

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of *Max Strauss GmbH*

Claim Number: 777353/SI¹

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Max Strauss. This Award is to the published accounts of *Max Strauss GmbH* (the “Account Owner”) at the Zurich 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 an Initial Questionnaire (“IQ”) to the Court in 1999, identifying the Account Owner as her father, [REDACTED], who was born on 2 September 1896 in Michelstadt, Germany. The Claimant indicated that her father resided in Karlsruhe, Germany, where he owned a textile manufacturing company. The Claimant further indicated that her father, who was Jewish, was deported to the Gurs and Rivesaltes concentration camps in France during the Second World War, but did not specify his subsequent fate. The Claimant indicated that she was born on 8 April 1929.

Information Available in the Bank’s Records

The Bank’s records consist of a deposit receipt, an acknowledgment of receipt of the deposit receipt, and a printout from the Bank’s database. According to these records, the Account

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0282-174, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 777353.

Owner was *Max Strauss GmbH*, a company located in Karlsruhe, Germany. The Bank's records indicate that the Account Owner held one savings/passbook account, numbered 11666, and that the booklet for the account was deposited on 15 November 1924 in a custody account, numbered 21124, held in the Account Owner's name. The Bank's records include the personal signature of an individual named [REDACTED], who signed on the 'Account Owner's behalf. The Bank's records indicate that the deposit of the booklet for the savings/passbook account was voided on an unknown date. The Bank's records do not indicate whether there were any assets in the custody account other than the savings/passbook.

The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the values 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 the custody account in the Bank's system of open accounts, and they therefore presumed that it was closed. The auditors did not report the savings account based on an instruction, issued by ICEP, to exclude savings accounts with values under 250.00 Swiss Francs ("SF") or with no known value. Therefore, the CRT has no information regarding the savings account's disposition. There is no evidence in the Bank's records that [REDACTED] or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as a company owned by her father. The Claimant's father's name matches the published name of the individual who signed bank documents on behalf of the company, as well as the name of the actual company. In addition, the Claimant indicated that her father's company was located in Karlsruhe, which matches 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 [REDACTED], and indicates that his date of birth was 1896 and his place of residence was Karlsruhe, Germany, which matches the information about the owner of the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED], prior to the publication in 2005 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "2005 List"). This indicates that the Claimant based her claim not simply on the fact that an individual identified on the 2005 List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the 2005 list. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that the other claims to these accounts were

disconfirmed because those claimants provided different cities and countries of residence than the city and country of residence of the owner of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the owner of the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the owner of the Account Owner was Jewish, and that he was deported to concentration camps in France. As noted above, a person named [REDACTED] was included in the CRT's database of victims. The CRT notes that this database indicates that [REDACTED] perished at Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the owner of the Account Owner by submitting specific biographical information, demonstrating that the owner of the Account Owner was the Claimant's father. The CRT notes that the Claimant identified unpublished information about the owner of the Account Owner as contained in the Bank's records; that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the owner of the Account Owner and the Claimant, prior to the publication of the 2005 List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the owner of 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 owner of the Account Owner, as she has asserted in her IQ. There is no information to indicate that the owner of the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the owner of the Account Owner resided in Nazi Germany until he was deported to concentration camps in France, and subsequently perished at Auschwitz; that there is no record of the payment of the Account Owner's accounts to the owner of the company, nor any record of dates of closures of the accounts; that the heirs of the owner of the Account Owner 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 owner of the Account Owner, or to 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 owner of the Account Owner was her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the owner of the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner owned one custody account and one savings/passbook 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 ICEP Investigation, in 1945 the average value of a custody account was SF 13,000.00, and the average value of the savings/passbook account was SF 830.00. Consequently, the total 1945 average value of the accounts was SF 13,830.00. 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 172,875.00.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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