, who were Isidor Loewe's sons and cousins of the Claimant's grandfather, as well as other Jews at the company, were expelled from both boards as part of a plan to minimize Jewish influence on German businesses. The Claimant indicated that Erich Loewe left Germany in the late 1930s, probably shortly after the expulsion, but does not know Erich Loewe's further fate. The Claimant stated that his father, who is also named Ludwig Loewe and was the son of George Loewe, was a lawyer who practiced in Berlin, and added that after his father was expelled from the legal profession, he fled Nazi Germany to Brussels, Belgium and arrived in France, where he was arrested, managed to escape and was forced to live in hiding. In support of his claim, the Claimant submitted the letterhead of *Ludwig Loewe & Co. AG*, and several articles detailing the company's founding by Ludwig Loewe and its subsequent management by other members of his family, including Isidor Loewe, Egon Loewe, and Erich Loewe. Additionally, the Claimant submitted his father's death certificate and marriage certificate all indicating that his father was born in 1907 in Berlin to George Loewe. The Claimant also submitted a Court Order issued on 14 September 1994 by the New York Surrogate's Court indicating that he is the heir of Ludwig Loewe. The Claimant stated that he was born on 3 July 1946 in Pau, France.

Information Available in the Bank's Records

The Bank's records consist of a list of the Bank's debtors and a ledger card. According to these records, the Account Owner was *Gesellschaft für Elektrische Unternehmungen/Ludw. Loewe & Co. AG*, of Berlin. The Bank's records indicate that the Account Owner was given a loan of 66,357.95 Swiss Francs ("SF") by the Bank. The records indicate that the loan was guaranteed by securities held by the Account Owner, but the records do not indicate the value of those securities. The Bank's records do not indicate the type of account held by the Account Owner, nor do they provide information as to its value and the dates of opening or closing the account.

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.

There is no evidence in the Bank's records that the owners of the Account Owner 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 name of the company founded by his great-grandfather matches the unpublished name of the Account Owner. The Claimant indicated that his great-grandfather's company's was based in Berlin, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted the letterhead of *Ludwig Loewe & Co. AG*, several articles indicating the company's history, his father's death and marriage certificates, all indicating that his father was born in 1907 in Berlin to George Loewe. The Claimant also submitted a Court Order issued on 14 September 1994 by the New York Surrogate's Court indicating that he is the heir of Ludwig Loewe. The CRT notes that the other claims to this account were disconfirmed because the Claimant indicated a different profession and different relevant dates from the profession of and dates related to the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the owners of the Account Owner were Victims of Nazi Persecution. The Claimant stated that the Account Owner was founded and owned by Jews who were expelled from its board due to Nazi pressure. The Claimant added that some of his relatives were forced to flee Nazi Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner was his family's company, including the letterhead of *Ludwig Loewe & Co. AG*, and several articles detailing the company's founding by Ludwig Leowe and its subsequent management by other members of his family. Additionally, the Claimant submitted his father's death certificate and marriage certificate, together indicating that his father was born in Berlin, where the Account Owner was located, and that he had the same name as the Account Owner's founder. The Claimant also submitted a Court Order from the New York Surrogate's Court indicating that he is the heir of Ludwig Loewe. Additionally, the CRT notes that the Claimant identified the Account Owner's unpublished location contained in the Bank's records. There is no information to indicate that the owners of the Account Owner have other surviving heirs.

The Issue of Who Received the Proceeds

Given that the owners of the Account Owner and their heirs would not have been able to obtain information about the account after the Second World War from the Banks 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 owners of the Account Owner 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, According to the Article 23(3) of the Rules, if the account owner is a legal entity, the award shall be made in favor of those claimants who establish a right of ownership to the assets of the entity. The Claimant has plausibly demonstrated that he is related to Erich Loewe and Egon Loewe, his grandfather's cousins, who owned and managed the company established by his great-grandfather, and these relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the owners of the Account Owner nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account. The Bank's records do not indicate the type of account, but they do indicate that the loan made by the Bank to the Account Owner was guaranteed by securities owned by the Account Owner. Accordingly, the CRT determines that the account was a custody account, the type of account that usually contained securities. 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 custody account was SF 13,000.00. 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 162,500.00.

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
13 October 2004