

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Jacqueline Haydee Rothschild
also acting on behalf of Miguel Rothschild and Stephan Moos

in re Account of Emmy Salomon

Claim Number 501644/MI/AC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Jacqueline Haydee Rothschild (the “Claimant”) to the published account of Emmy Salomon (the “Account Owner”), over which S. Salomon (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of 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 her maternal grandmother, Emmy Salomon, née Nathan, who was born in Emmerich, Germany, and was married to Sally (Sali) Salomon. The Claimant indicated that her grandparents, who were Jewish, resided on Rochusstrasse in Dusseldorf, Germany until 1939, and that they had two children: Gerda and Lisel (the Claimant’s mother). The Claimant explained that after the Nazis’ rise to power, her grandparents were persecuted, and her grandfather was unable to work. The Claimant further indicated that her grandparents and the Claimant’s mother, fearing deportation, fled Germany and emigrated to Argentina in 1939. The Claimant stated that her grandmother opened a Swiss account just prior to fleeing Germany. The Claimant explained that her aunt, Gerda Moos, née Salomon, lived in Zurich, Switzerland at the time, and that her grandmother may have given the Bank Gerda Moos’s Swiss address. According to information provided by the Claimant, her grandmother died in 1961 in Buenos Aires, Argentina.

The Claimant submitted copies of documents in support of her claim, including: (1) her aunt’s birth certificate, indicating that Gerda Salomon was born on 11 January 1911 in Berlin, Germany, that her parents were Sally Salomon and Emmy Salomon, née Nathan, and that they

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 400392. The CRT will treat this claim in separate determination.

were Jewish; (2) her aunt's marriage certificate, indicating that Gerda Salomon married Rudolf Ernst Moos on 24 July 1934 in Dusseldorf, and that Gerda Salomon's parents were Sally Salomon and Emma Salomon, née Nathan, who lived in Dusseldorf; (3) her mother's birth certificate, indicating that Lisel Salomon was born in 1915 in Dusseldorf, and that her parents were Sally Salomon and Emmy Salomon, née Nathan, and that they were Jewish; (4) her mother's Argentinean visa petition, indicating that Lisel Salomon's parents were Sally Salomon and Emmy Nathan; and (5) her own birth certificate, indicating that Haydee Rothschild's parents were Juan Guillermo Rothschild and Lisel Salomon, and that Lisel Salomon's parents were Sally Salomon and Emmy Nathan.

The Claimant indicated that she was born on 15 August 1940 in Buenos Aires. The Claimant is representing her brother, Miguel Rothschild, who was born on 25 November 1946 in Buenos Aires, and her cousin, Stephan Moos, who was born on 27 January 1937 in Zurich.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Emmy Salomon and the Power of Attorney Holder was *Herr* (Mr.) S. Salomon, the Account Owner's husband, both of whom resided at Rochusstrasse 57 in Dusseldorf, Germany. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated, which was opened no later than 30 July 1930. These records also include signature samples for the Account Owner and the Power of Attorney Holder.

The Bank's records indicate that the account was closed, but the date of closure is not recorded. The Bank's records do not indicate the value of this account. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") indicated that there was no evidence of activity on this account after 1945.

There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the account 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 grandmother's name and city and country of residence match the published name, city, and country of residence of the Account Owner. The Claimant identified the Account Owner's street name, the relationship between the Account Owner and the Power of Attorney Holder, and the gender of the Power of Attorney Holder, which matches unpublished information contained in the Bank's records.

In support of her claim, the Claimant submitted copies of documents, including her aunt's birth certificate, her aunt's marriage certificate, her mother's birth certificate, her mother's Argentinean visa petition, and her own birth certificate, providing 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 records as the name and city of residence of the Account Owner.

The CRT notes that the name Emmy Salomon appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT also 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, that she resided in Nazi Germany, and that she fled Germany, fearing deportation.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandmother. These documents include her mother's birth certificate, indicating that Lisel Salomon's mother was Emmy Salomon; her mother's Argentinean visa petition, indicating that Lisel Salomon's parents were Sally Salomon and Emmy Nathan; and her own birth certificate, indicating that Haydee Rothschild's mother was Lisel Salomon, and that Lisel Salomon's parents were Sally Salomon and Emmy Nathan. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi Germany until she fled to Argentina; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 (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 Account Owner, 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 and the parties whom she represents. 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 grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 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 49,375.00.

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 brother, Miguel Rothschild, and her cousin, Stephan Moos, all three of whom are grandchildren of the Account Owner. Accordingly, the Claimant and her brother are each entitled to one-fourth of the total award amount, and the Claimant’s cousin, Stephan Moos, is entitled to one-half 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 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
23 April 2007