

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by [REDACTED]

and to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3] and [REDACTED 4]

in re Account of Bertha Meyer

Claim Numbers: 217871/NB; 220776/NB; 223278/NB

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Max Meyer,¹ and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Bertha Meyer, Ludwig Meyer, and Siegfried Kahn.² This Award is to the published account of Bertha Meyer (the “Account Owner”) held at the [REDACTED] (the “Bank”).

¹ In a separate decision, the CRT treated the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Max Meyer. See *In re Account of Max Mayer* (approved on 29 May 2007).

² [REDACTED 2] (“Claimant [REDACTED 2]”) submitted fourteen additional claims, which are registered under the claim numbers 220773, 220774, 220775, 220777, 220778, 220779, 223279, 223363, 223364, 223365, 223366, 223367, 223368, and 223369. In a separate decisions, the CRT treated Claimant [REDACTED 2]’s claims 220774, 223365, 223368, 223366, and 220777 to the accounts of Julius Loewenthal, Martha Loewenthal, Eva Kahn, Henri Bernheim, and Jakob Goldmeier, respectively. See *In re Account of Julius Loewenthal* (approved on 30 November 2005); *In re Account of Martha Loewenthal* (approved on 23 January 2006); *In re Accounts of Eva Kahn* (approved on 23 January 2006); *In re Account of Henri Bernheim* (approved on 23 January 2006); and *In re Accounts of Jakob Goldmeier* (approved on 23 June 2008).

In four separate decisions dated 11 November 2008, the CRT treated Claimant [REDACTED 2]’s claim numbers 223279, 223367, 223364, and 223369 to the accounts of M. Bernheim, Johanna Kahn, E. J. Meyer, and David Kahn and Ella Kahn, respectively. In a subsequent decision, dated 9 June 2009, the CRT treated Claimant [REDACTED 2]’s claim number 223363 to the account of Gustov Khan.

In other decisions, the accounts of Jakob Baumann (claim number 220775), Bertha Baumann (claim number 220775), and Hortense Levinger (claim numbers 220773, 220778, and 220779), were awarded to Claimant [REDACTED 2]. See *In re Accounts of Jakob Baumann* (approved on 11 May 2005); *In re Account of Bertha Baumann* (approved on 17 November 2006); and *In re Account of Hortense Levinger* (approved on 21 December 2007).

With respect to Claimant [REDACTED 2]’s claim to the account of Ludwig Meyer, the CRT notes that it did not locate an account belonging to Ludwig Meyer 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”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her paternal grandmother, Bertha Meyer, née Harf, who was born on 24 December 1849, and who was married to [REDACTED]. According to Claimant [REDACTED 1], her paternal grandmother who was Jewish, resided in Werlau, Germany, and had two children, [REDACTED], who was married to [REDACTED], née [REDACTED], (Claimant [REDACTED 1]'s parents), and [REDACTED], who was married to [REDACTED]. Claimant [REDACTED 1] indicated that her grandmother died on 24 November 1936 and was buried in the Jewish cemetery in Bornich, Germany. Claimant [REDACTED 1] stated that her parents perished in the Holocaust.

In support of her claim, Claimant [REDACTED 1]'s son, [REDACTED], submitted a copy of a page from a memorial book, indicating that Bertha Meyer, née Harf, was born on 24 December 1849 and died on 24 November 1936 in Germany, as well as the Claimant's birth certificate, dated 9 December 1938, indicating that [REDACTED 1] was born on 1 October 1919 to [REDACTED] and [REDACTED], in Werlau, Germany.

Claimant [REDACTED 1] indicated that she was born on 1 October 1919 in Werlau.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his maternal grandfather's sister, Bertha (Belle, Bella) Meyer, née Kahn, who was born on 15 March 1891 in Gräfenhausen, Germany, and who was married to [REDACTED]. Claimant [REDACTED 2] explained that his maternal grandfather, [REDACTED], was Bertha Meyer's brother. According to Claimant [REDACTED 2], his great-aunt, who was Jewish, resided in Darmstadt, Gräfenhausen, and Frankfurt am Main, Germany, and had one child, [REDACTED]. Claimant [REDACTED 2] stated that after the Nazis' rise to power, his great-aunt fled to Aschaffenburg, Germany, where she resided with her brother, [REDACTED], and his family, and that she was subsequently deported to a concentration camp, where she perished. Claimant [REDACTED 2] explained that his great-aunt's son [REDACTED] was liberated from a concentration camp at the end of the War and died in 1962.

Claimant [REDACTED 2] submitted copies of documents, including: (1) a letter, dated 28 January 1963, written by his mother, [REDACTED], to an attorney in Frankfurt regarding the estate of [REDACTED], indicating that the sole heirs of Berta Meyer, née Kahn, were

The CRT will treat the claim to the account of Siegfried Kahn in a separate decision.

