

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Claude Meyer

Claim Number: 209567/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Claude Meyer (the “Account Owner”) at the Lugano 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 her father, Claude Isaac Meyer, who was born on 7 October 1909 in Lille, France, and was married to [REDACTED] (now [REDACTED]), née [REDACTED], on 20 September 1951 in Paris. The Claimant indicated that her father, who was Jewish, was sales director of the family cotton business, worked for the *Ecole Marsin*, and was also a technician. According to the Claimant, before the Second World War, her father lived at 164 Faubourg St. Honoré, Paris, France, as well as in Lapuguoy, France, where the family’s cotton factory was located. In addition, the Claimant stated that, fearing the possibility that Nazi Germany would invade France, her father moved to the United States in 1938 or 1939 and did not return to France until after 1947. The Claimant further stated that she is the only child of her father, who was divorced from her mother on 26 November 1955 and died in Chaumont, France, on 22 July 1994.

The Claimant submitted the marriage certificate of her parents indicating that they were married in Paris on 20 September 1951; a copy of the family book identifying Claude Isaac Meyer and [REDACTED], née [REDACTED], as husband and wife, and indicating that they married in Paris and that the Claimant was their daughter; a copy of the Claimant’s passport, identifying her as [REDACTED], and indicating that she was born in Paris; a copy of the identity card of the Claimant’s father, indicating that his name was Claude Meyer and he was born on 7 October 1909 and domiciled in Paris; the death certificate of the Claimant’s father, indicating that his name was Claude Isaac Meyer; and the inheritance certificate of the Claimant’s father,

identifying him as Claude Isaac Meyer and indicating that the Claimant was his daughter and sole heir to his Estate. The Claimant indicated that she was born on 22 February 1952 in Paris, France.

Information Available in the Bank's Records

The Bank's records consist of an internal memorandum, dated 19 November 1938, and an attached list of demand deposit accounts for which a verification (*Richtigbefundsanzeige*) from account owners was missing as of 31 December 1937. According to these records, the Account Owner was Claude Meyer who resided in Paris, France. The Bank's records indicate that the Account Owner held a demand deposit account. While the Bank's records indicate that this account was in existence on 31 December 1937, they do not indicate when it was opened. In addition, the Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this 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. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant stated that her father resided in Paris, France, prior to the Second World War, which matches published information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted numerous documents including the death certificate of her father, indicating that his name was Claude Isaac Meyer; a copy of the identity card of her father indicating that his name was Claude Meyer and that he was domiciled in Paris; and the marriage certificate of her parents, indicating that they were married in Paris on 20 September 1951, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that the name Claude Meyer appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution.

The CRT notes that the other claim to this account was disconfirmed because that claimant gave a different spelling for the surname of the Account Owner than that indicated in the Bank's records, and also provided documentation confirming that this was the correct spelling of her

relative's 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 the Account Owner was Jewish, and that, in order to avoid Nazi persecution, he moved to the United States in 1938 or 1939. The CRT notes that the Account Owner would have been unable to return to France for fear of Nazi persecution and that since the Bank's records do not show when the account was closed, it is plausible that the account was closed at a time when the account owner and/or his family and/or assets would have been targeted by the Nazis.

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 and documents, demonstrating that the Account Owner was the Claimant's father. These documents include a copy of the family book identifying the Account Owner and [REDACTED], née [REDACTED], as husband and wife and indicating that the Claimant was their daughter; and the inheritance certificate of the Account Owner, indicating that the Claimant was his daughter and sole heir. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner left France, his country of origin, in 1938 or 1939, and that he would not have been able to return to his home later due to fear of Nazi persecution; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account 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 there is a sufficient probability 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. 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 account.

Amount of the Award

In this case, the Account Owner held 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 demand deposit account was 2,140.00 Swiss Francs (“SF”). 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 26,750.00.

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
10 December 2004