

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant [REDACTED 1]¹

and to Claimant [REDACTED 2]

in re Account of Hans Meyer

Claim Numbers: 784657/RS; 785694/RS²

Original Award Amount: 162,500.00 Swiss Francs

Award Amendment Amount: 0.00 Swiss Francs

This Certified Award Amendment is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Edgar Meyer. This Award Amendment is to the published account of Hans Meyer (the “Account Owner”) at the [REDACTED] (the “Bank”).

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

Procedural History

On 7 June 2006, the Court approved an Award to Claimant [REDACTED 1] for the Account Owner’s account (the “June 2006 Award”). The CRT notes that although Claimant [REDACTED 2], Claimant [REDACTED 1]’s sister, had filed a timely Initial Questionnaire (“IQ”) to the awarded account, her IQ was not available for consideration in the June 2006 Award. In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant [REDACTED 2] to that account.

¹ On 7 June 2006, the Court approved an award to Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) for the account of Hans Meyer (the “June 2006 Award”), which is the subject of this Award Amendment.

² The CRT notes that [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit Claim Forms to the CRT. However, in 1999 they submitted Initial Questionnaires (“IQs”), numbered ENG-0574-174 and ENG-0612-151, respectively, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned claim numbers 784657 and 785694, respectively.

The June 2006 Award

In the June 2006 Award, the CRT determined that the Account Owner owned one custody account. The CRT further determined that Claimant [REDACTED 1] plausibly identified the Account Owner as her father, that she plausibly demonstrated that she is related to the Account Owner, and that she made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Additionally, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of his custody account. The CRT noted that the Bank's records did not indicate the value of the custody account, and therefore presumed that its value was 13,000.00 Swiss Francs ("SF"). The current value of this amount was 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 162,500.00. Finally, the CRT determined that Claimant [REDACTED 1] was entitled to the entire award amount.

Prior to receiving payment for the June 2006 Award, Claimant [REDACTED 1] was required to sign an acknowledgment form which explicitly states that "In consideration of the payment, I undertake and agree that in the event that one or more other heirs of the account owner, known or unknown, entitled under Article 23 of the Rules Governing the Claims Resolution Process, as amended, (the "Rules") make(s) a claim to this account or accounts, or otherwise seek(s) payment or compensation therewith, I shall share the payment with, or in the event that pursuant to the principles of distribution in Article 23 I am so required, I shall transfer the payment to, such other entitled heir(s), in the absence of another mutually agreed basis, irrespective as to whether the heir(s) was/were identified in the information provided to the CRT."

Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an IQ identifying the Account Owner as her father, Hans Meyer. Claimant [REDACTED 2] indicated that Hans Meyer was Jewish, and that he resided in Hamburg, Germany prior to the Second World War. Claimant [REDACTED 2] also indicated that Hans Meyer's parents, [REDACTED] and [REDACTED], fled Germany for the Netherlands, and then Belgium, and following a failed attempt to enter Switzerland, were deported to concentration camps, where they perished. Claimant [REDACTED 2] stated that her father, Hans Meyer, survived the Holocaust and died in 1988. Claimant [REDACTED 2] indicated that she was born on 15 March 1935.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owner by Claimant [REDACTED 2]

Claimant [REDACTED 2]'s father's name and country of residence match the published name and country of residence of the Account Owner. Claimant [REDACTED 2] also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that Claimant [REDACTED 2] and Claimant [REDACTED 1] are siblings.

Claimant [REDACTED 2]'s Relationship to the Account Owner

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was her father. As noted above, Claimant [REDACTED 2] and Claimant [REDACTED 1] are siblings.

Basis for the Award Amendment

The CRT has determined that an Award Amendment is appropriate for Claimant [REDACTED 2]. First, Claimant [REDACTED 2]'s claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that she is the daughter of the owner of the Account Owner, and that relationship justifies her inclusion in the June 2006 Award. Third, the CRT determined in the June 2006 Award that it was plausible that neither the Account Owner nor his heirs received the proceeds of the account.

Amended Division

In this case, according to Article 23(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 owner of the Account Owner who have submitted a claim, in equal shares by representation. Claimant [REDACTED 2] and Claimant [REDACTED 1], as the daughters of the Account Owner, are therefore each entitled to one-half of the total award amount of the June 2006 Award. In accordance with the acknowledgment form, Claimant [REDACTED 1] is directed to share payment received in the June 2006 Award with her sister, Claimant [REDACTED 2].

Certification of the Award Amendment

The CRT certifies this Award Amendment for approval by the Court.

Claims Resolution Tribunal
21 December 2009