

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Kurt Julius Josef Jacobsohn,
also acting on behalf of Gertrud Ruth Klimowski, Elsbet Spiro,
Eva Chava Goddard and Miriam Gutmann

in re Account of Jacob Spiro

Claim Number: 500437/MBC¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Kurt Julius Josef Jacobsohn (the “Claimant”) to the account of Jacob Spiro (the “Account Owner”) 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 his maternal grandfather, Jacob Spiro, who was born on 18 May 1855 in Neustadt bei Pinne, located in the German province of Posen (currently the Polish province of Poznan), and was married to Lea Spiro, née Schocken on 5 June 1895, in Flatow, Germany. The Claimant stated that his grandparents had three children: Georg Joseph Spiro, who was born on 14 March 1896 in Znin, Germany, and died on 30 October 1972 in Ramat-Gan, Israel; Dina Graupe, née Spiro, who was born on 28 March 1899 in Flatow and died on 12 August 1943 in Tel-Aviv, Israel (then Palestine); and Eva Chava² Jacobsohn, née Spiro, the Claimant’s mother, who was born on 28 March 1899 in Flatow and died on 13 January 1996 in Ramat-Gan. The Claimant stated that his grandfather, who was Jewish, resided at Oberstrasse 136 in Hamburg, Germany, and that he was a merchant and the owner of a department store, *Schocken*, located in Bremerhaven, Germany. The Claimant indicated that in 1937, his grandfather fled from Nazi Germany to Amsterdam, the Netherlands, where he died on 19 September 1938, and where his wife died on 25 May 1938.

In support of his claim, the Claimant submitted documents, including the Claimant’s uncle’s German army pass, identifying the Claimant’s uncle as Georg Spiro and Georg Spiro’s father as

¹ The Claimant submitted an additional claim to the accounts of Siegfried Jacobsohn, which is registered under the Claim Number 300293. The CRT will treat the claim to these accounts in a separate decision.

² The CRT notes that the Claimant's mother is referred to as both Eva and Chava, or Hava.

Jacob Spiro; the Claimant's uncle's death certificate, identifying the Claimant's uncle as Georg Spiro and Georg's Spiro's father as Jacob Spiro; death notices for the Claimant's grandparents, identifying them as Jacob Spiro and Lea Spiro, née Schocken, and Jacob Spiro's survivors as Georg Spiro and Georg Sprior's wife, Elsbet; Eva Jacobsohn, née Spiro, and Dina Graupe, née Spiro; the Claimant's birth certificate, identifying the Claimant's mother as Eva Spiro; the Claimant's cousins' birth certificates, identifying them as Eva Graupe and Miriam Graupe and their mother as Dina Graupe, née Spiro; the Claimant's parents' marriage certificate, identifying them as Siegfried Jacobsohn and Eva Jacobsohn, née Spiro; the Claimant's aunt's marriage certificate, identifying the Claimant's aunt as Dina Graupe, née Spiro, her address as Oberstrasse 136 in Hamburg and her husband as Max Graupe; the Claimant's mother's death certificate, identifying the Claimant's mother as Hava Jacobson and her father's first name as Jacob; Georg Spiro's will, in which he bequeathed all his assets to his wife, Elsbet Spiro; and a detailed family tree.

The Claimant indicated that he was born on 9 February 1932 in Nuremberg, Germany. The Claimant is representing his sister, Gertrud Klimowski, née Jacobsohn, who was born on 14 February 1923 in Regensburg, Germany; his aunt, Elsbet Spiro, née Landauer, the widow of Georg Spiro, who was born on 5 March 1911 in Augsburg, Germany; and his cousins, the daughters of Dina Graupe: Eva Goddard, née Graupe, who was born on 26 September 1927 in Hamburg; and Miriam Gutmann, née Graupe, who was born on 2 August 1921, also in Hamburg.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was Jacob Spiro, who resided at Oberstrasse 136 in Hamburg, Germany, and the Power of Attorney Holders were *Frau* (Mrs.) Lea Spiro and Georg Spiro, who signed their power of attorney forms on 17 January 1931 and 26 May 1931, respectively. The Bank's records indicate that the Account Owner had an additional address at Deichtorstrasse 8 in Hamburg, and that the Power of Attorney Holders also resided at Oberstrasse 136 in Hamburg and had an additional address at Deichtorstrasse 8.

