

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Hubert Lang

in re Account of Jules Stern

Claim Number: 501568/BW

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Marta Stern.¹ This Award is to the published account of Jules Stern (the “Account Owner”), over which Martha Stern held power of attorney (the “Power of Attorney Holder”), at the Basel branch of 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.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as Jules Stern, who was born on 1 July 1887, and the Power of Attorney Holder as Martha Veronika Stern, née Thomas, who was born on 23 December 1886 in Leipzig, Germany, and was married to Julius Stern on 20 April 1909 in Leipzig. The Claimant stated that Julius Stern was a partner in a company called *Märkische Film-GmbH* and that he lost all his assets in 1933 after the state-mandated standardization (*Gleichschaltung*) of the film industry by the Nazi government. The Claimant further stated that Julius Stern, who was Jewish, thereafter fled Germany to France with his wife and three children: [REDACTED]; [REDACTED], née [REDACTED], who was born on 21 July 1914 in Leipzig; and [REDACTED], née [REDACTED], who was born on 1 February 1910 in Leipzig. According to the Claimant, the family’s son, [REDACTED], was subsequently deported and perished during the Second World War. The Claimant indicated that Julius Stern and his family resided in Suresnes, France.

The Claimant stated that he is not related to Julius Stern but indicated that he is his sole surviving heir. The Claimant submitted four certificates of inheritance indicating his testamentary entitlement as the beneficiary to the account of Jules Stern: (1) an inheritance

¹ The CRT will treat the claim to this account in a separate determination.

certificate issued in Darmstadt, Germany on 18 May 1967 indicating that Martha Stern, née Thomas, died on 18 January 1952 in Suresnes, leaving her two daughters, [REDACTED], née [REDACTED], and [REDACTED] as her heirs; (2) a certificate of inheritance issued in Leipzig, Germany on 11 December 1997 indicating that Julius Stern died on 15 February 1968 in Suresnes, leaving his two daughters, [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED], as his heirs; (3) a certificate of inheritance issued in Leipzig on 22 July 2002 indicating that [REDACTED], née [REDACTED], died on 4 April 1996 in Suresnes, leaving [REDACTED], née [REDACTED], as her sole heir; (4) a certificate of inheritance issued in Leipzig on 22 July 2002 indicating that [REDACTED], née [REDACTED], died on 28 September 1997 in Suresnes, leaving the Claimant, who was born on 13 October 1929, as her sole heir.

The Claimant indicated that he was born on 13 October 1929 in Mannheim, Germany.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form signed in Paris, France, on 24 December 1933 and a form containing mailing instructions signed in Basel, Switzerland, on 22 December 1933. According to these records, the Account Owner was Jules Stern, and the Power of Attorney Holder was Martha Stern, who both resided at 3 Allée Beau Site/Avenue de la Criolla, Paris-Suresnes, France. The Bank's records indicate that the Account Owner held a custody account, numbered 39268.

The Bank's records do not show when the account at issue was closed, 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 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

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The Claimant identified the names of the Account Owner and the Power of Attorney Holder, which match the published names of the Account Owner² and the Power of Attorney Holder. The Claimant also identified the city and country of residence of the Account Owner and the

² The CRT notes that the Claimant indicated that the Account Owner's first name was Julius while the Bank's records indicate that the first name of the Account Owner was Jules. The CRT finds the variations of the first names to be substantially similar.

Power of Attorney Holder, which match unpublished information about the Account Owner and the Power of Attorney Holder contained in the Bank's records.

In support of his claim, the Claimant submitted documents of certificates of inheritance, providing independent verification that the persons who are claimed to be the Account Owner and the Power of Attorney Holder had the same names and resided in the same city as recorded in the Bank's records as the names and the city of residence of the Account Owner and the Power of Attorney Holder.

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 and the Power of Attorney Holder indicated in the Bank's records.

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, that he lost all his assets after the state-mandated standardization (*Gleichschaltung*) of the film industry by the Nazi government in 1933, that he and his family fled Nazi Germany for France, and that his son was thereafter deported and perished during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the testamentary beneficiary of the Account Owner and Power of Attorney by submitting specific documents which demonstrate that relationship. These documents consist of four certificates of inheritance that establish the Claimant's direct testamentary entitlement to the account of the Account Owner. These certificates of inheritance indicate that the heirs of Martha and Julius Stern who died on 18 January 1952 and 12 February 1968, respectively, were their daughters, [REDACTED], née [REDACTED], ([REDACTED], née [REDACTED]) and [REDACTED], née [REDACTED]; that [REDACTED], née [REDACTED], died on 4 April 1996 and that [REDACTED], née [REDACTED], was her sole heir; and that [REDACTED], née [REDACTED], died on 28 September 1997 and that her sole heir was the Claimant. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner and the Power of Attorney Holder were born in Germany and resided there before fleeing to France; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner and 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) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (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 Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant plausibly demonstrated that he is the testamentary beneficiary of the Account Owner, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor 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 a 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 ("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 162,500.00 SF.

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
18 April 2006