

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

Claimant [REDACTED 3],

Claimant [REDACTED 4],
represented by [REDACTED 5],

and to Claimant [REDACTED 6]

in re Accounts of Ernst Steiner

Claim Numbers: 004653/AX;¹ 205478/AX; 211511/AX;² 211512/AX; 211513/AX; 753767/AX³

Award Amount: 20,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 4] (“Claimant [REDACTED 4]”) to the

¹ Claimant [REDACTED 3] submitted an additional claim to the account of [REDACTED], which is registered under Claim Number 005254. The CRT did not locate an account belonging to the Claimant’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 3] should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 3] or upon information from other sources. Claimant [REDACTED 3] also submitted additional claims to the account of [REDACTED], which are registered under the Claim Numbers 0004653 and 100054. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 004653. The CRT has previously awarded Claimant [REDACTED 3] the account of [REDACTED]. See *In re Account of [REDACTED]*, which was approved by the Court on 25 October 2002.

² Claimant [REDACTED 4] submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under claim number 220267, and 220268, respectively. The CRT will treat the claims to these accounts in separate decisions.

³ Claimant [REDACTED 6] did not submit a CRT Claim Form. However, in 1998 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-SDY-B-80-319-153-005, 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 753767.

published account of Ernst Steiner,⁴ the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) to the published account of [REDACTED], and the claim of [REDACTED 6] (“Claimant [REDACTED 6]”) (together, the “Claimants”) to the unpublished account of [REDACTED].⁵ This Award is to the published accounts of Ernst Steiner at the St. Gallen and Biel branches of the [REDACTED] (the “Bank”).⁶

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.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, Ernst (Erno) Steiner, who was born on 21 August 1896, and was married to [ANONYMISIERT], née [ANONYMISIERT], in 1926 in Budapest, Hungary. Claimant [REDACTED 1] indicated that her father, who was Jewish, owned a bakery in Budapest. Claimant [REDACTED 1] indicated that her father was sent to forced labor camps in Hungary, and later to Dachau, where he perished in March 1945. In support of her claim, Claimant [REDACTED 1] submitted her birth certificate, indicating that her father was Erno (Ernst) Steiner. Claimant [REDACTED 1] indicated that she was born on 15 June 1929 in Budapest. Claimant [REDACTED 1] is representing her brother, [REDACTED 2] (Steiner), who was born on 12 September 1937 in Budapest.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Ernst Steiner.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted three Claim Forms identifying the Account Owner as his father, Ernst (Erno) Steiner, who was born in Gyomere, Hungary, on 12 May 1901, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 4] stated that the couple had five children, namely: [REDACTED], [REDACTED], [REDACTED], [REDACTED] and Claimant [REDACTED 4]. Claimant [REDACTED 4] stated that his siblings perished in the

⁴ The CRT has awarded the account of Ernst Steiner, from Gyomere, Hungary to [REDACTED 4]. See *In re Account of Ernst Steiner*, which was approved on 25 October 2002.

⁵ The CRT did not locate an account belonging to the Claimant [REDACTED 6] relative, [REDACTED], in the Account History Database prepared pursuant to the ICEP investigation. Claimant [REDACTED 6] 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 6] or upon information from other sources.

⁶ The CRT notes that the auditors who carried out the ICEP investigation did not determine that the accounts at issue were held by the same individual. However, given that there is no information to the contrary, the CRT has determined that, for the purposes of this Award, the accounts shall be treated as having been held by the same person.

Holocaust and that he is his family's only survivor. Claimant [REDACTED 4] indicated that his father owned a wine and spirit factory named *Steiner-Lazar und Söhne* which was located in Gyomere. Claimant [REDACTED 4] stated that his father lived in Gyor, Hungary, at Munkacsy utca 6. According to Claimant [REDACTED 4], his father was Jewish, and was deported to the Mauthausen concentration camp, where he perished on 19 July 1944. In support of his claim, Claimant [REDACTED 4] submitted his father's birth certificate, a notarized protocol of an inheritance proceeding in Hungary, indicating that Ernst Steiner perished in the Holocaust, and that Claimant [REDACTED 4] is the son of Ernst Steiner; a letter from the Swiss Department of Justice, indicating that Erno (Ernst) Steiner perished in the Holocaust; and the Hungarian passport of his father, indicating that his name was Erno Steiner. Claimant [REDACTED 4] stated that he was born in Gyor on 2 February 1924.

