

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2], [REDACTED 3]  
& [REDACTED 4]

to Claimant [REDACTED 5]  
also acting on behalf of [REDACTED 6], [REDACTED 7]  
& [REDACTED 8]

to Claimant [REDACTED 9]

and to Claimant [REDACTED 10]  
represented by [REDACTED 8]

## **in re Account of Hedwig Simon**

Claim Numbers: 217497/LV;<sup>1</sup> 217499/LV;<sup>2</sup> 221611/LV; 220064/LV;<sup>3</sup> 207859/LV

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 10] (“Claimant [REDACTED 10]”) to the accounts of [REDACTED];<sup>4</sup> and the claims of [REDACTED 1], née [REDACTED],

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<sup>1</sup> Claimant [REDACTED 1] submitted four Claim Forms, which were registered under the Claim Numbers 217497, 217499, 300556 and 300558, respectively. The CRT has determined that the claims 217497 and 300558 are duplicate claims and is treating them under the consolidated Claim Number 217497. The CRT has likewise determined that the claims 217499 and 300556 are duplicate claims and is treating them under the consolidated Claim Number 217499.

<sup>2</sup> Claimant [REDACTED 1] submitted additional claims to the account of [REDACTED], which are registered under Claim Numbers 217498 and 300557. The CRT has determined that these are duplicate claims and is treating them under the consolidated Claim Number 217498. 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 the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Claimant [REDACTED 1] should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 1] or upon information from other sources.

<sup>3</sup> Claimant [REDACTED 10] submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 220065 and 220078, respectively. The CRT has already issued an award to Claimant [REDACTED 10] for these accounts. See *In re Accounts of [REDACTED] and [REDACTED]*, which was approved by the Court on 21 April 2003.

<sup>4</sup> The CRT has previously issued an award to Claimant [REDACTED 10] for these accounts. See *In re Accounts of [REDACTED]*, which was approved by the Court on 28 May 2004.

(“Claimant [REDACTED 1]”) [REDACTED 5] (“Claimant [REDACTED 5]”) and [REDACTED 9] (“Claimant [REDACTED 9]”) to the published account of Hedwig Simon. This Award is to the published account of Hedwig Simon at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as three of the claimants have in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Claim Forms identifying the Account Owner as her paternal grandmother, Hedwig Simon, née Stettiner, who was born on 17 October 1861 in Berlin, Germany. Claimant [REDACTED 1] stated that her grandmother was married to [REDACTED] and that they had four children: [REDACTED] (the Claimant’s father), [REDACTED], [REDACTED] and [REDACTED]. Claimant [REDACTED 1] stated that her grandmother resided at Gelfortstrasse 47 in Berlin-Dahlem from 1925 until 1939 and then at Hindenburgdamm 11 in Berlin-Lichterfelde from 1939 until 1942. Claimant [REDACTED 1] also stated that in 1942 her grandmother, who was Jewish, was deported to Theresienstadt, where she perished on 1 April 1943.

Claimant [REDACTED 1] submitted an extract from the Prussian 1938 Population Census, containing the name Hedwig Simon, née Stettiner, and indicating she was born on 17 October 1861 in Berlin; the birth certificate of [REDACTED], identifying his parents as [REDACTED] and Hedwig Simon, née Stettiner; the birth certificates of the Claimant and her siblings, [REDACTED 4], [REDACTED 3] and [REDACTED], each identifying their parents as [REDACTED] and [REDACTED], née [REDACTED]; and a list of German Jewish Holocaust victims, indicating that Hedwig Simon, née Stettiner, who was born on 17 October 1861, was from Berlin and stating that she died on 1 April 1943 in Theresienstadt.

Claimant [REDACTED 1] indicated that she was born on 14 June 1925 in Berlin. Claimant [REDACTED 1] is representing her brother, [REDACTED 4], who was born on 24 October 1911 in Berlin, and her sisters, [REDACTED 3] and [REDACTED 2], who were born in Berlin on 20 October 1915 and 29 August 1918, respectively.

### Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as his maternal grandmother, Hedwig Simon, née Plaut, who was born on 3 August 1885 in Frankfurt, Germany, and was married to Dagobert Simon on 3 March 1910 in Frankfurt. Claimant [REDACTED 5] stated that his grandparents had three children: [REDACTED], [REDACTED] and [REDACTED] (Claimant [REDACTED 5]'s mother). Claimant [REDACTED 5] also stated that his grandmother, who was Jewish, resided in Berlin, Germany, until 1936, when she fled to New York, New York, the United States with her three daughters to escape Nazi persecution.

