

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1]¹
also acting on behalf of [REDACTED 2], [REDACTED 3], and [REDACTED 4]

and to Claimant [REDACTED 5]
also acting on behalf of [REDACTED 6] and [REDACTED 7]

in re Account of Ilse Straus

Claim Numbers: 500765/RS; 500816/RS²

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the published account of Gerda Straus and upon the claim of [REDACTED 5] (“[REDACTED 5]”) (together, the “Claimants”) to the published account of Erwin Straus. This Award is to the published account of Ilse Straus at [REDACTED] (the “Bank”).³

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.

¹ The son of Claimant [REDACTED 1] (“[REDACTED 1]”), [REDACTED], informed the CRT that his mother passed away on 10 August 2004, and submitted his mother’s death certificate and her will. This Award is to the Estate of [REDACTED 1].

² In a separate decision, the CRT awarded the accounts of Gerda Straus and Frederick Straus to [REDACTED 1] and Claimant [REDACTED 5] (“[REDACTED 5]”) (together the “Claimants”). See *In re Accounts of Gerda Straus and Frederick Straus* (approved on 9 March 2005). Additionally, the CRT awarded the account of Eva Straus to the Claimants. See *In re Account of Eva Straus* (approved 12 May 2006). The CRT also awarded the account of Erwin Straus to [REDACTED 5]. See *In re Account of Erwin Straus* (approved 9 May 2005). Finally, [REDACTED 5] submitted an additional claim to the accounts of Max Gerson, which is registered under the Claim Number 401395. In a separate decision, the CRT awarded the accounts of Max Gerson to [REDACTED 5]. See *In re Accounts of Max Gerson* (approved 3 March 2006).

³ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name “Ilse Strauss” also appears. Upon careful review, the CRT has determined that account owner “Ilse Straus” (addressed in the present award) and account owner “Ilse Strauss” are not the same person; and, consequently, that the Claimants did not identify account owner “Ilse Strauss” as their relative.

Information Provided by the Claimants

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her sister, Ilse Feiger, née Straus. In a telephone conversation with the CRT, Claimant [REDACTED 1]'s son, [REDACTED], indicated that Ilse Straus was born in October 1918. Claimant [REDACTED 1]'s son stated that until the 1930s, Ilse Straus lived in Karlsruhe with her family, and that she later went to Berlin, Germany, to study child-rearing or social work. According to Claimant [REDACTED 1]'s son, in approximately 1937 or 1938, Ilse Straus, who was Jewish, fled Berlin to Cincinnati, Ohio, the United States. Claimant [REDACTED 1]'s son stated that Ilse Straus settled in Berkeley, California, the United States, in 1942, with other members of her family, who had also fled Nazi persecution in Germany. Claimant [REDACTED 1]'s son indicated that Ilse Straus married Philip Feiger in the United States, and that the couple had four children.

Claimant [REDACTED 1] indicated that she was born on 31 January 1921 in Karlsruhe. Claimant [REDACTED 1]'s son indicated that Claimant [REDACTED 1] passed away on 10 August 2004 in Berkeley. Claimant [REDACTED 1]'s son submitted Claimant [REDACTED 1]'s death certificate, indicating that she was born in Germany to [REDACTED] and [REDACTED]. Claimant [REDACTED 1]'s Estate is representing three of Ilse Feiger's children: [REDACTED 2], [REDACTED 3], and [REDACTED 4].

[REDACTED 5] submitted a Claim Form identifying the Account Owner as his paternal aunt, Ilse Feiger, née Straus. Claimant [REDACTED 1] indicated that Ilse Straus' father, [REDACTED], was a wealthy banker from Karlsruhe, who had five children, including Ilse, all of whom were born in Karlsruhe. [REDACTED 5] stated that Ilse Straus fled Germany to the United States in 1938; that her parents and three of her siblings, having also fled Nazi Germany, lived in a hotel in Zurich, Switzerland, between July and November 1938 while they awaited visas to travel to the United States. According to [REDACTED 5], Ilse Straus and her brother [REDACTED] were sponsored in their United States immigration applications by [REDACTED], who was a member of the family that owned *Macy's Department Stores*. [REDACTED 5] indicated that his aunt Ilse died in Berkeley in approximately 2000.

In support of his claim, [REDACTED 5] submitted the birth certificates of his father and himself, indicating that his paternal grandparents were [REDACTED] and [REDACTED], who were Jewish and lived in Karlsruhe before the Second World War.

[REDACTED 5] indicated that he was born on 23 May 1943 in New York, the United States. [REDACTED 5] is representing his sister, [REDACTED 6], née [REDACTED], who was born on 17 July 1947 in New York, and his stepmother, [REDACTED 7], née [REDACTED], who was born on 22 October 1926 in Tennessee, the United States.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Ilse Straus, who resided in Karlsruhe, Germany. The Bank's records indicate that the Account Owner held a demand deposit account that was closed before 1946.

The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The name and city and country of residence of Claimant [REDACTED 1]'s sister and [REDACTED 5]' paternal aunt match the published name and city and country of residence of the Account Owner. The CRT notes that the Bank's records do not contain any information about the Account Owner other than her name and city of residence.

The CRT further notes that the Claimants have previously received awards for the accounts of other members of the Straus family, all of whom held accounts at the same bank and resided in the same city as the Account Owner at issue in this award.⁴ Finally, the CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities or countries of residence than the city and 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 or Target 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 was Jewish, and that she and her family fled to the United States to escape Nazi persecution in Germany.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s sister and [REDACTED 5]'s paternal aunt. Claimant [REDACTED 1]'s son submitted a copy of Claimant [REDACTED 1]'s death certificate, showing that her paternal relatives had the same last name and resided in the same country as the Account Owner; and [REDACTED 5] submitted his own and his father's birth certificates, showing that [REDACTED 5]'s paternal relatives had the same last name and resided in the same city as the

⁴ See note 2 *supra*.

Account Owner. Additionally, the Claimants indicated that the Account Owner had four children, three of whom are represented by Claimant [REDACTED 1].

There is no information to indicate that the Account Owner has other surviving heirs other than the parties whom the Claimants are representing.

The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 parties that Claimant [REDACTED 1] represents. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was the mother of represented parties [REDACTED 2], [REDACTED 3], and [REDACTED 4], and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor her heirs received the proceeds of the claimed account.

Further, the CRT notes that represented parties [REDACTED 2], [REDACTED 3], and [REDACTED 4], as the Account Owner's children, have a better entitlement to the account than Claimant [REDACTED 1] (the Account Owner's sister), [REDACTED 5] (the Account Owner's nephew), and represented parties [REDACTED 6] and [REDACTED 7] (the Account Owner's niece and sister-in-law, respectively).

Amount of the Award

In this case, the Account Owner held one demand deposit 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 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 demand deposit account was 2,140.00 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 SF 26,750.00.

Division of the Award

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. Therefore, as the children of the Account Owner, represented parties [REDACTED 2], [REDACTED 3], and [REDACTED 4] are each entitled to one-third of the total award amount. As mentioned above, Claimant [REDACTED 1], [REDACTED 5], and represented parties [REDACTED 6] and [REDACTED 7] are not entitled to share in the award.

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
17 March 2008