The Bank's records indicate that the Account Owner held a custody account, numbered 31268, which was opened as late as 30 December 1930 and was closed on 11 July 1933. The amount in the account on the date of its closure is unknown. The Bank's records further indicate that on 9 January 1931, the Account Owner directed the Bank to send all correspondence to a bank named *Richard Glückstadt*, which was located at Deichtorstrasse 8 in Hamburg. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holders 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. His grandfather's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant also identified his grandmother's name, which matches the published name of one of the Power of Attorney Holders, and his uncle's name, which matches the unpublished name of the other Power of Attorney Holder, as contained in the Bank's records. Furthermore, the Claimant identified his grandfather's street address, which matches the Account Owner's unpublished address, as contained in the Bank's records. The Claimant also submitted documents, including the Claimant's uncle's German army pass, identifying the Claimant's uncle as Georg Spiro and the Claimant's uncle's father as Jacob Spiro; the Claimant's uncle's death certificate, identifying the Claimant's uncle as Georg Spiro and Georg Spiro's father as Jacob Spiro; death notices for the Claimant's grandparents, identifying them as Jacob Spiro and Lea Spiro, née Schocken, and Jacob Spiro's survivors as Georg Spiro and his wife, Elsbet; Eva Jacobsohn, née Spiro, and Dina Graupe, née Spiro; the Claimant's birth certificate, identifying the Claimant's mother as Eva Spiro; the Claimant's cousins' birth certificates, identifying them as Eva Graupe and Miriam Graupe and their mother as Dina Graupe, née Spiro; the Claimant's parents' marriage certificate, identifying them as Siegfried Jacobsohn and Eva Jacobsohn, née Spiro; the Claimant's aunt's marriage certificate, identifying the Claimant's aunt as Dina Graupe, née Spiro, her address as Oberstrasse 136 in Hamburg, and her husband as Max Graupe; the Claimant's mother's death certificate, identifying her as Hava Jacobson and her father as Jacob; and Georg Spiro's will, in which he bequeathed all his assets to his wife, Elsbet Spiro. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different name, and/or city and/or country of residence, than the name, and/or city and/or country of residence of the Account Owner, and failed to identify the Power of Attorney Holders. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 and his wife, the Power of Attorney Holder, fled Nazi Germany in 1937.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, including his birth certificate, his parents' and his aunt's marriage certificates, his uncle's death certificate and German army pass, and the death notices of his grandparents, demonstrating that the Account Owner was his maternal grandfather. Aside from the Claimant and the represented parties, there is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that in 1931 the Account Owner directed that correspondence from the Bank be sent to a bank in Germany; that the Account Owner and the Power of Attorney Holders remained in Germany until 1937 and would not have been able to repatriate the account to Germany without its confiscation; that the Account Owner died in 1938; that there is no record of the payment of the account to the Account Owner, the Power of Attorney Holders or their heirs; that the Account Owner's heirs would not have been able to obtain information about his account after the Second World War 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 (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,³ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holders 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. 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 his grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody 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 present 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 custody account was 13,000.00 Swiss Francs. 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 162,500.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, where 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. Accordingly, the Claimant and his sister,

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

Gertrud Ruth Klimowski, as the children of the Account Owner's daughter, Eva Jacobsohn, are each entitled to one-sixth of the total award amount, or 27,083.33 Swiss Francs each; and Eva Chava Goddard and Miriam Gutmann, as the children of the Account Owner's daughter, Dina Graupe, are each entitled to one-sixth of the total award amount, or 27,083.33 Swiss Francs each. Article 23(1)(f) further provides that, where the child of the Account Owner is deceased, and that child's spouse but none of that child's descendants have submitted a claim, that child's spouse shall be considered a child of the Account Owner for the purposes of this Article. Consequently, as Elsbet Spiro is the widow of the Account Owner's son, Georg Spiro, and as none of Georg Spiro's descendants have submitted a claim, she is entitled to one-third of the total award amount, or 54,166.66 Swiss Francs.

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 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
20 May 2004