Claimant [REDACTED 5] stated that his grandmother passed away in New York on 26 June 1949.

Claimant [REDACTED 5] submitted the will of Hedwig Simon, which identifies [REDACTED], née [REDACTED], [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED], as her daughters and heirs; the German passport of [REDACTED], indicating that she was born in Berlin-Charlottenburg; the death certificate of his mother, [REDACTED] (formerly [REDACTED]), née [REDACTED], which identifies her parents as [REDACTED] and Hedwig Simon, née Plaut; Claimant [REDACTED 5]'s own birth certificate, which identifies his parents as [REDACTED] and [REDACTED], née [REDACTED], and indicating that his mother was born in Berlin; the birth certificate of Claimant [REDACTED 5]'s half-brother, [REDACTED 7], which identifies his parents as [REDACTED] and [REDACTED], née [REDACTED]; and the death certificate of [REDACTED], which indicates that she was born on 15 October 1913 in Berlin and identifies her husband as [REDACTED 10] and her parents as [REDACTED] and Hedwig Simon, née Plaut.

Claimant [REDACTED 5] indicated that he was born on 10 August 1941 in Chicago, Illinois. Claimant [REDACTED 5] is representing his half-sister, [REDACTED 6], who was born on 24 March in Chicago, his half-brother, [REDACTED 7], who was born on 16 February 1953 in Washington, DC, the United States, and his cousin, [REDACTED 8], who was born on 26 February 1946 in New York.

#### Claimant [REDACTED 10]

Claimant [REDACTED 10], who is the father of represented party [REDACTED 8], submitted a Claim Form asserting his entitlement to accounts belonging to [REDACTED], and identifying himself as the husband of Claimant [REDACTED 5]'s aunt, Suzanne Simon.

In support of his claim, Claimant [REDACTED 10] submitted the death certificate of [REDACTED], which indicates that she was born on 15 October 1913 in Berlin and identifies her husband as [REDACTED 10] and her parents as [REDACTED] and Hedwig Simon, née Plaut.

Claimant [REDACTED 10] indicated that he was born in on 18 March 1908 in Heilbronn, Germany.

#### Claimant [REDACTED 9]

Claimant [REDACTED 9] submitted a Claim Form identifying the Account Owner as his paternal great-aunt by marriage, Hedwig Simon, née Kurnik, who was born on 18 June 1879 in Stettin, Germany, and was married to [REDACTED] on 16 January 1902 in Stettin. Claimant [REDACTED 9] stated that the couple had two children: [REDACTED] and [REDACTED], who were born in Berlin on 17 February 1903 and 7 September 1905, respectively. Claimant [REDACTED 9] further stated that his great-aunt resided at Düsseldorferstrasse 44/45 in Berlin-Wilmersdorf from 1934 until 1938. Claimant [REDACTED 9] also stated that his great-aunt owned a jewelry business, which she inherited from her late husband, [REDACTED]. Claimant

[REDACTED 9] stated that in 1938 his great-aunt, who was Jewish, fled to New York, where she resided until her death on 31 December 1960.

Claimant [REDACTED 9] submitted the marriage certificate of [REDACTED] and Hedwig Simon, née Kurnik, indicating that they were married on 16 January 1902; the marriage certificate of [REDACTED] and [REDACTED], née [REDACTED], indicating that they were married on 24 October 1925 in Berlin-Charlottenburg, and that [REDACTED]'s father was [REDACTED]; the wills of [REDACTED] and [REDACTED], which identify the Claimant as an heir; a probate order from the New York Surrogate's Court, County of Queens, which appoints the Claimant as an executor of [REDACTED]'s estate; a letter written and signed by Hedwig Simon to [REDACTED], dated 15 September 1937; a probate order from the State of New York Surrogate's Court, County of Queens, appointing the Claimant as the executor of [REDACTED]'s estate; the death certificate of [REDACTED], indicating that he resided at Düsseldorfstrasse 44/45 in Berlin-Wilmersdorf and was married to Hedwig Simon, née Kurnik; and a copy of [REDACTED]'s report card from the Mommsen Gymnasium in Berlin-Charlottenburg, identifying his father as [REDACTED].