Claimant [REDACTED 4] previously submitted an IQ and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Ernst (α Erno) Steiner.

Claimant [REDACTED 3]

Claimant [REDACTED 3], who is related to Claimant [REDACTED 4], submitted a Claim Form identifying the Account Owner as his cousin, Ernst (Erno) Steiner, the son of his paternal great-uncle, [REDACTED], who was born on 17 May 1901 in Gyomere, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 3] indicated that his grandfather, [REDACTED], and [REDACTED] were brothers. Claimant [REDACTED 3] indicated that Ernst Steiner, who was Jewish, had five children, including Claimant [REDACTED 4]. Claimant [REDACTED 3] further indicated that Ernst Steiner was killed in the Holocaust. In support of his claim, Claimant [REDACTED 3] submitted a notarized protocol of an inheritance proceeding in Hungary, indicating that Ernst Steiner, who perished in the Holocaust, is the heir to [REDACTED], and that Ernst Steiner's son is Claimant [REDACTED 4]; and a letter from the Swiss Department of Justice, indicating that Erno (Ernst) Steiner perished in the Holocaust. Claimant [REDACTED 3] indicated that he was born on 5 November 1938 in Jerusalem, Palestine (today, Israel) and that after the Second World War he and his relatives unsuccessfully tried to obtain the family's assets, including those assets deposited in Swiss banks.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted an ATAG Ernst and Young claim form in 1998, asserting her entitlement to a Swiss Bank account owned by her grandfather, [REDACTED]. In a telephone conversation with the CRT on 5 October 2004, Claimant [REDACTED 6] identified the Account Owner as her uncle, Ernst Steiner. In a second telephone conversation with the CRT on 29 March 2005, Claimant [REDACTED 6] indicated that her uncle, who was Jewish, was born in 1883 in Vienna, Austria. According to Claimant [REDACTED 6], her uncle was in France on business during the incorporation of Austria into the Reich in March 1938 (the "Anschluss"). Claimant [REDACTED 6] indicated that her uncle remained in France and was deported to a concentration camp in France, but later escaped. Claimant [REDACTED 6] further indicated that her uncle joined the French resistance until the end of the Second World War, when he returned to Vienna. Claimant [REDACTED 6] indicated that her uncle died in Vienna in the 1950s without issue. In support of her claim, Claimant [REDACTED 6] submitted a copy

of her own birth certificate, indicating that her parents were [REDACTED] and [REDACTED]. Claimant [REDACTED 6] indicated that she was born on 11 September 1917 in Vienna.

Information Available in the Bank's Records

Biel branch

The Bank's records consist of a list of savings/passbook accounts which had been dormant since 1934, and printouts from the Bank's database. According to these records, the Account Owner was Ernst Steiner. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held one savings/passbook account, numbered 10933. The records indicate that the account was transferred to the Bank's suspense account for dormant assets in 1938. The amount in the account on the date of its transfer was 7.50 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

St. Gallen branch

The Bank's records consist of a list of savings/passbook accounts transferred to the Bank's suspense account, and printouts from the Bank's database. According to these records, the Account Owner was Ernst Steiner. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held one savings/passbook account, numbered 107928. The Bank's records further indicate that the account was considered dormant by the Bank and was transferred to the Bank's suspense account on 15 January 1988. The amount in the account on the date of its transfer was SF 13.85. The account remains in the Bank's suspense 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 six claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s father's name, Claimant [REDACTED 4]'s father's name, Claimant [REDACTED 3]'s cousin's name and Claimant [REDACTED 6]' uncle's name all 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 her birth certificate, indicating that her father was Erno (Ernst) Steiner; and Claimant [REDACTED 4] submitted Ernst Steiner's birth certificate and Hungarian passport, and a notarized protocol of a Hungarian inheritance 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.