[REDACTED] and her sister [REDACTED 3]; (2) an inheritance document regarding the estate of [REDACTED], indicating that [REDACTED] died on 7 November 1962, and that his mother was Bertha Meyer, née Kahn, who was born on 15 March 1891 in Gräfenhausen; and (3) his parents' marriage certificate, indicating that [REDACTED] was born on 29 May 1922 in Germany, that her parents were [REDACTED] and [REDACTED], née [REDACTED], and that she married [REDACTED] in New York, the United States.

Claimant [REDACTED 2] indicated that he was born on 12 April 1946 in New York. Claimant [REDACTED 2] is representing his maternal aunt, [REDACTED 3], who was born on 21 February 1921 in Gräfenhausen, and his brother, [REDACTED 4], who was born on 26 March 1950 in New York.

Claimant [REDACTED 2] previously submitted an Initial Questionnaire ("IQ") to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Hortenzia Lavinger.³

Information Available in the Bank's Records

The Bank's records consist of a list of accounts and printouts from the Bank's database. According to these records, the Account Owner was Bertha Meyer. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 412282. The Bank's records further indicate that the account was transferred on 23 August 1957 to a suspense account. The amount in the account on the date of its transfer was 12.74 Swiss Francs ("SF"). The account remains suspended.

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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relative's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name.

In support of her claim, Claimant [REDACTED 1]'s son submitted a copy of a page from a memorial book, providing independent verification that the person who is claimed to be the

³ As mentioned above, the account of Hortense Levinger was previously awarded to Claimant [REDACTED 2]. See *In re Account of Hortense Levinger* (approved on 21 December 2007).

Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.⁴

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], who was born in 1886 in Werlau, Germany, to [REDACTED] and Henriette Berta Harf, and who was deported to Auschwitz in 1943, where he perished, as well as a person named [REDACTED], who was born in 1883 in Werlau, to [REDACTED] and Berta Henriette Harf, who was married to [REDACTED], and who was deported in 1942 to Poland where he perished, all of which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

In support of his claim, Claimant [REDACTED 2] submitted an inheritance document, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Berta Meyer, née Kahn, who was born on 15 March 1891, and resided in Frankfurt am Main, Germany, prior to being deported to Riga, Latvia, where she perished, which matches the information about the Account Owner provided by Claimant [REDACTED 2].

The CRT notes that the name Bertha Meyer appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that Claimant [REDACTED 1]'s paternal grandmother and Claimant [REDACTED 2]'s great-aunt are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other equally plausible claims to this account,⁵ the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

⁴ The CRT notes that Berta is a variation of Bertha.

⁵ As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution.

Claimant [REDACTED 1] stated that the Account Owner was Jewish, that she resided in Nazi-Germany, and that she died on 24 November 1936. Claimant [REDACTED 1]'s son submitted a copy of a page from a memorial book, indicating that Berta Meyer died on 24 November 1936, and was buried in the Jewish cemetery in Bornich. As noted above, persons named [REDACTED] and [REDACTED], the children of Bertha (Berta) Henriette Meyer, née Harf, were included in the CRT's database of victims.

Claimant [REDACTED 2] stated that the Account Owner was Jewish, that she resided in Nazi-Germany, that she fled to Aschaffenburg, and that she was deported to a concentration camp, where she perished. As noted above, a person name Berta Meyer, née Kahn, was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s paternal grandmother.

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the great-aunt of Claimant [REDACTED 2] and represented party [REDACTED 4] and the paternal grandmother of represented party [REDACTED 3]. These documents include a letter written by his mother in 1963 and an inheritance document regarding the estate of the Account Owner's son.

There CRT notes that Claimant [REDACTED 1] indicated that she has other surviving relatives, but that because they are not represented in Claimant [REDACTED 1]'s claim, the CRT will not treat their potential entitlement to the Account Owner in this decision.

There is no information to indicate that Claimant [REDACTED 2]'s great-aunt has surviving heirs other than the parties whom Claimant [REDACTED 2] is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the Bank's suspense account on 23 August 1957 and that it remains suspended.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants and the parties Claimant [REDACTED 2] is representing. First, the claims are admissible in accordance with

the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her paternal grandmother; and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his maternal grandfather's sister, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the value of a savings/passbook account as of 23 August 1957 was SF 12.74. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 195.00, which reflects standardized bank fees charged to the a savings/passbook account between 1945 and 1957. Consequently, the adjusted balance of the account at issue is SF 207.74. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 10,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total Award amount.

With respect to the one-half portion of the Award designated to Claimant [REDACTED 2] and the parties he represents, according to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 2] is representing his maternal aunt, [REDACTED 3], and his brother, [REDACTED 4]. Accordingly, represented party [REDACTED 3] is entitled to one-half of this portion of the award, or one-fourth of the total Award amount, and Claimant [REDACTED 2] and represented party [REDACTED 4] are each entitled to one-fourth of this portion of the award, or one-eighth of the total Award amount.

Certification of the Award

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

Claims Resolution Tribunal
29 September 2009