

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Yaen Yitzchak Vered
also acting on behalf of Ruth Rosenwald, Michal Reisner and Mati Rosenwald

in re Accounts of Justin Rosenwald

Claim Number: 221468/MBC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Yaen Yitzchak Vered (the “Claimant”) to the accounts of Justin Rosenwald (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 his paternal grandfather, Justin Rosenwald, who was born on 21 July 1882 in Dietenhofen, Germany, and was married to Milly Geshmay on 16 June 1913 in Göppingen, Germany. The Claimant stated that his grandparents had one child, Bruno Rosenwald (the Claimant’s father), who was born on 13 May 1914 in Nuremberg, Germany. The Claimant further stated that between 1910 and 1938, his grandfather resided in Göppingen, and that he co-owned a toy factory in Nuremberg, called *Nürnberger Stoffspielwaren-Fabrik*, which was located at 14 Nadlerstrasse. The Claimant explained that because his grandfather, who was Jewish, wanted to protect his family’s fortune, he made deposits in a Swiss bank as a result of the escalation of threats against Jews in Germany. The Claimant stated that his grandfather died in 1938 because he did not receive proper medical treatment due to his Jewish faith. The Claimant further stated that his grandmother perished in 1941 in the Chelm concentration camp. The Claimant indicated that his parents had one child, his father, Bruno Baruch Rosenwald, who was born in Nuremberg, Germany on 13 May 1914 and died on 5 March 1976 in Israel. The Claimant stated that he was born on 12 April 1939 in Gan Hashomron, Israel. The Claimant represents his mother, Ruth Rosenwald, née Gutman; his brother, Mati Rosenwald; and his sister, Michal Reisner, née Rosenwald. In a telephone conversation with the CRT on 27 March 2002, the Claimant stated that he represented his mother, Ruth Rosenwald, née Gutman, his sister Michal Reisner, née Rosenwald, and his brother, Mati Rosenwald. The Claimant later submitted an affidavit, signed

by his mother and siblings and dated 16 April 2002, in which they agreed not to file separate claims to the account Justin Rosenwald.

In support of his claim, the Claimant submitted numerous documents, including his father's birth certificate, identifying him as Bruno Rosenwald and his father's parents as Justin Rosenwald and Milli Rosenwald, née Geschmay; his own birth certificate; his parents' marriage certificate, identifying them as Bruno and Ruth Rosenwald; a copy of stationery from Justin Rosenwald's factory; copies of letters signed and sent by his grandfather to his father between the years 1937 and 1938; his grandfather's death certificate, dated 22 March 1938; his father's death certificate, dated 5 March 1976; and a legally certified document indicating that the Claimant changed his family name from Rosenwald to Vered.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Justin Rosenwald, who resided in Nuremberg, Germany. The Bank's record indicates that the Account Owner held one demand deposit account and one custody account, numbered L 22223. According to the Bank's record, the custody account was closed on 18 June 1936, and the demand deposit account was closed on 20 June 1936. The amount in the accounts on the dates of their closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandfather's name matches the published name of the Account Owner. The Claimant stated that his grandfather lived in Göppingen but that he also used an address in Nuremberg where his toy factory was located, which matches unpublished information regarding the Account Owner's address contained in the Bank's record. The CRT further notes that in support of his claim, the Claimant submitted his father's birth certificate, identifying the Claimant's grandfather as Justin Rosenwald of Nuremberg, providing independent verification of the relationship between the Claimant and the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Justin Rosenwald, and indicates that his date of birth was 21 July 1882 and place of birth was Diethofen, which matches the information about the Account Owner provided by the Claimant.¹ The CRT notes that there is one other

¹ The CRT notes that a discrepancy exists between the spelling of Justin Rosenwald's place of birth in the database containing names of victims of Nazi persecution (Diethofen) and the documents provided by the Claimant (Diethofen). The CRT recognizes that in many cases, spellings of names may have changed due to the transcription of names in different languages.

claim to the account of a person named Justin Rosenwald; however, the CRT determined that the claim is inadmissible because that claimant failed to define her relationship to the Account Owner and did not provide any information about the Account Owner other than his name. 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 Account Owner was a Victim of Nazi Persecution. The Claimant stated that his grandfather was Jewish, that he died in Nazi Germany because he did not receive proper medical treatment due to his Jewish faith, and that his wife perished in a concentration camp. As noted above, a person named Justin Rosenwald was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting numerous documents, including his grandfather's death certificate, the birth and death certificates of the Claimant's father, his own birth certificate, and a legally certified document indicating that the Claimant changed his family name from Rosenwald to Vered, demonstrating that the Account Owner was his paternal grandfather. The Claimant also stated that his late father was his grandfather's only son, and that the Claimant, his mother, and his siblings are his grandfather's only surviving heirs.

The Issue of Who Received the Proceeds

In evaluating whether the Account Owner or his heirs received the proceeds of the demand deposit and custody accounts, the CRT took into account the facts of the closing of the Account Owner's demand deposit account on 20 June 1936 and the Account Owner's custody account on 18 June 1936, and considered that: the Nazis embarked on a campaign in 1933 to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until his death in 1938, and would not have been able to repatriate his accounts to Germany at the time that they were closed without their confiscation; and that there is no record of the payment of the Account Owner's account to him. Based on these factors, indicating a practical inability to receive the proceeds of his demand deposit and custody accounts during the period in which the Account Owner lived in Germany, and given the application of relevant Presumptions (a), (h) and (j),² which establish a presumption of 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

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.

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 his paternal grandfather, and that relationship justifies an Award. Finally, the CRT 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 custody account and one demand deposit 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 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 and the average value of a custody account was 13,000.00 Swiss Francs. The current value of these amounts is calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 189,250.00 Swiss Francs.

Division of the Award

The CRT notes that the Claimant's mother, brother, and sister did not submit Power of Attorney forms authorizing the Claimant to act on their behalf. However, in a telephone conversation with the CRT on 27 March 2002, the Claimant stated that he represented his mother, Ruth Rosenwald, née Gutman, his sister Michal Reisner, née Rosenwald, and his brother, Mati Rosenwald. The Claimant later submitted an affidavit, signed by his mother and siblings and dated 16 April 2002, in which they agreed not to file separate claims to the account Justin Rosenwald. This affidavit, together with the Claimant's statement of 27 March 2002, indicates that the Claimant's mother and siblings have consented to be represented by the Claimant, and therefore considers them co-Claimants in this proceeding.

According to Article 23(1)(c) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), in the absence of the Account Owner's will, 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. In the present case, the Claimant, who is the Account Owner's grandson, is being treated as representing his siblings, Michal Reisner, née Rosenwald, and Mati Rosenwald, as well as his mother, Ruth Rosenwald, née Gutman (the Account Owner's daughter-in-law). The Claimant and his siblings, Michal Reisner and Mati Rosenwald, who are direct descendants of the Account Owner, have a better

entitlement to the Account Owner's account than Ruth Rosenwald, who is related to the Account Owner by marriage. Accordingly, the Claimant and his siblings Michal Reisner and Mati Rosenwald are each entitled to one-third of the total award amount.

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
19 November 2003