

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Rudolf and Nikolaus Pollak

Claim Number: 500073/ZP

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Rudolf Pollak. This Award is to the account of Rudolf and Nikolaus Pollak (the “Account Owners”) at the Zurich 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying one of the Account Owners as his maternal grandfather, Rudolf Pollak, who was born on 30 July 1885 in Voislova, Romania and was married to [REDACTED] in 1913. The Claimant stated that his grandmother's maiden name was either [REDACTED] or [REDACTED] and that she was born on 3 March 1893 in Timisoara, Romania.

The Claimant described his grandfather, who was Jewish, as one of a family of thirteen to fifteen children and the proprietor of a chain of hardware/general stores. The Claimant further stated that his grandfather and one of his brothers, whom the Claimant was unable to identify by name, opened a business named *Fratti Pollak* in Caransebes, Romania, with branches in other cities in the region. The Claimant stated that his grandfather did not travel to Switzerland, but he had a representative who traveled to Switzerland to deposit money in his behalf. The Claimant stated that he thought the representative's name was [REDACTED] or something similar to that. The Claimant stated that his grandparents had two children: [REDACTED] (later married names were [REDACTED] and [REDACTED]), née [REDACTED], (the Claimant's mother) who was born on 20 April 1916 in Eteika, Yugoslavia; and [REDACTED], née [REDACTED], who was born on 27 August 1913. The Claimant stated that, during the Second World War, he and his mother were forced into hiding in Hungary and that at one point they hid with a Hungarian family on a farm. The Claimant stated that his grandfather told his mother that money had been

deposited in a Swiss bank in his name. According to the Claimant, sometime after the Second World War, his grandmother visited his mother in Czechoslovakia and confirmed that the Claimant's grandfather held a Swiss bank account, but the Claimant was not able to provide any further details.

The Claimant stated that his grandfather died in the Shaar Menashe Camp located in Israel on 17 December 1951 and that his grandmother died on 3 July 1947 in Caranseres. The Claimant stated that his mother died on 25 December 1975 in Los Angeles, California, the United States and that his aunt [REDACTED], née [REDACTED], died on 20 April 1972 in Marseilles, France.

In support of his claim, the Claimant submitted a document notarized in Caracas, Venezuela on 20 August 1954, which indicates that his mother was [REDACTED], née [REDACTED].

The Claimant indicated that he was born on 3 March 1936, in Cluj, Romania and is currently living in Toronto, Ontario, Canada. The Claimant is representing his cousin, [REDACTED], who is the son of [REDACTED], née [REDACTED]. [REDACTED] currently lives in Marseilles.

Information Available in the Bank Record

The Bank's record consists of an account card. According to this record, the Account Owners were Rudolf Pollak and Nikolaus Pollak of Caransebes, Romania. The record indicates that Nikolaus Pollak died in October 1943. The record also indicates Dr. Johanan Irme Banat, who lived at Vorsilska 10, Prague II, Czechoslovakia, held a power of attorney to the account. The Bank's record also states that all correspondence was to be sent in unmarked envelopes to [REDACTED], at Masaryk Platz 7, Bratislava/Romania. The Bank's record indicates that the Account Owners held an account of unknown type, numbered 2501. The Bank's record indicates that the account was closed at some point prior to November 1949. The amount in the account on the date of its closure is unknown. The Bank's record does not show to whom the account was paid, nor does this record indicate the value of this account. There is no indication in the Bank's record that the Account Owners, the Power of Attorney Holder, or their heirs closed the account and received the proceeds.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified one of the Account Owners. His grandfather's last name, and country of residence match the published last name and country of residence of Account Owner Rudolf Pollack. Moreover, his grandfather's first name and city of residence match the unpublished first name and city of residence of Account Owner Rudolf Pollak. Furthermore, the Claimant identified his aunt as Imre (Emery) Banat, née Pollak, which is consistent with unpublished information about the Power of Attorney Holder contained in the Bank's record.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner.

Status of the Account Owners as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Rudolf Pollak was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and lived in Yugoslavia during the Second World War. The Claimant also stated that he and his mother were forced into hiding during the War to avoid Nazi persecution.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to Account Owner Rudolf Pollak by submitting documents demonstrating that Rudolf Pollak was his maternal grandfather. The Claimant is representing his cousin, [REDACTED]. There is no information to indicate that Account Owner Rudolf Pollak has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owners' account was closed in 1949, the persecution of Jews in Romania and the confiscation of Jewish assets during the War, the Communist dictatorial regime after the War, and the application of Presumptions (h), (i) 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 Owners, 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 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 Account Owner Rudolf Pollak was his grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners, 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 account of unknown type. 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 on the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of an account of unknown type was 3,950.00 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 47,400.00 Swiss Francs.

Division of the Award

Pursuant to Article 25 of the Rules, in cases where a joint account is claimed by relatives of only one of the joint account owners, it shall be presumed that the account was owned as a whole in equal shares by the Account Owners whose shares of the Account have been claimed. In this case, the CRT has not received any claims to Nikolaus Pollack's share of the account. Accordingly, the CRT shall presume that the account was owned as a whole by Account Owner Rudolf Pollack.

According to Article 23 of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have 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. In this case, the Claimant is representing his cousin, [REDACTED]. Accordingly, the Claimant and his cousin are each entitled to receive one half of the Award.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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