

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1]¹
also acting on behalf of [REDACTED 2],
represented by [REDACTED]

and to Claimant [REDACTED 3]
represented by Denis Delcros and Christophe Aubrun

in re Account of Jean Meyer

Claim Numbers: 207902/HB; 221965/HB; 221966/HB^{2,3}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (formerly [REDACTED]) (“Claimant [REDACTED 1]”) to the account of Jean Meyer, and the claims of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together, the “Claimants”) to the accounts of André Isaac Meyer and Marcelle Meyer. This Award is to the published account of Jean Meyer at the Geneva branch of the [REDACTED] (the “Bank”).⁴

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.

¹ On 26 April 2005, [REDACTED 2], the wife of [REDACTED 1] (“Claimant [REDACTED 1]”), informed the CRT that Claimant [REDACTED 1] passed away on 26 January 2004. Claimant [REDACTED 1]’s wife also submitted Claimant [REDACTED 1]’s death certificate.

² In a separate decision, the CRT awarded the account of Louise Perrin to the Estate of Claimant [REDACTED 1]. See *In re Account of Louise Perrin* (approved on 15 July 2005).

³ In a separate decision, the CRT awarded the accounts of André Isaac Meyer and Marcelle Meyer to [REDACTED 3] (“Claimant [REDACTED 3]”). See *In re Accounts of André Isaac Meyer and Marcelle Meyer* (approved on 31 December 2002).

⁴ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Jean Frederic Gustave Meyer also appears. Upon careful review, the CRT has determined that Jean Frederic Gustave Meyer is not the same person addressed in the current decision and, consequently, that the Claimants did not identify Jean Frederic Gustave Meyer as their relative.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father, Jean Meyer, who was Jewish, and who was born on 25 July 1895 in Boulogne sur Seine, France. Claimant [REDACTED 1] stated that his father married [REDACTED], née [REDACTED], on 18 June 1920 in Paris, France. Claimant [REDACTED 1] further stated that his parents had two children: Claimant [REDACTED 1], who was born on 24 August 1921 in Paris, and [REDACTED], who was born on 15 July 1925 in Le Vesinet, France.

Claimant [REDACTED 1] explained that until late 1940, his family lived in Paris, where his father was a jeweler, silversmith, and goldsmith at *Maison Albert Halphen/ Emil Meyer Fils*, located on the rue St. Honoré. According to Claimant [REDACTED 1], his family fled their home at 8 Rue de Castiglione in Paris for Nice, France, in late 1940. Claimant [REDACTED 1] stated that he left Nice in 1942 in order to join the French Resistance.

Claimant [REDACTED 1] stated that on 29 April 1944, his parents were deported to the concentration camp in Drancy, France, and from there to Auschwitz, where they perished, and that on 15 May 1944, his brother [REDACTED] was deported from Drancy to Kaunas, Lithuania, where he perished.

In support of his claim, Claimant [REDACTED 1] submitted documents, including:

1) Claimant [REDACTED 1]'s parents' marriage certificate, indicating that Jean Meyer, who was born on 25 July 1895, and who was a jeweler, married [REDACTED] on 18 June 1920 in Paris; 2) an official excerpt from the Paris birth registry, indicating that [REDACTED 1] was born on 24 August 1921 in Paris, and that his parents were Jean Meyer and [REDACTED]; 3) an official family book, certified by the French government, indicating that Jean and [REDACTED] perished on 29 April 1944 in Drancy, that their son, [REDACTED], perished on 20 May 1944 in Kaunas and that they all "died for France" (*Mort pour la France*); 4) an official certificate, issued by the French government in 1965, indicating that [REDACTED 1] had served as a voluntary member of the French Resistance; 5) Claimant [REDACTED 1]'s marriage certificate, with official annotations, indicating that [REDACTED 1] (who was born on 24 August 1921 in Paris to Jean Meyer and [REDACTED]) and [REDACTED 2] were married on 5 January 1946 in Nice; and 6) an official name change certificate, dated 28 February 1954, indicating that [REDACTED 1] changed his surname and that of his two children from [REDACTED] to [REDACTED].

