

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Josef Mosbacher

Claim Number: 216033/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Josef Mosbacher (the “Account Owner”) at the [REDACTED]. On 28 January 2002, the Court approved the Award of the Account Owner’s custody account at the Bank.¹ The CRT did not reach a decision regarding the Account Owner’s demand deposit account, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of that account. This Award is the result of the further consideration of whether the Account Owner received the proceeds of the demand deposit account.

All awards are published. 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 grandfather’s cousin, Josef Mosbacher, who was born on 22 August 1875 in Kronach, Germany, and was married to [REDACTED]. The Claimant identified Josef Mosbacher as the owner of a shoe factory who lived at Dennerstrasse 6 in Nürnberg, Germany. The Claimant stated that Josef Mosbacher, who was Jewish, was educated at Heidelberg. The Claimant stated that her grandfather, [REDACTED], a United States citizen, met with his cousin Joseph Mosbacher in 1919 after they had both served for their respective countries in the First World War. The Claimant further stated that in 1932 her grandfather traveled to Bavaria to investigate his inheritance under a will, but upon learning that to receive this inheritance he would need to renounce his United States citizenship, he transferred the inheritance to Josef Mosbacher. The Claimant explained how the two cousins corresponded for many years, but that the letters from Joseph Mosbacher stopped in 1939. According to the Claimant, Joseph Mosbacher and his wife both perished in Theresienstadt in 1943. The Claimant stated that Joseph Mosbacher had no

¹ See In re Account of Josef Mosbacher (approved on January 28, 2002).

children. The Claimant indicated that she was born on 18 July 1961 in Columbus, Ohio, the United States.

Information Available in the Bank's Record

The Bank's record consists of an account registry card. According to this record, the Account Owner was Josef Mosbacher, who resided in Kronach, Germany. The Bank's record indicates that the Account Owner held a demand deposit account that was opened on 20 June 1930 and closed on 31 August 1933. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves. The Bank's record does not show to whom the account at issue was paid, nor does this record indicate the value of this account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her relative's name matches the published name of the Account Owner. The Claimant has also provided her relative's city of birth, which matches the unpublished information about the Account Owner contained in the Bank's record. The CRT notes that there are no other claims to this account.

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 lived in Germany before perishing in the Theresienstadt concentration camp in 1943.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents including a family tree, demonstrating that the Account Owner was her paternal grandfather's cousin.

The Issue of Who Received the Proceeds

In evaluating whether the Account Owner or his heirs received the proceeds of the demand deposit, the CRT took into account the facts of the opening of the Account Owner's demand deposit in 1930 and its closing in 1933, and considered that: the Nazis had embarked on a campaign in 1933 to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks, the Account Owner remained in Germany and thus he would not have been able to repatriate his account to Germany without its confiscation, and the Account Owner perished in the Theresienstadt concentration camp. Based on these factors, indicating a practical inability to receive the proceeds of his demand deposit during the period in which the Account Owner lived

and died in Germany, and the application of relevant Presumptions (a) and (j),² which assume such a result in this context, the CRT concludes that it is plausible 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 grandfather's cousin, and that relationship justifies an award. Finally, the Tribunal 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.³ 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

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
June 3, 2003

² These Presumptions are provided for in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), as set forth in the attached Appendix A and in Appendix C to the Rules. Appendix C appears on the CRT II website -- www.crt-ii.org.

³ As stated above, the Court approved the Award of a custody account at the Bank on 28 January 2002.