

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1],

[REDACTED 2],

[REDACTED 3],

and [REDACTED 4]

## **in re Account of Emil Steiner**

Claim Numbers: 207066/AX; 211633/AX; 213676/AX; 215455/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) to the account of Emil Steiner, the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) to the account of [REDACTED],<sup>1</sup> and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together, the “Claimants”) to the published account of [REDACTED].<sup>2</sup> This Award is to the published account of Emil Steiner at 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.

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<sup>1</sup> The CRT did not locate an account belonging to Claimant [REDACTED 2]’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 2] 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 2] or upon information from other sources.

<sup>2</sup> The CRT will treat the claim to the account of [REDACTED] in a separate decision.

## Information Provided by the Claimants

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her paternal grandfather, Emil Steiner, who was born on 18 April 1864 in St. Georgen (Svaty Jur), then Austria-Hungary (today, Slovakia), and was married to [REDACTED], née [REDACTED], on 16 April 1893 in Vienna, Austria. Claimant [REDACTED 1] indicated that her grandfather, who was Jewish, lived in Vienna, where he sold gravestones. According to Claimant [REDACTED 1], her grandfather fled Austria to Norway, where his son (Claimant [REDACTED 1]'s father) lived. However, he was not permitted to remain in Norway, so he attempted to travel to Slovakia. Claimant [REDACTED 1] indicated that the family lost contact with her grandfather once he left Norway, and that she later learned that her grandfather was killed on 15 November 1942 in Theresienstadt. In support of her claim, Claimant [REDACTED 1] submitted her father's birth certificate, indicating that his name was [REDACTED] and that his father was Emil Steiner, and her own birth certificate, indicating that her father was [REDACTED]. Claimant [REDACTED 1] indicated that she was born on 13 March 1938 in Oslo, Norway.

### Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her father, Emil Steiner, who was born on 18 January 1893 in Eszterhaza, Hungary, and was married to [REDACTED], née [REDACTED], in 1920 in Sopron, Hungary. Claimant [REDACTED 3] indicated that before the Second World War, her father, who was Jewish, lived in Sopron, where he owned a brick factory. Claimant [REDACTED 3] indicated that after the Nazis entered Hungary, her family was deported to Auschwitz, where her father perished on 8 July 1944. In support of her claim, Claimant [REDACTED 3] submitted her birth certificate, indicating that her father was Emil Steiner. Claimant [REDACTED 3] indicated that she was born on 14 September 1923 in Sopron.

Claimant [REDACTED 3] previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Emil Steiner's father, [REDACTED].

### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her maternal uncle, Emil Steiner. In a telephone conversation with the CRT on 20 April 2005, Claimant [REDACTED 2] indicated that her uncle, who was Jewish, lived in Nuremberg, Germany, where the family owned a brewery and several hotels. Claimant [REDACTED 2] further indicated that her uncle was deported to a concentration camp, but survived the Second World War and later died, but she does not know whether her uncle had any children. According to an extract from a book submitted by Claimant [REDACTED 2] titled "*Die Geschichte der Juden in Kempten*" (The History of the Jews of Kempten), which includes information about her family, Emil Steiner was born on 20 July 1900 in Würzburg, Germany, and was a businessman

who was married in 1928 to [REDACTED], with whom he had two children. This book indicates that Claimant [REDACTED 2]'s uncle was deported to Theresienstadt on 20 February 1945, but survived his internment, and died in Kempten, Germany on 25 January 1973. In support of her claim, Claimant [REDACTED 2] submitted the obituary of her grandfather, [REDACTED], indicating that two of his children were Claimant [REDACTED 2]'s mother, [REDACTED], and Emil Steiner. Claimant [REDACTED 2] indicated that she was born on 19 May 1926 in Germany.

Claimant [REDACTED 2] previously submitted an IQ asserting her entitlement to a Swiss bank account owned by [REDACTED].

#### Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as his maternal uncle, Emil Steiner, who was born on 27 June 1885, and was married to [REDACTED]. In a telephone conversation with the CRT on 15 November 2002, Claimant [REDACTED 4] indicated that Emil Steiner was a salesman, and owned a clothing store in Tabor, Czechoslovakia (today, Czech Republic). Claimant [REDACTED 4] indicated that his uncle, who was Jewish, was deported to Theresienstadt, and later to Auschwitz where he perished. In support of his claim, Claimant [REDACTED 4] submitted a letter from the Council of Jewish Communities in Czechoslovakia, indicating that Emil Steiner's last residence before the Second World War was Prague, Czechoslovakia (today, Czech Republic), and that he was deported to Theresienstadt and Auschwitz. Claimant [REDACTED 4] indicated that he was born on 16 April 1931 in Prague.

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

The auditors who carried out the investigation of this bank to identify Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not submit any of the Bank's original records to the CRT. These auditors reported that the Account Owner was Emil Steiner, whose domicile is unknown. They further indicated that the Account Owner held one account, the type of which is not indicated. The ICEP auditors indicated that the account was transferred to the Bank's profit and loss account, but did not indicate the date of the transfer or the balance of the 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 four claims of the Claimants in one proceeding.

### Identification of the Account Owner

The name of Claimant [REDACTED 1]'s grandfather, Claimant [REDACTED 3]'s father, Claimant [REDACTED 2]'s uncle and Claimant [REDACTED 4]'s uncle each 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 their claims, Claimant [REDACTED 1] submitted the birth certificate of her father, [REDACTED], indicating that his father was Emil Steiner; Claimant [REDACTED 3] submitted her birth certificate, indicating that her father was Emil Steiner; Claimant [REDACTED 2] submitted the obituary of her grandfather, [REDACTED], indicating that two of his children were Claimant [REDACTED 2]'s mother, [REDACTED], and Emil Steiner; and Claimant [REDACTED 4] submitted a letter from the Council of Jewish Communities in Czechoslovakia, indicating that Emil Steiner's last residence before the Second World War was Prague, and that he was deported to Theresienstadt and Auschwitz, providing independent verification that the persons who are 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 a person named Emil Steiner born in 1864 in Svaty Jur; a person named Emil Steiner from Sopron; and a person name Emil Steiner from Tabor, whose date of birth was 27 June 1885, which matches the information about the Account Owner provided by Claimant [REDACTED 1], Claimant [REDACTED 3], and Claimant [REDACTED 4], respectively. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant [REDACTED 3]'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 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 the account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3] 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. The Claimants each stated that the Account Owner was Jewish. Claimant [REDACTED 1] stated that the Account Owner perished in Theresienstadt, Claimant [REDACTED 3] and Claimant [REDACTED 4] stated that the Account Owner perished in Auschwitz, and Claimant [REDACTED 2] stated that the Account Owner was deported to Theresienstadt.

As noted above, three persons named Emil Steiner were 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 grandfather. These documents include her father's birth certificate, indicating that his name was [REDACTED] and that his father was Emil Steiner, and Claimant [REDACTED 1]'s birth certificate, indicating that her father is [REDACTED].

Claimant [REDACTED 3] 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 3]'s birth certificate, indicating that her father was Emil Steiner.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was her uncle. The CRT notes that Claimant [REDACTED 2] submitted a copy of the obituary of her grandfather, [REDACTED], indicating that two of his children were Claimant [REDACTED 2]'s mother, [REDACTED], and Emil Steiner. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess, which supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her Claim Form.

Claimant [REDACTED 4] has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was his uncle. The CRT notes that Claimant [REDACTED 4] submitted a letter from the Council of Jewish Communities in Czechoslovakia, indicating that Emil Steiner's last residence before the Second World War was Prague, and that he was deported to Theresienstadt and Auschwitz. The CRT further notes that Claimant [REDACTED 4] 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 Claimant [REDACTED 4] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 4] is related to the Account Owner, as he has asserted in his Claim Form.

### The Issue of Who Received the Proceeds

The auditors who conducted the ICEP investigation reported that the account was transferred to the Bank's profit and loss account.

### 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 grandfather, Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her father, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her uncle, and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner

was his 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], Claimant [REDACTED 3], Claimant [REDACTED 2] and Claimant [REDACTED 4] are each entitled to one-quarter 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  
10 August 2005