

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Gabriela Maria Luisa Frieda Rothschild
also acting on behalf of Herta Rothschild
represented by Roberto David Banchik-Rothschild

in re Accounts of Louis Rothschild

Claim Number: 209112/AC¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Gabriela Maria Luisa Frieda Rothschild (the “Claimant”) to the account of Fritz Rothschild.² In an award approved on 30 September 2003 (the “September 2003 Award”), the CRT awarded four accounts belonging to Louis Rothschild (the “Account Owner”) to the Claimant. This Award is to an additional account that the Account Owner held at 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 her paternal grandfather, Louis Rothschild, who was married to Bertha Rothschild, née Keller, with whom he had one child, Fritz Rothschild, the Claimant’s father. According to information provided by the Claimant, her grandfather, who was Jewish, was a merchant who was born in Ludwigshafen, Germany, and resided in Mannheim, Germany, where he died in approximately 1938 or 1939.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 209112 and 220235. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 209112.

² The CRT will treat the claim to this account in a separate determination.

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”), Louis Rothschild is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of five accounts. The CRT previously awarded the Claimant two demand deposit accounts, one custody account, and one safe deposit account belonging to Louis Rothschild. See *In re Accounts of Louis Rothschild* (approved on 30 September 2003) (the “September 2003 Award”). This award is for the remaining account.

The Claimant indicated that her father fled Germany to Mexico sometime before her grandfather's death.

The Claimant submitted documents in support of her claim, including: (1) a copy of her parents' marriage certificate, indicating that Fritz Rothschild married Herta Plaut, and that his father, Louis Rothschild, was a merchant who was born in Ludwigshafen and resided in Mannheim; (2) a copy of her father's death certificate, indicating that Fritz Rothschild Keller was born in Ludwigshafen, that his parents were Louis Rothschild and Bertha Keller; and (3) a copy of her own birth certificate, indicating that her parents were Fritz Rothschild and Herta Plaut, and that her paternal grandfather was Louis Rothschild.

The Claimant indicated that she was born on 21 June 1939 in Mexico. The Claimant is representing her mother Herta Rothschild, née Plaut, who was born on 11 June 1914.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Louis Rothschild, *Kommerzienrat* (an honorary title bestowed upon prominent businessmen), who resided in Mannheim and Bochum, Germany, and later in New York, the United States. The Bank's record indicates that the Account Owner held two demand deposit accounts, one custody account, numbered L12148, one safe deposit box account, numbered 592, and one custody account, numbered L12148a.⁴ According to this record, the demand deposit accounts were closed on 8 February 1934 and 22 September 1938; custody account L12148 was closed on 8 September 1936;⁵ custody account L12148a was closed on 18 September 1938, and the safe deposit box was closed on 31 March 1936. The amounts in the accounts on the dates of their closure are 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. The Claimant's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the unpublished city of residence and listed an occupation

⁴ As noted above, the CRT previously treated the Account Owner's accounts in the September 2003 Award, with the exception of custody account L12148a.

⁵ The CRT indicated in the September 2003 Award that custody account L12148 was closed on 18 September 1938. Upon further review, the CRT has determined that this account was closed on 8 September 1936. The CRT notes that this correction does not affect the outcome of the CRT's original decision in the September 2003 Award pertaining to this account.

that is consistent with the title the Account Owner as contained in the Bank's record.⁶ The CRT notes that the CRT awarded four of the Account Owner's accounts to the Claimant in the September 2003 Award.

In support of her claim, the Claimant submitted numerous documents, including her parents' marriage certificate, her father's death certificate, and her own birth certificate, which provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner. Furthermore, the CRT notes that other claims to these accounts were disconfirmed due to inconsistent information provided by the other claimants regarding 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 the Account Owner was Jewish, that he resided in Nazi Germany until his death, which occurred between 1938 and 1939, and that the Account Owner's heirs were forced to flee to Mexico to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandfather. These documents include her parents' marriage certificate, indicating that Fritz Rothschild's father was Louis Rothschild; her father's death certificate, indicating that his father was Louis Rothschild; and her own birth certificate, indicating that her father was Fritz Rothschild, and that her grandfather was Louis Rothschild. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The CRT notes that the Claimant was awarded the Account Owners' two demand deposit accounts, custody account L12148, and safe deposit box account, numbered 592, in the September 2003 Award.

With respect to custody account L12148a, given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals in Germany through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner's account was closed in 1938, and the Account Owner remained in Nazi Germany until his death in 1938 or 1939; that he would not have been able to repatriate his account to Germany when it was closed without their

⁶ The CRT notes that the Bank's record contains a notation "New York," but, as in the September 2003 Award, concludes that this notation may have been made at a later date and that it does not affect the Claimant's identification of the Account Owner.

confiscation; that there is no record of the payment of the Account Owner's account to him; that the Account Owner's heirs left Germany before the Account Owner's death, and would not have been able to obtain information about his 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),⁷ 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, 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 custody account L12148a.

Further, the CRT notes that the Claimant, as the Account Owner's grandchild, has a better entitlement to the account than represented party Herta Rothschild, the Account Owner's daughter-in-law.

Amount of the Award

This Award is for one custody account, numbered L12148a. 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 custody account was 13,000.00 Swiss Francs ("SF"). 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 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, in equal shares by representation. In this case, the Claimant is representing her mother, the spouse of the Account Owner's son. Therefore, as a direct descendant of the Account Owner, the Claimant is entitled to the total award amount and as noted above, the Claimant's mother, Herta Rothschild, is not entitled to a portion of the award.

⁷ Appendix C appears on the CRT II website -- www.crt-ii.org.

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
12 May 2006