Claimant [REDACTED 9] indicated that he was born on 28 December 1937 in Berlin.

### **Information Available in the Bank's Records**

The Bank's records consist of a customer card and a printout from the Bank's database. According to these records, the Account Owner was Hedwig Simon, who resided at Umlandstrasse 173 in Berlin W.15, Germany. The Bank's records indicate that the Account Owner held a demand deposit account, numbered 20628, which had a balance of 427.00 Swiss Francs ("SF") in 1932 and a balance of SF 93.50 in 1933. The Bank's records further indicate that the account was closed on 31 August 1934. The amount in the account on the date of its closure is not known. There is no evidence in the Bank's records that the Account Owner or her heirs closed this account and received the proceeds themselves.

### **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 five claims of the Claimants in one proceeding.

#### Identification of the Account Owner

##### *Claimant [REDACTED 1]*

Claimant [REDACTED 1]'s grandmother's name, city and country of residence match the published name, city and country of residence of the Account Owner.

In support of her claim, Claimant [REDACTED 1] submitted documents, including an extract from the Prussian 1938 Population Census, containing the name Hedwig Simon, née Stettiner, and indicating she was born on 17 October 1861 in Berlin; and a list of German Jewish Holocaust victims, indicating that Hedwig Simon, née Stettiner, who was born on 17 October 1861, was from Berlin and indicating that she died on 1 April 1943 in Theresienstadt, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hedwig Simon, and indicates that her date of birth was 17 October 1861 and place of birth was Berlin, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

*Claimant [REDACTED 5] and Claimant [REDACTED 10]*

The name, city and country of residence of Claimant [REDACTED 5]'s grandmother, who was Claimant [REDACTED 10]'s mother-in-law, match the published name, city and country of residence of the Account Owner.

In support of their claims, Claimant [REDACTED 5] and Claimant [REDACTED 10] submitted documents, including the will of Hedwig Simon; [REDACTED]'s death certificate, which identifies her parents as [REDACTED] and Hedwig Simon, née Plaut; and the death certificate of [REDACTED], which identifies her parents as [REDACTED] and Hedwig Simon, née Plaut, and indicates she was born in Berlin, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

*Claimant [REDACTED 9]*

Claimant [REDACTED 9]'s great-aunt's name, city and country of residence match the published name, city and country of residence of the Account Owner.

In support of his claim, Claimant [REDACTED 9] submitted documents, including the marriage certificate of [REDACTED] and Hedwig Simon, née Kurnik, indicating that they were married on 16 January 1902 in Stettin; and the death certificate of [REDACTED], indicating that he resided at Düsseldorfstrasse 44/45 in Berlin-Wilmersdorf and was married to Hedwig Simon, née Kurnik, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the Bank's records indicate that the Account Owner resided in Berlin at Uhlandstrasse 173, while the Claimants provided different street addresses in Berlin for their relatives. The CRT finds it plausible that any of the Claimants' relatives may have provided an address other than the street address known to the Claimants for the purposes of receiving

correspondence, and therefore finds that this discrepancy is not material to the Claimants' identification of the Account Owner.

The CRT further notes that Claimant [REDACTED 1]'s grandmother, Claimant [REDACTED 5]'s grandmother and Claimant [REDACTED 10]'s mother-in-law, and Claimant [REDACTED 9]'s great-aunt 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 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 are no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 5], Claimant [REDACTED 10] and Claimant [REDACTED 9] have each plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

##### *Claimant [REDACTED 1]*

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, and that she was deported to Theresienstadt, where she perished. As noted above, a person named Hedwig Simon was included in the CRT's database of victims.

##### *Claimant [REDACTED 5] and Claimant [REDACTED 10]*

Claimant [REDACTED 5] and Claimant [REDACTED 10] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 5] stated that the Account Owner was Jewish, and that he fled Germany in 1936 to escape Nazi persecution.

##### *Claimant [REDACTED 9]*

Claimant [REDACTED 9] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 9] stated that the Account Owner was Jewish, and that she fled Germany in 1938 to escape Nazi persecution.

#### The Claimants' Relationship to the Account Owner

##### *Claimant [REDACTED 1]*

Claimant [REDACTED 1] has plausibly demonstrated that she and her siblings, whom she represents, are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s and her siblings' grandmother. These documents include the birth certificate of [REDACTED], identifying his parents as [REDACTED] and Hedwig Simon, née Stettiner, and the birth certificates of Claimant [REDACTED 1] and her siblings identifying their parents as Heinrich and [REDACTED], née [REDACTED]. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom Claimant [REDACTED 1] is representing.

