

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
Claimant [REDACTED 2], represented by Janice Silver
Claimant [REDACTED 3], Claimant [REDACTED 4],
to Claimant [REDACTED 5],
to Claimant [REDACTED 6],
and to Claimant [REDACTED 7]

in re Account of Jakob Schneider

Claim Numbers: 002710/RS;¹ 202333/RS;² 702121/RS;³ 752826/RS;⁴
771637/RS;⁵ 772233/RS;⁶ 779326/RS⁷

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant REDACTED 1”); [REDACTED 2] (“Claimant [REDACTED 2]”); [REDACTED 3],

¹ In 1999, Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) also submitted an Initial Questionnaire (“IQ”), numbered HEB-0122180, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 715501. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 002710.

² Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted one additional claim, which is registered under the Claim Number 204069. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 202333.

³ Claimant [REDACTED 3] (“Claimant [REDACTED 3]”) did not submit a Claim Form to the CRT. However, in 1999, she submitted an IQ, numbered ENG-0057064, to the Court. In accordance with the procedure described in footnote 1, the IQ has been assigned claim number 702121.

⁴ Claimant [REDACTED 6] (“Claimant [REDACTED 6]”) did not submit a CRT Claim Form. However, in 1997 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-NYC-B-71-117-023-411, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 752826.

⁵ Claimant [REDACTED 5] (“Claimant [REDACTED 5]”) did not submit a Claim Form to the CRT. However, in 1999, she submitted an IQ, numbered ENG-0060102, to the Court. In accordance with the procedure described in footnote 1, the IQ has been assigned claim number 771637.

⁶ Claimant [REDACTED 4] (“Claimant [REDACTED 4]”) did not submit a Claim Form to the CRT. However, in 1999, she submitted an IQ, numbered ENG-0081051, to the Court. In accordance with the procedure described in footnote 1, the IQ has been assigned claim number 772233.

⁷ With regard to this claim, Claimant [REDACTED 7] (“Claimant [REDACTED 7]”) did not submit a Claim Form to the CRT. However, in 1999, she submitted an IQ, numbered ENG-0363087, to the Court. In accordance with the procedure described in footnote 1, the IQ has been assigned claim number 779326.

Claimant [REDACTED 7] submitted two additional claims, which are registered under the Claim Numbers 401781 and 703889. In three separate decisions, the CRT awarded the accounts of Adolf Schneider, Emmy Schneider, and Emma Schneider to Claimant [REDACTED 7]. See *In re Account of Adolf Schneider* (approved on 30 December 2004); *In re Account of Emmy Schneider* (approved on 23 June 2006); and *In re Account of Emma Schneider* (approved on 19 July 2007).

née [REDACTED 3] (“Claimant [REDACTED 3]”); [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”); [REDACTED 5], née [REDACTED] (“Claimant [REDACTED 5]”); [REDACTED 6] (“Claimant [REDACTED 6]”); and [REDACTED 7], née [REDACTED] (“Claimant [REDACTED 7]”) (together the “Claimants”) to the published account of Jakob Schneider (the “Account Owner”) at the [REDACTED] (the “Bank”).⁸

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form and an Initial Questionnaire (“IQ”) identifying the Account Owner as her father, Jakob Wolf Schneider, who was born in 1898 in Suceveni, Bucovina, Romania, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that her family members, who were Jewish, resided in Stanesti, Bucovina, Romania, where her father was a textile merchant who owned a store, factory, real estate, and orchards. Claimant [REDACTED 1] further indicated that her family was wealthy and had significant assets deposited in Swiss banks.

According to Claimant [REDACTED 1], when the Nazis occupied Stanesti in June 1941, her family was deported to the ghetto in Czernowitz (Cernauti), Romania; Claimant [REDACTED 1] explained that her father Jakob Schneider was shot and killed in Czernowitz in 1941, and that she and her mother and brother [REDACTED] were imprisoned in a ghetto until the end of the Second World War. Finally, Claimant [REDACTED 1] indicated that her mother died in 1984 in Haifa, Israel.

In support of her claim, Claimant [REDACTED 1] submitted copies of: 1) her own marriage certificate, written in Romanian, indicating that [REDACTED 1] was born in Stanesti on 29 May 1931, that her parents were Jacob Wolf Schneider and [REDACTED], and that she was married to [REDACTED] on 29 October 1955 in Cluj, Romania; and 2) her son’s Israeli birth certificate, indicating that [REDACTED 1], née [REDACTED], is Jewish.

Claimant [REDACTED 1] indicated that she was born on 29 May 1931.

Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4]

Claimant [REDACTED 2] submitted a Claim Form, and Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4] – all of whom are Claimant [REDACTED 2]’s siblings – submitted IQ’s identifying the Account Owner as their father, Jakob Schneider, who was married to [REDACTED], née [REDACTED]. These Claimants indicated that their family members, who were all Jewish, resided in Velike Lucky, Czechoslovakia, also known as Nagy Lucska, Hungary (now Velikiye Luchki, the Ukraine), where their father was a livestock dealer. These Claimants further indicated that their father often traveled to Switzerland for the purpose of importing cattle.

⁸ 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”), the name Jakob Schneider appears twice. Upon careful review, the CRT has determined that the second Jakob Schneider is not any of the same persons addressed in the current decision and, consequently, none of the Claimants identified this other account owner as his or her relative.

According to these Claimants, their family's assets were looted by the Nazis during the Second World War. They also indicated that they, their parents, and their remaining siblings were deported both to work camps and to a number of concentration camps, where their parents and two of their other siblings (including [REDACTED], who was born in 1935,) perished.

Claimant [REDACTED 2] indicated that he was born on 13 August 1921; Claimant [REDACTED 5] indicated that she was born on 17 March 1923; Claimant [REDACTED 4] indicated that she was born on 25 January 1925; and Claimant [REDACTED 3] indicated that she was born on 17 May 1927.

Claimant [REDACTED 2] previously submitted an IQ to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Jacob Schneider.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted an ATAG Ernst & Young claim form ("ATAG Form") identifying the Account Owner as his great-grandfather, Jakob Schneider. Claimant [REDACTED 6] indicated that his great-grandfather's extended family, which was Jewish, lived in Stuttgart and Schnaittach, Germany and that various relatives fled in the directions of Switzerland and Poland during the Second World War. Finally, Claimant [REDACTED 6] indicated that his great-grandfather perished in or near Stuttgart between 1942 and 1945.

In support of his claim, Claimant [REDACTED 6] submitted a copy of his own birth certificate, indicating that [REDACTED 6] was born on 22 December 1948 in New York, the United States and that his father was [REDACTED], who was born in Poland.

Claimant [REDACTED 6] indicated that he was born on 22 December 1948 in New York.

Claimant [REDACTED 7]

Claimant [REDACTED 7] submitted an IQ identifying the Account Owner as her paternal uncle, Jakob Schneider. Claimant Newman indicated that her uncle, who was Jewish, resided at Gierstergasse 10 in Vienna, Austria.

Claimant [REDACTED 7] further indicated that her father - Jakob Schneider's brother - was [REDACTED], who was born in approximately 1885, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 7] indicated that her parents, who were Jewish, resided in Vienna, where her father was a teacher and philosopher. According to Claimant [REDACTED 7], her parents tried to flee to Palestine around the time of the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*"), but were unable to leave the country. Claimant [REDACTED 7] further indicated that her family's assets were looted by the Nazis during the Second World War and that in 1942 or 1943, her father was deported to a concentration camp, where he perished. Finally, Claimant [REDACTED 7] indicated that she and her mother fled to Hamburg, Germany, where they remained in hiding using falsified identification papers.

Claimant [REDACTED 7] indicated that she was born on 24 February 1938 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of lists of suspended accounts and printouts from the Bank's database. According to these records, the Account Owner was Jakob Schneider. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 87276, which was opened on 21 June 1916. The Bank's records indicate that the account was transferred to the Bank's suspense account on 8 June 1959, when the account had a balance of 326.45 Swiss Francs ("SF"). The account remains suspended.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Jakob Schneider, numbered 11910. These documents indicate that Jakob Schneider resided at Gierstergasse 10 in Vienna, and that he was a master shoemaker. These documents further indicate that Jakob Schneider was born on 22 March 1879, that he was Jewish, and that he was married to [REDACTED], née [REDACTED]. These records make no mention of assets held in a Swiss bank account.

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 seven claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her own marriage certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes pages of testimony submitted by Claimant [REDACTED 1] in 1999, her brother [REDACTED] in 1956 and 1978, and other relatives in 1955 and 1957, which indicate that Jakob Schneider was born on 20 May 1898 in Suceveni; that he was married to [REDACTED], née [REDACTED]; that he resided in Stanesti; that he was a textile merchant; and that he was

shot by the Nazis in Czernowitz on 26 June 1941, which matches the information about the Account Owner provided by Claimant [REDACTED 1].

The database further includes testimony submitted in 1956 by a relative of Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4], indicating that Jakob Sneider was born in 1892; that he was married to [REDACTED], née [REDACTED]; that he resided in Velike Lucky; and that he and his wife perished in Auschwitz in 1944, along with two young children - including [REDACTED], who was approximately ten years old - which matches the information about the Account Owner provided by these Claimants.

