

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Dr. Ing. Desiderius Schatz

Claim Number: 223071/ME

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Dr. Ing. Desiderius Schatz (the “Account Owner”) at 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 owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Desiderius Schatz, who was born between 1850 and 1875, and was married to [REDACTED]. Dr. and Mrs. Schatz had one child, [REDACTED], who was born on 25 September 1906 in Zittau, Germany. The Claimant stated that his grandfather held the title “Dr. Ing.,” and that he was a mechanical engineer specializing in textiles in Zittau. According to the information provided by the Claimant, the fact that his grandfather was of Czech descent and the fact that Zittau is in close proximity to Prague, Czechoslovakia, made it likely that his grandfather had a second place of residence in Prague. The Claimant stated that his grandfather, who was Jewish, was deported during the Second World War and was not heard from again.

In support of his claim, the Claimant submitted his father’s death certificate, his own birth and marriage certificates, and an official document memorializing the change of his last name from Schatz to [REDACTED], which is his wife’s last name. The Claimant indicated that he was born on 27 October 1958 in Garches, Hauts-de-Seine, France.

Information Available in the Bank Record

The bank record consists of an internal bank statement made in preparation of the 1945 freeze of German assets in Switzerland dated 17 February 1945. According to this document, the Account Owner was Dr. Ing. Desiderius Schatz, who resided at U. Smaltovny 1432 in Prague VII, Czechoslovakia. The bank record indicates that the Account Owner held a demand deposit account. The bank record indicates that the account was opened before 1 September 1939, that the account contained 62.50 Swiss Francs as of 17 February 1945, and that this account was not included in the freeze. The account was transferred on 18 August 1955 to a collective account. The amount in the account on the date of its transfer was 50.00 Swiss Francs. The account remains open and dormant today.

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 and place of residence of the Account Owner. The Claimant identified his grandfather's professional title, which matches unpublished information about the Account Owner contained in the bank records.

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, and that he was deported during the Second World War, and is presumed to have perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents including his father's death certificate and a document verifying the Claimant's name change, demonstrating that the Claimant formerly had the same last name as his father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that the account was transferred to a suspense account and remains open and dormant.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his grandfather, and that relationship justifies an Award. Finally, the

CRT has determined that neither the Account Owner, nor his heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the demand deposit account as of 17 February 1945 was 62.50 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 15.00 Swiss Francs, which reflects standardized bank fees charged to the demand deposit account between 1 January 1945 and 17 February 1945. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 77.50 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 65% of the total award amount is 16,692.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

November 26, 2002