

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 [REDACTED 3]
represented by Glen Goldman

in re Account of Max Mayer

Claim Number: 206389/WT

Award Amount: 351,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED] (the “Claimant”) to the accounts of Maximilian Mayer and Eric Mayer.¹ This award is to the published and unpublished accounts of Max Mayer (the “Account Owner”) at the [REDACTED] (the “Bank”).^{2,3}

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Maximilian (Max) Mayer, who was born on 5 December 1882 in Neustadt an der Weinstrasse, Germany, and was married to [REDACTED], née [REDACTED]. The Claimant indicated that her father, who was Jewish, resided in Neustadt, where he owned a butcher shop located at Kellereistrasse 9. The Claimant stated that her father had property in both Neustadt and Mannheim, Germany, and that the properties were looted after the Nazis came to power. Finally, the Claimant indicated that her parents were deported to Auschwitz, where they perished in April 1942.

The Claimant indicated that she was born on 28 February 1921 in Neustadt. The Claimant is representing her brothers, [REDACTED 2] and [REDACTED 3]. The Claimant previously

¹ The CRT did not locate an account belonging to Eric Mayer in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

² The CRT notes that 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 name Max Mayer appears five times, and M. Mayer also appears twice. Upon careful review, the CRT has determined that the four other persons named Max Mayer and the two persons named M. Mayer are not the same person addressed in the current decision and, consequently, the Claimant did not identify these other account owners as her relative.

³ The CRT notes that, on the ICEP List, Max Mayer [Germany] is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of three accounts.

submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Max Mayer.

Information Available in the Bank's Records

The Bank's records consist of two customer cards. According to these records, the Account Owner was Max Mayer, who resided at Kaiserring 24 in Mannheim, Germany. The Bank's records indicate that the Account Owner held two custody accounts, numbered L27065 and L32176, and one demand deposit account. The Bank's records indicate that custody account L32176, which was opened in 1928, was closed on 13 February 1935, and that the demand deposit account was closed on 20 February 1935. These records also indicate that custody account L27065 was closed on an unknown date sometime after 20 February 1935. The amounts in the accounts on the date of their closure are unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the Account Owner's connection to Mannheim, Germany, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant indicated that her father resided in Neustadt, which is approximately 34 kilometers from Mannheim, the Account Owner's city of residence.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant's brother [REDACTED 3] in 1983, which indicates that Max Mayer was born in 1883 in Neustadt, Germany, which substantially matches the information about 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 further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Maximilian Mayer, prior to the publication in February 2001 of the list of accounts determined by the investigation of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP 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 ICEP 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 ICEP List. This supports the credibility of the information provided by the Claimant. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city or country of residence than the

city and country of residence of the Account Owner. Taking all of 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 he resided in Nazi Germany, where his property was looted, and that he was deported to Auschwitz, where he perished in April 1942. As noted above, a person named Max Mayer was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's father. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP 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 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 she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that custody account L32176 was closed on 13 February 1935, the demand deposit account was closed on 20 February 1935, and custody account L 27065 was subsequently closed on an unknown date. Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that there is no evidence that the Account Owner fled Germany prior to his death in a concentration camp, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see

Appendices A and C),⁴ 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 and the parties she represents. 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 her father, 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 accounts.

Amount of the Award

In this case, the Account Owner held two custody accounts and one demand deposit 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 13,000.00 Swiss Francs (“SF”) and the average value of a demand deposit account was SF 2,140.00. Thus, the combined 1945 average value for the three accounts at issue is SF 28,140.00. 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 351,750.00.

Division of the Award

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. In this case, the Claimant is representing her brothers, [REDACTED 2] and [REDACTED 3], who are also the sons of Account Owner Max Mayer. Accordingly, Claimant [REDACTED 1], represented party [REDACTED 2], and represented party [REDACTED 3] are each entitled to one-third of the total award amount.

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).

⁴ Appendix C appears on the CRT II website -- www.crt-ii.org.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
19 July 2007