

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3],

and to Estate of Claimant [REDACTED 4]¹
represented by [REDACTED 5]

in re Account of Karl Schmeidler

Claim Numbers: 217538/AC;^{2,3} 221507/AC;⁴ 300698/AC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”) to the published account of Karl Schmeidler, and the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) (together the “Claimants”) to the accounts of Karl Schmeidler, [REDACTED], and [REDACTED].⁵ This Award is to the published account of Karl Schmeidler (the “Account Owner”) at the Zurich branch of 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.

¹ [REDACTED 5], Claimant [REDACTED 4]’s son, informed the CRT that his mother had passed away in April 2005.

² Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 217538 and 300684. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 217538.

³ Claimant [REDACTED 1] submitted three additional claims to the accounts of [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 300602, 300784, and 300819. The CRT will treat the claims to these accounts in separate decisions.

⁴ Claimant [REDACTED 4] submitted two Claim Forms, which were registered under the Claim Numbers 221507 and 219280. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 221507.

⁵ The CRT did not locate an account belonging to Claimant [REDACTED 1]’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of ICEP, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. Claimant [REDACTED 1] should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 1] or upon information from other sources. The CRT will treat the claim to the account of [REDACTED] separately.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his late father, Karel (Karl) Schmeidler, who was born on 23 March 1926 in Ivancice, Czechoslovakia (now Czech Republic), and was married to Drahomira Netopilova on 7 February 1948 in Brno, Czechoslovakia (now Czech Republic). Claimant [REDACTED 1] stated that his father, who was Jewish, worked as a retail salesman and a technical clerk, and resided in Ivancice until 1943, when he fled to Palestine (now Israel). Claimant [REDACTED 1] indicated that his father returned to Brno in 1966 and resided there until his death on 15 February 1997. Claimant [REDACTED 1] stated that his father's family members were all murdered in the Holocaust. Claimant [REDACTED 1] indicated that his father's parents had a Swiss bank account, which facilitated his escape to Palestine. Claimant [REDACTED 1] submitted his own birth certificate, indicating his father was Karel Schmeidler, and an authorized inheritance certificate from the Brno probate court, dividing the Estate of Karlu Scmeidlerovi between his wife, [REDACTED 2], and his two sons, Claimant [REDACTED 1], and [REDACTED 3].

Claimant [REDACTED 1] indicated that he was born on 27 February 1951 in Ivancice. Claimant [REDACTED 1] is representing his mother, [REDACTED 2], née [REDACTED], who was born on 26 September 1925 in Ivancice, and his brother, [REDACTED 3], who was born on 5 April 1957 in Ivancice.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire ("IQ") with the Court in 1999 asserting his entitlement to a Swiss bank account owned by [REDACTED].

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as her paternal uncle, Karl (Carl) Schmeidler, who was born on 12 February 1893 in Upper Silesia, Poland, and was married to [REDACTED] in 1922 in Berlin, Germany. Claimant [REDACTED 4] stated that her uncle, who was Jewish, was a chemist and the owner of a pharmaceutical company named *Medprodukt* in Berlin. Claimant [REDACTED 4] indicated that her uncle resided in Berlin from 1920 until 1936, when he fled to the United Kingdom. Claimant [REDACTED 4] further stated that between 1935 and 1937, her uncle established a branch of his company in Zurich, Switzerland, which was managed by a Swiss citizen. Claimant [REDACTED 4] stated that when her uncle came to Switzerland after the Second World War, the manager of his company and consequently her uncle's Swiss bank accounts could not be traced. Claimant [REDACTED 4] stated that her uncle died without any heirs on 27 February 1982 in London, the United Kingdom. Claimant [REDACTED 4] submitted Carl Schmeidler's death certificate, Carl Schmeidler's will, bequeathing his assets to his wife, [REDACTED], and [REDACTED]'s will, bequeathing all her assets to Claimant [REDACTED 4].

Claimant [REDACTED 4] indicated that she was born on 26 November 1924 in Berlin.

Information Available in the Bank's Record

The Bank's record consists of a suspense account ledger. According to this record, the Account Owner was Karl Schmeidler. The Bank's record does not show the Account Owner's city or country of residence. The Bank's record indicates that the Account Owner held one account, the type of which is not indicated.

The Bank's record indicates that the account was transferred before 30 June 1964 to a suspense account and that the account was closed on 30 June 1964. The record does not indicate the value of the account on the date of its closure. 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") determined that the account was closed to fees and charges.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names both match the published name of the Account Owner.

The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

In support of their claims, Claimant [REDACTED 1] submitted his own birth certificate, and an authorized inheritance certificate from the probate court in Brno, indicating his father was [REDACTED 1], and Claimant [REDACTED 4] submitted Carl Schmeidler's death certificate and will, providing independent verification that her uncle had the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that the spelling of both Claimant [REDACTED 1]'s and Claimant [REDACTED 4]'s relatives' names differ slightly from that of the spelling of the Account Owner's name listed in the Bank's records. The CRT determines that this difference in spelling, however, is insubstantial.

The CRT notes that the name Karl Schmeidler appears only once 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 CRT further notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 4]'s relative are not the same person. However, given that the Claimants have identified all published

information about the Account Owner that is available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 4] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] and Claimant [REDACTED 4] stated that the Account Owner was Jewish. Claimant [REDACTED 1] stated that the Account Owner fled Czechoslovakia to Palestine in 1943, and Claimant [REDACTED 4] stated that the Account Owner fled Germany to the United Kingdom in 1936.

The Claimants' Relationship to the Account Owner

The Claimants have each plausibly demonstrated that they are related to the Account Owner, by submitting information and documents indicating that the Account Owner was Claimant [REDACTED 1]'s father or Claimant [REDACTED 4]'s uncle. Claimant [REDACTED 1] submitted his own birth certificate, and an authorized inheritance certificate from the probate court in Brno, indicating his father was Karel Schmeidler.

The CRT notes that Claimant [REDACTED 4] submitted Carl Schmeidler's death certificate and will. The CRT further notes that these are documents which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess, and all of this information supports the plausibility that Claimant [REDACTED 1] and Claimant [REDACTED 4] are related to the Account Owner, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation determined that the account was closed to fees by the Bank on 30 June 1964.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his father; and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was her uncle, and those relationships justify an Award. Third, the CRT has determined 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 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 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] and the parties whom he represents are entitled to one-half of the Award amount, and Claimant [REDACTED 4] is entitled to one-half of the Award amount.

Further, according to Article 23(1)(b) of the Rules, if the Account Owner’s spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and any descendants who have submitted a claim shall receive the other half in equal shares by representation. In this case, Claimant [REDACTED 1] is representing his mother and brother. Accordingly, Claimant [REDACTED 1] and his brother are each entitled to one-eighth of the total award amount and Claimant [REDACTED 1]’s mother is entitled to one-fourth of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
21 September 2005