Finally, the CRT notes that the database includes testimony submitted by Claimant [REDACTED 7] in 1999, which indicates that Jakob Schneider was born on 22 March 1879 in Vienna; that he was married to [REDACTED], née [REDACTED]; that he resided at Gierstergasse 10 in Vienna; and that he was a shoemaker, which matches the information about the Account Owner provided by Claimant [REDACTED 7] and also the information contained in the 1938 Census records. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 6] filed his ATAG Form in 1997 and that the remaining Claimants filed their IQ's with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by the Account Owner, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution ("ICEP" or the "ICEP List"). This indicates that the Claimants have based their claims not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them independently of the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT notes that Claimant [REDACTED 1]'s relative; the relative of Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4]; Claimant [REDACTED 6]'s relative; and Claimant [REDACTED 7]'s relative are each different persons. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish; that he resided in Nazi-allied Romania; and that he was deported to the ghetto in Czernowitz, where he was shot and killed in 1941. As noted above, a person named Jakob Schneider, corresponding to Claimant [REDACTED 1]'s relative, was included in the CRT's database of victims.

Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4] have also made a plausible showing that the Account Owner was a Victim of

Nazi Persecution. These Claimants stated that the Account Owner was Jewish, and that he perished in a concentration camp. As noted above, a person named Jakob Schneider, corresponding to these Claimants' relative, was included in the CRT's database of victims.

Claimant [REDACTED 6] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 6] stated that the Account Owner was Jewish, and that he resided in Nazi Germany, where he perished between 1942 and 1945.

Finally, Claimant [REDACTED 7] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 7] stated that the Account Owner was Jewish and that he resided in Nazi-occupied Austria. The CRT further notes that the 1938 Census records indicate that the Account Owner was Jewish, and that he resided in Nazi-occupied Austria. As noted above, a person named Jakob Schneider, corresponding to Claimant [REDACTED 7]'s relative, was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her father. These documents include Claimant [REDACTED 1]'s birth certificate, indicating that her father was Iakob Schneider. The CRT notes that Claimant [REDACTED 1] indicated that her brother is still alive, but that because he is not represented in Claimant [REDACTED 1]'s claim, the CRT will not treat his potential entitlement to the Account Owner's account in this decision.

Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4] have plausibly demonstrated that they are related to the Account Owner by submitting specific information, demonstrating that the Account Owner was these Claimants' father. The CRT further notes that these Claimants filed IQ's with the Court in 1999, identifying the relationship between the Account Owner and these Claimants, prior to the publication in February 2001 of the ICEP List; and that these Claimants also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to these Claimants as a family member, and all of this information supports the plausibility that these Claimants are related to the Account Owner, as they have asserted in their Claim Form and IQ's. There is no information to indicate that the Account Owner has other surviving heirs

Claimant [REDACTED 6] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 6]'s great-grandfather. The CRT further notes that Claimant [REDACTED 6] filed his ATAG Form in 1997, identifying the relationship between the Account Owner and Claimant [REDACTED 6], prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 6] submitted a copy of his own birth certificate, which provides independent verification that Claimant [REDACTED 6]'s relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 6] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 6] is related to the Account Owner, as he has asserted in

his ATAG Form. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 7] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 7]'s paternal uncle. The CRT further notes that Claimant [REDACTED 7] filed her IQ with the Court as well as testimony to Yad Vashem in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 7], prior to the publication of the ICEP List; and that Claimant [REDACTED 7] also identified information which matches information contained in 1938 Census records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 7] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 7] is related to the Account Owner, as she has asserted in her IQ. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains suspended.

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 her father; Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4] have plausibly demonstrated that the Account Owner was their father; Claimant [REDACTED 6] has plausibly demonstrated that the Account Owner was his great-grandfather; and Claimant [REDACTED 7] 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 savings/passbook account. The Bank's records indicate that the value of the account as of 8 June 1959 was SF 326.45. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 225.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1959. Consequently, the adjusted balance of the account at issue is SF 551.45. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 10,375.00.

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 group of Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-quarter of the Award amount; Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4] are jointly entitled to one-quarter of the total Award amount; Claimant [REDACTED 6] is entitled to one-quarter of the Award amount; and Claimant [REDACTED 7] is entitled to one-quarter of the Award amount.

With respect to the one-quarter portion of the Award designated to Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 4], according to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not filed a claim, the award shall be in favor of any descendants of the Account Owner who have filed a claim, in equal shares by representation. In this case, these Claimants are the children of the Account Owner. Accordingly, these Claimants are each entitled to one-quarter of this portion of the Award, or one-sixteenth 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
16 October 2008