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 4] previously filed IQs with the Court in 1999 and ATAG Ernst & Young claim forms in 1998, asserting their entitlement to Swiss bank accounts owned by Ernst Steiner, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 1] and Claimant [REDACTED 4] have based their present claims not simply 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 a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] and Claimant [REDACTED 4] had reason to believe that their relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1] and Claimant [REDACTED 4].

The CRT notes that, due to the paucity of information in the Bank's records, the ICEP auditors did not conclude that the accounts were held by the same individual. However, for the purposes of this award, the CRT will treat the accounts as having been owned by the same person.

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 6]' relative, and the relative of Claimant [REDACTED 4] and Claimant [REDACTED 3] 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 these accounts, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 4], Claimant [REDACTED 3], and Claimant [REDACTED 6] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Each of the Claimants has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that that Account Owner was Jewish, and perished in Dachau. Claimant [REDACTED 4] and [REDACTED] stated that the Account Owner was Jewish, and perished in Mauthausen. Claimant [REDACTED 6] stated that the Account Owner was Jewish, and that he was interned at a concentration camp in France.

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 Erno (Ernst) Steiner.

Claimant [REDACTED 4] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his

father. These documents include a notarized protocol of an inheritance proceeding in Hungary, indicating that Erno (Ernst) Steiner perished in the Holocaust, and that Claimant [REDACTED 4] is the son of Erno Steiner. The CRT notes that Claimant [REDACTED 3], Claimant [REDACTED 4]'s cousin, submitted information and documents similar to that submitted to Claimant [REDACTED 4], which supports the plausibility that he is related to the Account Owner, as he has asserted in his Claim Form.

Claimant [REDACTED 6] 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 6] submitted a copy of her own birth certificate, indicating that her parents were [REDACTED] and [REDACTED], which provides independent verification that Claimant [REDACTED 6]' relatives bore the same family name as the Account Owner, which supports the plausibility that Claimant [REDACTED 6] is related to the Account Owner, as she has asserted.

There is no information to indicate that the Account Owner has surviving heirs other than the party whom Claimant [REDACTED 1] is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts remain in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1], Claimant [REDACTED 4], and Claimant [REDACTED 6]. 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 4] has plausibly demonstrated that the Account Owner was his father, and Claimant [REDACTED 6] 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 their heirs received the proceeds of the claimed accounts.

The CRT notes that Claimant [REDACTED 4] and Claimant [REDACTED 3] both plausibly identified the Account Owner as their relative, Ernst Steiner. The CRT further notes that Claimant [REDACTED 4], as the Account Owner's son, has a better entitlement to the accounts than does Claimant [REDACTED 3], the Account Owner's cousin.

Amount of the Award

The Bank's records indicate that the value of one of the savings/passbook accounts was SF 7.50 in 1938. The Bank's records indicate that the value of the other savings/passbook account was SF 13.85 as of 15 January 1988. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 705.00, which reflects standardized bank fees charged to the account between 1945 and 1988. Consequently, the adjusted balance of this account is SF 718.85. According to Article 29 of the Rules, if the amount in a savings 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. Thus, the total amount in the accounts at issue shall be determined to be SF 1,660.00. The current value of the amount of the award is determined by multiplying the balances 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 20,750.00.

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 1] and her brother, whom she represents, are collectively entitled to one-third of the total award amount, Claimant [REDACTED 4] is entitled to one-third of the total award amount, and Claimant [REDACTED 6] is entitled to one-third of the total award amount.

With respect to Claimant [REDACTED 1]'s portion of the Award, as stated above, Claimant [REDACTED 1] is representing her brother, [REDACTED 2], in these proceedings. 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. Accordingly, Claimant [REDACTED 1] and her brother are each entitled to receive one-sixth of the total award amount.

With respect to Claimant [REDACTED 4]'s portion of the award amount, as noted above, Claimant [REDACTED 4], as the son of the Account Owner, is more entitled than Claimant [REDACTED 3], who is the Account Owner's cousin. Accordingly, Claimant [REDACTED 4] is entitled to one-third of the total award amount. Claimant [REDACTED 3] 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