

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],
[REDACTED 2],
[REDACTED 3],
[REDACTED 4],
[REDACTED 5],
[REDACTED 6],
[REDACTED 7],
[REDACTED 8],
and [REDACTED 9]

in re Account of Gertrud Meyerheim

Claim Numbers: 501159/AC; 501205/AC; 501269/AC; 501326/AC; 501502/AC; 501533/AC;
501535/AC; 501540/AC; 501544/AC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”), [REDACTED] (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”), [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”), [REDACTED 5], née [REDACTED], (“Claimant [REDACTED 5]”), [REDACTED 6], formerly [REDACTED] (“Claimant [REDACTED 6]”), [REDACTED 7], née [REDACTED] (“Claimant [REDACTED 7]”), [REDACTED 8] (“Claimant [REDACTED 8]”), and [REDACTED 9], née [REDACTED] (“Claimant [REDACTED 9]”) (together the “Claimants”) to the published account of Gertrud Meyerheim (the “Account Owner”), over which Rolf Meyerheim (the “Power of Attorney Holder”) held power of attorney, at the Basel branch of the [REDACTED] (the “Bank”).¹

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 Claimants

The Claimants submitted nine Claim Forms identifying the Account Owner as their grandmother, Gertrud Meyerheim, née Schüler, who was born on 19 March 1876 in Berlin, Germany, and was married to [REDACTED] on 21 December 1900 in Berlin. The Claimants indicated that their grandparents, who were Jewish, had four children. According to the

Claimants, their grandparents resided in Berlin, where their four children were born: Rolf Josef Adolf Meyerheim, on 11 February 1902; [REDACTED], née [REDACTED], on 11 June 1904; [REDACTED], née [REDACTED], on 24 June 1906; and [REDACTED], on 24 June 1912. According to information provided by the Claimants, their grandmother was widowed on 12 August 1930, and lived in a boardinghouse in Berlin before fleeing to Palestine (now Israel) in 1937 or 1938, where she lived with her daughter, Claimant [REDACTED 3]'s mother, [REDACTED], until she passed away in 1940 in Tel Aviv, Palestine (now Israel).

The Claimants indicated that Claimants [REDACTED 9] and [REDACTED 2] are the only children of Rolf Joseph Adolf Meyerheim; that Claimant [REDACTED 7] and Claimant [REDACTED 6] are the only children of [REDACTED], née [REDACTED]; that Claimant [REDACTED 8] is the only child of [REDACTED]; and that Claimant [REDACTED 4], Claimant [REDACTED 3], Claimant [REDACTED 1], and Claimant [REDACTED 5] are the only children of [REDACTED], née [REDACTED].

The Claimants submitted documents in support of their claims, including:

- 1) copies of their grandmother's birth certificate, indicating that Gertrud Schüler was born on 19 March 1876 in Berlin, Germany, and that her parents, who were Jewish, were [REDACTED] and [REDACTED], née [REDACTED], who resided in Berlin;
- 2) copies of their grandparents' marriage certificate, indicating that [REDACTED], the son of [REDACTED] and [REDACTED], and Gertrud Schüler, the daughter of [REDACTED] and [REDACTED], who were both from Berlin, were married in Berlin, and that they were Jewish;
- 3) copies of a certificate from the Hevra Kadisha (Burial Society) in Tel Aviv, indicating that Gertrud Meyerhaim died on 23 June 1940;
- 4) a copy of Rolf Josef Adolf Meyerheim's birth certificate, indicating that he was born on 11 February 1902 in Berlin, and that his parents were [REDACTED] and Gertrud Meyerheim, née Schüler, who resided in Berlin;
- 5) a copy of [REDACTED]'s Israeli passport, indicating that *Mme.* (Mrs.) [REDACTED], née [REDACTED], was born in Berlin;
- 6) a copy of the marriage certificate of [REDACTED] and [REDACTED], indicating that they were married on 3 April 1928 in Berlin, and listing [REDACTED] as a witness to the marriage;
- 7) a copy of [REDACTED]'s birth certificate, indicating that [REDACTED] was born on 24 June 1912 in Berlin, that his parents were [REDACTED] and Gertrud Meyerheim, née Schüler, that they were Jewish, and that they resided in Berlin;
- 8) a copy of the Uruguayan death certificate of [REDACTED], dated 24 July 1977, indicating that he was a German citizen, and that he was born in Germany;

9) copies of [REDACTED]'s school transcript, dated 29 September 1922, indicating that she was the daughter of [REDACTED], who resided in Berlin;

10) a copy of an Israeli immigration application for [REDACTED], indicating that his wife's name was [REDACTED], née [REDACTED];

11) copies of the divorce certificate of [REDACTED] and [REDACTED], dated 20 October 1937, indicating that [REDACTED]'s father was [REDACTED];

12) a copy of an Israeli immigration application for [REDACTED], indicating that his wife's name was [REDACTED], formerly [REDACTED], née [REDACTED];

13) a copy of a name change certificate, dated 9 September 1968, indicating that [REDACTED], [REDACTED] and [REDACTED] changed their last name to [REDACTED], and that [REDACTED] changed her name to [REDACTED];

14) copies of [REDACTED]'s Israeli-issued death certificate, indicating that [REDACTED], the daughter of [REDACTED], was born on 24 June 1906, and that she died on 4 July 1968;

15) a copy of Claimant [REDACTED 2]'s birth certificate, indicating that he was born on 5 July 1930 in Berlin, and that his parents were Rolf Josef Adolf Meyerheim and [REDACTED], née [REDACTED], who resided in Berlin;

16) a copy of Claimant [REDACTED 2]'s Brazilian identity card, indicating that he was born on 5 July 1930, and that his parents were Rolf Meyerheim and [REDACTED];

17) a copy of Claimant [REDACTED 1]'s Palestinian birth certificate, indicating that she was born on 29 August 1938 in Petah Tiqva, Palestine, and that her parents were [REDACTED] and [REDACTED];

18) a copy of Claimant [REDACTED 7]'s birth certificate, indicating that she was born on 16 November 1934 in Jerusalem, Palestine, and that her parents were [REDACTED] and [REDACTED]; and

19) a copy of Claimant [REDACTED 8]'s birth certificate, indicating that [REDACTED 8] was born on 23 September 1957 in Montevideo, Uruguay, that his father was [REDACTED], who was German, and whose parents were [REDACTED] and Gertrud Schueler.