Claimant [REDACTED 1] indicated that he was born on 24 August 1921 in Paris. Claimant [REDACTED 1]'s heirs submitted Claimant [REDACTED 1]'s death certificate, indicating that [REDACTED 1], who was the son of Jean Meyer, died on 26 January 2004 in Paris. Claimant [REDACTED 1] is representing his wife, [REDACTED 2], née [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted two Claim Forms identifying the Account Owner as her brother, Jean Emile Meyer, who was Jewish, and who was born on 2 September 1921 in Paris. Claimant [REDACTED 3] stated that her family lived in Paris until 1940, when her father, [REDACTED], was prevented from operating his Paris shoe business, *Chaussures André*. According to Claimant [REDACTED 3], in 1940, her family fled to Garches, France. Claimant [REDACTED 3] explained that her father's property in Garches was expropriated by the Nazis in 1942. Claimant [REDACTED 3] stated that the family fled to the unoccupied area of France in May 1942.

According to Claimant [REDACTED 3], her brother Jean Emile Meyer joined the French Resistance in 1942 and died in battle on 5 January 1945 in Lorquin, Alsace, France.

In support of her claims, Claimant [REDACTED 3] submitted documents, including: 1) her parents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 20 October 1920 in Paris; 2) an official excerpt from a birth registry in Paris, indicating that [REDACTED 3] was born on 4 December 1922 in Paris; and 3) an official family book, certified by the French government, indicating that Jean Emile Meyer, who was born on 2 September 1921 in Paris, died on 5 January 1945 in Lorquin, Moselle, and that he "died for France" (*Mort pour la France*), and that [REDACTED 3] was born on 4 December 1922.

Claimant [REDACTED 3] indicated that she was born on 4 December 1922 in Paris.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Jean Meyer. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, numbered 69777. The Bank's record further indicates that the account was suspended on an unknown date, and that the amount in the account on 3 December 1986 was 12.40 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

Claimant [REDACTED 1]'s father's name and Claimant [REDACTED 3]'s brother's name match the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

In support of his claim, Claimant [REDACTED 1] and his heirs submitted documents, including Claimant [REDACTED 1]'s parents' marriage certificate, Claimant [REDACTED 1]'s marriage certificate, an official family book, Claimant [REDACTED 1]'s birth certificate, and Claimant [REDACTED 1]'s death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

In support of her claims, Claimant [REDACTED 3] submitted documents, including an official family book, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record 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 Jean Meyer, and indicates that his place of birth was Boulogne, France, and that he was transported from Drancy to Auschwitz on 29 April 1944, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database also contains a page of testimony submitted by Claimant [REDACTED 1] in 2000, which indicates that Jean Meyer was born in 1895 in Boulogne sur Seine, France; that he was married to [REDACTED]; that he was a jeweler; and that he perished in 1944. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 3]'s relative 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 record; that there is no additional information in the Bank's record 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 claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that he perished in Auschwitz. Claimant [REDACTED 1] also submitted an official family book, indicating that the Account Owner "died for France" in Drancy in 1944. As noted above, a person named Jean Meyer was included in the CRT's database of victims.

Claimant [REDACTED 3] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, that he lived in France, and that he was forced to flee with his family from Paris in 1940,

and from Garches in 1942. Claimant [REDACTED 3] also indicated that the Account Owner's family's property was seized by the Nazis.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father. These documents include Claimant [REDACTED 1]'s birth and marriage certificates, and his death certificate, the latter of which was submitted by Claimant [REDACTED 1]'s heirs. Claimant [REDACTED 1] is representing his wife, [REDACTED 2], née [REDACTED]. The CRT notes that Claimant [REDACTED 1], as the son of the Account Owner, is more entitled to the account than his wife, who is related to the Account Owner by marriage only. The CRT also notes that Claimant [REDACTED 1] indicated that he 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's account in this decision.

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 3]'s brother. These documents include Claimant [REDACTED 3]'s official family book. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended on an unknown date, and that it remains suspended.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Estate of Claimant [REDACTED 1] and Claimant [REDACTED 3]. 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 his father, and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her brother, and those relationships justify an Award. Third, the CRT has determined 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 account of unknown type. The Bank's record indicates that the value of the account as of 3 December 1986 was SF 12.40. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 665.00, which reflects standardized bank fees charged to the account between 1945 and 1986. Consequently, the adjusted balance of the account at issue is SF 677.40. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00 and, in the absence of

plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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, the Estate of Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 3] is entitled to one-half of the Award amount.

With regard to Claimant [REDACTED 1]'s half of the Award amount, 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. Claimant [REDACTED 1], as the son of the Account Owner, is accordingly more entitled to share of the Award amount than his wife, who is related to the Account Owner by marriage. Accordingly, the Estate of Claimant [REDACTED 1] is entitled to the full share of his half of the 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