

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Laure [REDACTED]

in re Accounts of Lore Metzger

Claim Number: 214680/MBC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Laure [REDACTED], née Metzger, (the “Claimant”) to the published accounts of Lore Metzger (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 a Claim Form identifying the Account Owner as herself. The Claimant stated that she was born on 10 April 1921 in Frankfurt am Main, Germany, as Lore Metzger, the daughter of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant further stated that her family, who was Jewish, lived in Frankfurt until April 1933, at which time they fled to Thann, France. The Claimant indicated that while in France, the spelling of her first name was changed from “Lore” to “Laure.”

The Claimant explained that her father was a sales representative of French lace manufacturers in Switzerland and spent most of his working time in Switzerland, especially in the areas of Basel and Zurich. The Claimant stated that her father might have opened an account in her name in a Swiss bank, but she does not have any information about such an account. The Claimant stated that after the occupation of France by Germany in June 1940, her family fled to Grenoble, France. According to the Claimant, in 1941 she and her family went to the United States via Casablanca. The Claimant stated that she lived in Queens, New York, the United States, from 1941 to 1944; that she resided in Washington, D.C., the United States, from 1944 to 1947; and that she lived in different locations in the state of Maryland, the United States, after 1947. The Claimant stated further that she was married to [REDACTED] on 11 January 1947.

In support of her claim, the Claimant submitted documents, including her birth certificate, showing that she was born on 10 April 1921 in Frankfurt as Lore Metzger; her student’s booklet

(*Livret Scolaire*) issued by *Collège de Thann* indicating that the Claimant attended the school in Thann from 1936 to 1939; and her marriage certificate showing that she was married to [REDACTED] in January 1947.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frl.* (Miss) Lore Metzger, who resided in Frankfurt, Germany. The Bank's record indicates that the Account Owner was a minor.

According to the Bank's record, the Account Owner held one demand deposit account and one custody account, numbered L42264. The Bank's record indicates that the demand deposit account was closed on 20 April 1934, and that the custody account was opened on 31 March 1931 and closed on 21 December 1936. The value of the accounts on the dates of their closure is not known. There is no evidence in the Bank's record that the Account Owner or a person authorized to act on her behalf closed the account and received the proceeds.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's name and original country of residence match the published name and country of residence of the Account Owner. The Claimant stated that she resided in Frankfurt until 1933, which matches unpublished information about the Account Owner contained in the Bank's record. Further, the Claimant stated that she was born in 1921, and this information matches the unpublished information contained in the Bank's record that the Account Owner was a minor.

In support of her claim, the Claimant submitted documents, including her birth certificate providing independent verification that she had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different city of residence than the city of residence of the Account Owner and indicated that Metzger was her married name. 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 she is Jewish and that she moved with her family from Germany to France in April 1933, and fled from France to the United States in 1941.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the accounts were closed on 20 April 1934 and 12 December 1936, at which time, according to information provided by the Claimant, the Account Owner and her parents were outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner and her parents fled their country of origin due to Nazi persecution, that the Account Owner's relatives may have remained in her country of origin and that her parents may therefore have yielded to Nazi pressure to turn over the Account Owner's accounts to ensure their safety, that the Account Owner would not have been able to obtain information about her accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 Account Owner or her parents. 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 she is the Account Owner. Third, the CRT has determined that it is plausible that neither the Account Owner nor a person authorized to act on her behalf received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and a custody 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 189,250.00 Swiss Francs.

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
25 October 2004