*Claimant [REDACTED 5]*

Claimant [REDACTED 5] and Claimant [REDACTED 10] have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 5]'s grandmother and Claimant [REDACTED 10]'s mother-in-law. These documents include the will of Hedwig Simon, which identifies [REDACTED], née [REDACTED], [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED], as her daughters and heirs; [REDACTED]'s death certificate, which identifies her parents as [REDACTED] and Hedwig Simon, née Plaut; Claimant [REDACTED 5]'s own birth certificate, which identifies his parents as [REDACTED]t and [REDACTED], née [REDACTED]; the birth certificate of Claimant [REDACTED 5]'s half-brother, [REDACTED 7], which identifies his parents as [REDACTED] and [REDACTED], née [REDACTED]; and the death certificate of [REDACTED], which identifies her parents as [REDACTED] and Hedwig Simon, née Plaut, and her husband as Claimant [REDACTED 10].

*Claimant [REDACTED 9]*

Claimant [REDACTED 9] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 9]'s great-aunt. These documents include the marriage certificate of [REDACTED] and [REDACTED], née [REDACTED], indicating that they were married on 24 October 1925 in Berlin-Charlottenburg; the will of [REDACTED], which identifies Claimant [REDACTED 9] as an heir; a letter written and signed by Hedwig Simon to [REDACTED], dated 15 September 1937; the will of [REDACTED], which identifies Claimant [REDACTED 9] as an heir; the marriage certificate of [REDACTED] and Hedwig Simon, née Kurnik, indicating that they were married on 16 January 1902 in Stettin; the death certificate of [REDACTED], indicating that he resided at Düsseldorferstrasse 44/45 in Berlin-Wilmersdorf and was married to Hedwig Simon, née Kurnik; and a copy of [REDACTED]'s report card from the Mommsen Gymnasium in Berlin-Charlottenburg, identifying his father as [REDACTED].

The Issue of Who Received the Proceeds

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that according to Claimant [REDACTED 1], the Account Owner remained in Germany until her deportation to Theresienstadt in 1942, where she perished; that according to Claimants [REDACTED 5] and [REDACTED 10], the Account Owner remained in Germany until fleeing to the United States in 1936; that according to Claimant [REDACTED 9], the Account Owner stayed in Germany until 1938; and that under any of the preceding circumstances the Account Owner would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to her; 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; 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 Appendix A and Appendix C),<sup>5</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was either Claimant [REDACTED 1]'s paternal grandmother, Claimant [REDACTED 5]'s maternal grandmother, Claimant [REDACTED 10]'s mother-in-law, or Claimant [REDACTED 9]'s great-aunt, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Further, the CRT notes that [REDACTED 8], who is represented by Claimant [REDACTED 5], is the Account Owner's grandson, and is therefore more entitled to the account than his father, Claimant [REDACTED 10], who is related to the Account Owner by marriage only.

#### Amount of the Award

In this case, the Account Owner held a demand deposit account. 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 demand deposit account was 2,140.00 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 26,750.00.

#### 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 10] and Claimant [REDACTED 5] and the parties he represents are collectively entitled to one-third of the total award amount; Claimant [REDACTED 9] is entitled to one-third of the total award amount; and

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<sup>5</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

Claimant [REDACTED 1] and the parties she represents are collectively entitled to one-third of the total award amount.

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, Claimant [REDACTED 1] is representing her sisters, [REDACTED 2] and [REDACTED 3], and her brother, [REDACTED 4]. Therefore, Claimant [REDACTED 1] and her siblings are each entitled to one-twelfth of the total Award amount. Claimant [REDACTED 5] is representing his half-sister, [REDACTED 6], his half-brother, [REDACTED 7], and his cousin, [REDACTED 8]. Consequently, Claimant [REDACTED 5] and his half-siblings, who are all children of [REDACTED], née Simon, are each entitled to one-eighteenth (1/18) of the total award amount, and [REDACTED 8], his cousin, as the child of [REDACTED], is entitled to one-sixth of the total award amount. As noted above, Claimant [REDACTED 10] is not entitled to share in the 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  
15 July 2005