

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Milan Platovsky, also acting on behalf of Hana Pravda
and Claimant Eva Pavova, also acting on behalf of Jana Loudova

in re Account of Franz Stein

Claim Numbers: 208438/MBC; 211954/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of Milan Platovsky (“Claimant Platovsky”) and Eva Pavova, née Sychravova, (“Claimant Pavova”) (together the “Claimants”) to the account of Franz Stein¹ (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 Claimants

Information Provided by Claimant Platovsky

Claimant Platovsky submitted a Claim Form identifying the Account Owner as his maternal uncle, Franz (Frantisek) Stein, who was born on 6 November 1890 in Prague, Czechoslovakia, to Josef Stein and Anna Steinova, née Kopprlova. Claimant Platovsky stated that Franz Stein was married to Bozena Steinova, née Stedra, and that the couple lived at Klimentska 52 in Prague, and had two children: Jiri, who was born on 26 June 1922, and Jarmila, who was born on 2 July 1925. Claimant Platovsky also stated that his uncle was an industrial engineer, and that he was a partner in two companies, *Pragofera S.A.* and *Amta S.A.* Claimant Platovsky explained that his uncle and his family, who were Jewish, were deported to the Theresienstadt concentration camp, and later to Auschwitz where they all perished.

In support of his claim, Claimant Platovsky submitted a detailed family tree; copies of the deportation cards for Frantisek Stein, Bozena Steinova, Jiri Stein, and Jarmila Steinova, demonstrating that they were deported to the Theresienstadt concentration camp, and later to

¹ The CRT notes that the Account Owner was also a Power of Attorney Holder to the published accounts of Franz Liebermann. The CRT will treat the claim to this account in a separate decision.

Auschwitz; and excerpts from a book containing lists of Jewish Victims of Nazi Deportations from Bohemia and Moravia, which contains entries indicating that Jarmila Steinova died on 15 December 1943, that Frantisek Stein and Jiri Stein died on 1 October 1944, and that Bozena Steinova died on 6 October 1944. Claimant Platovsky indicated that he was born on 21 August 1922 in Prague, and that he is representing his cousin, Hana Pravda, née Beck, who was born on 29 January 1918 in Prague.

Information Provided by Claimant Pavova

Claimant Pavova submitted a Claim Form identifying the Account Owner as Franz (Frantisek) Stein, her maternal great-uncle by marriage, who was the husband of her great-aunt, Bozena Stein, née Stedra. Claimant Pavova stated that Franz Stein was born on 6 November 1890 in Cervene Pecky, Czechoslovakia, and was married to Bozena Stedra on 10 July 1920 in Prague, Czechoslovakia. Claimant Pavova stated that the couple resided at Klimentaska 51 in Prague and had two children, Jaroslava and Jiri. Claimant Pavova also stated that Franz Stein was a director of an engineering company in Prague. Claimant Pavova explained that Franz Stein, who was Jewish, was deported with his family to a concentration camp, where they all perished.

In support of her claim, Claimant Pavova submitted a copy of a probate decision of a civil court in Prague, which addresses the distribution of certain parcels of real estate owned by Frantisek Stein, and states that Franz Stein heir's were, among other individuals, Maria Sychravova (Claimant Pavova's mother), Jana Pleskotova (Jana Loudova's mother), and Claimant Platovsky. Claimant Pavova also submitted a detailed family tree; Bozena Steinova's birth certificate; the marriage certificate of Franz and Bozena Stein; her mother's birth certificate; and her own birth certificate as well as the birth certificate of her cousin Janan Loudova. Claimant Pavova indicated that she was born on 28 August 1947 in Prague and that she is representing her cousin, Jana Loudova, née Pleskotova, who was born on 9 March 1935.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form signed in Prague on 3 February 1930 and printouts from the Bank's database. According to these records, the Account Owner was Franz Stein, who was an engineer, and the Power of Attorney Holder was *Frau* (Mrs.) Bozena Steinova, who both resided at Klimentaska 50 in Prague II, Czechoslovakia. The Bank's records indicate that the Account Owner held one custody account.² The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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") did not find this account

² The Bank's records contain a power of attorney form that references a "*Titeldepot*," a type of custody account.

in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the 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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their relatives' names match the published names of the Account Owner and the Power of Attorney Holder. The Claimants stated that their relatives lived at Klimentaska 51 or 52, which matches unpublished information about the street residence of Account Owner and Power of Attorney Holder contained in the Bank's records.³ In addition, Claimant Platovsky stated that Franz Stein was an engineer, and Claimant Pavova indicated that Franz Stein was a director of an engineering company, which matches the unpublished profession of the Account Owner contained in the Bank's records. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Frantisek Stein, and indicates that his date of birth was 6 November 1890 and place of birth was Czechoslovakia, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner and his family, who were Jewish, all perished in a concentration camp. Furthermore, Claimant Platovsky submitted copies of the deportation cards for Frantisek Stein, Bozena Steinova, Jiri Stein, and Jarmila Steinova, demonstrating that they were deported to the Theresienstadt concentration camp, and later to Auschwitz; and excerpts from a book containing lists of Jewish Victims of Nazi Deportations

³ The CRT notes that there is a discrepancy in the house number provided by the Claimants and the number contained in the Bank's records, however it is plausible that the Bank's records contain a typographical error and this minor discrepancy does not effect the overall identification of the Account Owner by the Claimants.

from Bohemia and Moravia, which contains entries indicating that Jarmila Steinova died on 15 December 1943, that Frantisek Stein and Jiri Stein died on 1 October 1944, and that Bozena Steinova died on 6 October 1944. As noted above, a person named Frantisek Stein was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by providing specific biographical information and documents, including a probate decision of a civil court in Prague, which states that Claimant Platovsky is one of the heirs to Franz Stein, demonstrating that the Account Owner was Claimant Platovsky's uncle and Claimant Pavova's great-uncle by marriage.

The Issue of Who Received the Proceeds

Given that the Account Owner and his spouse and children were deported to a concentration camp where they all perished; that there is no record of a date of closure nor any record of the payment of the Account Owner's account to him or his heirs; that the Account Owner or his heirs would not have been able to obtain information about his 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; and given the application of Presumptions (h), (i) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that they are related to the Account Owner, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, 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 current value of the account being awarded. Based on 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)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, Claimant Platovsky, the nephew of the Account Owner, is a descendant of the Account Owner's parents, Josef Stein and Anna Steinova, née Kopprlova, while Claimant Pavova is related to the Account Owner through marriage and is therefore not a descendant of the Account Owner or the Account Owner's parents. Accordingly, Claimant Platovsky has a better entitlement to the proceeds of the account at issue, and Claimant Pavova is not authorized to share in the award. Claimant Platovsky is representing his cousin, Hana Pravda, the niece of the Account Owner, in these proceedings. Therefore, Claimant Platovsky and Hana Pravda are each entitled to one-half of the total award amount.⁴

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
6 February 2004

⁴ The CRT notes that although Claimant Pavova provided a decision issued by a Prague civil court, which addresses the distribution of certain parcels of real estate owned by Frantisek Stein, and in which the court determines that Claimant Platovsky, Maria Sychravova (Claimant Pavova's mother), and Jana Pleskotova (Jana Loudova's mother), are the heirs to Franz Stein, the CRT determines that such document relates only to the real property cited in the document and does not pertain to the account at issue.