Claimant [REDACTED 1] indicated that she was born on 29 August 1938 in Petah Tiqva, Palestine (now Israel). Claimant [REDACTED 2] indicated that he was born on 5 July 1930 in Berlin. Claimant [REDACTED 3] indicated that he was born on 21 August 1931 in Berlin. Claimant [REDACTED 4] indicated that she was born on 21 August 1931 in Berlin. Claimant [REDACTED 5] indicated that she was born on 15 May 1942 in Petah Tiqva. Claimant [REDACTED 6] indicated that he was born on 29 September 1936 in Tel Aviv. Claimant [REDACTED 7] indicated that she was born on 16 November 1934 in Jerusalem, Palestine (now Israel). Claimant [REDACTED 8] indicated that he was born on 20 September 1957 in

Montevideo, Uruguay. Claimant [REDACTED 9] indicated that she was born on 8 June 1929 in Berlin.

Information Available in the Bank's Records

The Bank's record submitted by 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") consists of a printout from the Bank's database. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about the account ("Voluntary Assistance"). On 9 June 2005, the Bank provided the CRT with additional documents. These documents consist of a power of attorney form, which was signed on 29 June 1931 in Berlin, Germany; an acknowledgement of receipt of general terms and conditions applying to custody accounts; and an instruction regarding correspondence.

According to these records, the Account Owner was Gertrud Meyerheim, née Schüler, who resided in Berlin, and the Power of Attorney Holder was Rolf Meyerheim, who resided at Genovevstrasse 6 in Berlin-Cöpenick. The Bank's records indicate that the Account Owner held a custody account, numbered 37084, which was opened no later than 29 June 1931.

The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account.

The auditors who carried out 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, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

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 nine claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' grandmother's name and city and country of residence match the published name and city and country of residence of the Account Owner. The name of Claimant [REDACTED 9]'s and Claimant [REDACTED 2]'s father matches the published name of the Power of Attorney Holder. The

Claimants also identified the maiden name of the Account Owner, which matches published information about the Account Owner contained in the Bank's records.

In support of their claims, the Claimants submitted documents, including: 1) copies of their grandmother's birth certificate; 2) copies of their grandparents' marriage certificate; 3) copies of a certificate from the Hevra Kadisha (Burial Society) in Tel Aviv; 4) a copy of Rolf Josef Adolf Meyerheim's birth certificate; 5) a copy of [REDACTED]'s birth certificate; 6) a copy of [REDACTED]'s school transcript; and 7) copies of the divorce certificate of [REDACTED] and [REDACTED], providing independent verification that the persons who are claimed to be the Account Owner and the Power of Attorney Holder had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of the Account Owner and the Power of Attorney Holder.

The CRT notes that the names Gertrud Meyerheim and Rolf Meyerheim each appear 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 "ICEP List"). The CRT also notes that the other claim to this account was disconfirmed because that claimant provided a different married name and country of residence than the married name and country of residence of the Account Owner.

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. The Claimants stated that the Account Owner was Jewish, and that she resided in Nazi Germany before fleeing to Palestine in the late 1930s.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimants' grandmother. These documents include: 1) copies of their grandparents' marriage certificate; 2) a copy of Rolf Josef Adolf Meyerheim's birth certificate; 3) a copy of [REDACTED]'s birth certificate; 4) copies of [REDACTED]'s school transcript, dated 29 September 1922, indicating that she was the daughter of [REDACTED], who resided in Berlin; 5) copies of the divorce certificate of [REDACTED] and [REDACTED]; 6) copies of [REDACTED]'s Israeli-issued death certificates; 7) a copy of Claimant [REDACTED 2]'s birth certificate; 8) a copy of Claimant [REDACTED 2]'s Brazilian identity card, indicating that he was born on 5 July 1930, and that his parents were Rolf Meyerheim and [REDACTED]; 9) a copy of Claimant [REDACTED 1]'s Palestinian birth certificate; 10) a copy of Claimant [REDACTED 7]'s birth certificate; and 11) a copy of Claimant [REDACTED 8]'s birth certificate. 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 resided in Nazi Germany before fleeing to Palestine; that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain

information about her account after the Second World War from the Bank 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, the Power of Attorney Holder, or their 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). The current value of this amount is determined 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.

Division of the Award

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 form, in equal shares by representation. Accordingly, Claimant [REDACTED 8] is entitled to one-quarter of the total award amount; Claimant [REDACTED 9], Claimant [REDACTED 2], Claimant [REDACTED 7], and Claimant [REDACTED 6] are each entitled to one-eighth of the total award amount; and Claimant [REDACTED 4], Claimant [REDACTED 3], Claimant [REDACTED 1], and Claimant [REDACTED 5] are each entitled to one-sixteenth of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to

which they 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
31 August 2005