

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant John Eric Meyer
represented by Ellen Ferber and Ken Meyer

in re Accounts of *Max Rosenbaum*

Claim Number: 202828/LH¹

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claim of John Eric (formerly Hans Erich) Meyer (the “Claimant”) to the account of Bernhard Meyer.² This Award is to the published accounts of *Max Rosenbaum* (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).³

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as *Max Rosenbaum*, a velvet and silk wholesale company owned by his father, Bernhard Leo Meyer, who was born on 31 January 1889 in Bardewisch, Germany, and was married to Elsa Martha Meyer, née Wittgenstein, on 22 October 1920 in Hanover, Germany. The Claimant indicated that the company was located at Herschel Strasse 28 in Hanover. The Claimant stated that his parents, who were Jewish, resided in Hanover with their two children: Ursel Rosenthal, née Meyer, who was born on 15 March 1922 in Hanover, and the Claimant, who was born on 5 March 1926 in Hanover. According to the Claimant, his father traveled extensively through Europe, including Switzerland, to sell products offered by his company. The Claimant stated that his father was arrested in 1938 and was no longer able to obtain the proceeds from sales in Switzerland in cash and so he placed them in a Swiss bank account. The Claimant indicated that his family’s assets

¹ In a separate decision, the CRT awarded the accounts of Ursula Meyer to the Claimant. See *In re Account of Ursula Meyer* (approved on 18 April 2006).

² In a separate decision, the CRT treated the Claimant’s claim to the account of Bernhard Meyer. See *In re Account of Bernhard Meyer* (approved on 30 March 2007).

³ 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 Max Rosenbaum appears twice. Upon careful review, the CRT has determined that the second Max Rosenbaum is not the same subject addressed in the current decision and, consequently, the Claimant did not identify this other account owner as his relative.

in Germany were looted by the Nazis in October 1938, and that his family fled Germany for the United States shortly before the *Kristallnacht* (Night of Broken Glass) pogrom in November 1938. The Claimant further indicated that his father and sister died in 1977 in the United States and that his mother died in 1982, also in the United States.

In support of his claim, the Claimant submitted a copy of his own passport, issued in 1986, indicating that John Eric Meyer was born on 5 March 1926 in Germany.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father Bernhard Meyer, and indicating that his father had an ownership interest in *Max Rosenbaum*.

Additional Information Obtained by the CRT

According to records from the Address Book of Germany's Textile Industry (*Adressbuch der gesamten Textilindustrie, Deutschland*) from 1930, *Max Rosenbaum* was a velvet and silk wholesale company, which was founded in 1860.⁴ These records further indicate that the company was located at Herschel Strasse 28 in Hanover, and that it had a branch in Berlin, Germany. The CRT notes that the Address Book identifies the owners of *Max Rosenbaum* as Ernst Mosheim and Martin Cohn. The CRT notes, however, that this information is dated from 1930, and considers it plausible that the Claimant's father may have obtained an ownership interest in the firm after the publication of this information. In this regard, the CRT notes that the Claimant stated that his father had an ownership interest in the company in his IQ, that is, prior to the publication of the Account Owner's name in February 2001.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Max Rosenbaum from Hanover, Germany. The Bank's record does not indicate whether the Account Owner was a natural person or a legal entity. The Bank's record indicates that the Account Owner held two demand deposit accounts that were opened before 1935. One of these accounts was closed on 10 July 1937, and the other account was closed on an illegible date prior to 10 July 1937. The amounts in the accounts on the date of their closure are unknown.

There is no evidence in the Bank's record that the Account Owner or his or its heirs closed the accounts and received the proceeds themselves.

⁴ See *Adressbuch der gesamten Textil-Industrie Deutschlands* [Address Book of Germany's Textile Industry], Hgg.: Fachgruppe Textilindustrie des Reichsverbandes der deutschen Industrie unter Mitwirkung von etwa 200 Einzelfachverbänden. Cologne: M. Dumont Schauberg, 1930, part 5.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's company's name and country in which it was located match the published name and country of the Account Owner. The Claimant identified the city in which the company was located, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Bernhard Meyer, and indicating that his father had an ownership interest in a company called *Max Rosenbaum*, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that a name identified on the ICEP List as owning a Swiss bank account matches his father's company's name, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the company's name, exact street address and type of business, as contained in the Address Book of Germany's Textile Industry, match the information provided by the Claimant.

The CRT further notes that the other claims to these accounts were disconfirmed because those claimants provided different cities and/or countries of residence than those of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the owner of the Account Owner was a Victim of Nazi Persecution. The Claimant stated that his father was Jewish, that he resided in Nazi Germany, and that he was arrested and then fled the country for the United States in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the owner of the Account Owner by submitting specific biographical information, demonstrating that his father held an ownership interest in the Account Owner.

As noted above, the Address Book of Germany's Textile Industry identifies the owners of *Max Rosenbaum* as Ernst Mosheim and Martin Cohn. The CRT notes, however, that this information is dated from 1930, and considers it plausible that the Claimant's father may have obtained an ownership interest in the firm after the publication of this information. In this regard, the CRT

notes that the Claimant stated that his father had an ownership interest in the company in his Initial Questionnaire, that is, prior to the publication of the Account Owner's name in February 2001. The CRT notes that it has received no claims to these accounts from the heirs of the owners listed in the Address Book.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record; that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner's owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Address Book of Germany's Textile Industry. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner's owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner's owner, as he has asserted in his Claim Form. There is no information to indicate that the owner of the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the owner of the Account Owner resided in Nazi Germany until 1938, when he fled to the United States to avoid Nazi persecution; that both accounts were closed by 10 July 1937; that there is no record of the payment of the Account Owner's accounts to it or to its owner; that the Account Owner's owner and his heirs would not have been able to obtain information about the accounts 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 owner of 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 owner of the Account Owner was his father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the owner of the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts. 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 (the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”). Thus, the combined 1945 average value for the two accounts at issue is SF 4,280.00. The current value of this amount is 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 53,500.00.

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
18 December 2007