

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award Amendment**

to the Estate of Claimant [REDACTED 1];<sup>1</sup>

to Claimant [REDACTED 2];<sup>2</sup>

to Claimant [REDACTED 3];

and to the Estate of Claimant [REDACTED 4]<sup>3</sup>

## **in re Account of Max Strauss and Sofie Strauss**

Claim Numbers: 782820/WT;<sup>4</sup> 783037;<sup>5</sup> 783354/WT;<sup>6</sup> 786482/WT; 789074/WT<sup>7</sup>

Original Award Amount: 162,500.00 Swiss Francs

Award Amendment Amount: 0.00 Swiss Francs

This Certified Award Amendment is based upon the claims of Liesel Bucelato, née Klaus (“Claimant Bucelato”), Lore Greenberg, née Klaus (“Claimant Greenberg”), and Joan Nevelik, née Hansi Gretel Klaus (“Claimant Nevelik”) to the accounts of Fritz Klaus, Hedwig Klaus, Hansi Gretel Klaus, Liesel A. Klaus, Lore Inge Klaus, Adolf Cohen, Marta Marcus, Alma

---

<sup>1</sup> Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) passed away on 15 September 2002.

<sup>2</sup> On 27 February 2007, the Court approved an award to Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) for the account of Max Strauss and Sofie Strauss (the “February 2007 Award”), which is the subject of this Award Amendment.

<sup>3</sup> Claimant [REDACTED 4] (“Claimant [REDACTED 4]”) passed away on 21 April 2007.

<sup>4</sup> Claimant [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999, she submitted an Initial Questionnaire (“IQ”), numbered ENG-0503-038, to the Court. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 782820.

<sup>5</sup> Claimant [REDACTED 2] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0512-095, to the Court. This IQ was forwarded to the CRT and has been assigned claim number 783037.

<sup>6</sup> Claimant [REDACTED 3] (“Claimant [REDACTED 3]”) did not submit a Claim Form to the CRT. However, in 1999, she submitted an IQ, numbered ENG-0524-137, to the Court. This IQ has been assigned claim number 783354.

<sup>7</sup> Claimant [REDACTED 4] did not submit a Claim Form to the CRT. However, in 1999, he submitted two IQs, numbered ENG-0641-154 and ENG-0782-053, to the Court. These IQs have been assigned claim numbers 786482 and 789074, respectively.

Solomon (Salomon), Artur Solomon (Salomon), Ruth Solomon (Salomon), Irene Strauss, Max Strauss, Hans Strauss, Erna Fröhlich, Max Fröhlich, Lilo Fröhlich, and Harriet Fröhlich,<sup>8</sup> and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the accounts of Adolf Cohen, Arthur Salomon, Alma Salomon, Ruth Salomon, Max Strauss, Irene Strauss, and *Kaufhaus Adolf Cohen*.<sup>9</sup> This Award Amendment is to the published accounts of Max Strauss (“Account Owner Max Strauss”) and Sofie Strauss (“Account Owner Sofie Strauss”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>10</sup>

All award amendments are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

## **Procedural History**

On 27 February 2007, the Court approved an Award to Claimant [REDACTED 2] for the Account Owners’ account (the “February 2007 Award”). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant [REDACTED 1], Claimant [REDACTED 3], and Claimant [REDACTED 4]. The CRT notes that although Claimant [REDACTED 1], Claimant [REDACTED 3], and Claimant [REDACTED 4] had filed timely claims to the awarded account, their claims were erroneously omitted from consideration in the February 2007 Award. Subsequent review of Claimant [REDACTED 1]’s, Claimant [REDACTED 3]’s, and Claimant [REDACTED 4]’s claims indicates that they correctly identified the Account Owner, and that Claimant [REDACTED 4] is entitled to share in the original award amount, as detailed below.

## **The February 2007 Award**

In the February 2007 Award, the CRT determined that the Account Owners owned one custody account. The CRT further determined that Claimant [REDACTED 2] plausibly identified the

---

<sup>8</sup> The CRT did not locate an account belonging to Fritz Klaus, Hedwig Klaus, Hansi Gretel Klaus, Liesel A. Klaus, Lore Inge Klaus, Marta Marcus, Alma Solomon (Salomon), Artur Solomon (Salomon), Ruth Solomon (Salomon), Irene Strauss, Max Fröhlich, Lilo Fröhlich, or Harriet Fröhlich 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”). The CRT will address these Claimants’ claims to the accounts of Adolf Cohen, Erna Fröhlich, and Hans Strauss in one or more separate determinations.

<sup>9</sup> The CRT did not locate an account belonging to Adolf Cohen, Arthur Salomon, Alma Salomon, Ruth Salomon, Irene Strauss and *Kaufhaus Adolf Cohen*. The CRT will address Claimant [REDACTED 4]’s claim to the account of Adolf Cohen in a separate determination.

<sup>10</sup> The CRT notes that on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Max Strauss appears twice, the name M. Strauss appears once, and the names Sofie Strauss and Sophie Strauss each appear once. Upon careful review, the CRT has determined that one of the two persons named Max Strauss, the person named M. Strauss, and the person named Sophie Strauss are not the same persons addressed in this decision and, consequently, the Claimants did not identify these other account owners as their relatives.

Account Owners, that she plausibly demonstrated that she is related to the Account Owners, and that she made a plausible showing that the Account Owners were Victims of Nazi Persecution. Additionally, the CRT determined that it is plausible that the Account Owners did not receive the proceeds of their custody account. The CRT noted that the Bank's records did not indicate the value of the account, and therefore presumed that its value was 13,000.00 Swiss Francs ("SF"), and that the February 2007 Award amount was SF 162,500.00. Finally, the CRT determined that Claimant [REDACTED 2] was entitled to the entire award amount.

### **Information Provided by the Claimants**

#### Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3]

Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3], who are sisters, submitted Initial Questionnaires identifying Account Owner Max Strauss as their uncle, Max Strauss, who was married to [REDACTED]. These Claimants indicated that their extended family, which was Jewish, resided in Mannheim, Neuss, and Koblenz, Germany. These Claimants further indicated that they attended boarding school in Montreux, Switzerland, and that their father deposited assets in Switzerland for their aunt and uncle Irene and Max Strauss. These Claimants indicated that they and their parents lived in Mannheim from 1928 until 1938, when their family fled from Germany to Holland and then to the United States. These Claimants further indicated that members of their extended family, including their maternal grandfather [REDACTED], their aunt and uncle [REDACTED] and [REDACTED], and their cousin [REDACTED], were not able to flee, and that they perished in concentration camps.

Claimant [REDACTED 1]'s heirs submitted a copy of her death certificate, dated 19 September 2002, indicating that [REDACTED 1], née [REDACTED], was born on 15 December 1922 in Germany. Claimant [REDACTED 2] indicated that she was born on 10 January 1928. Claimant [REDACTED 3] indicated that she was born on 18 May 1924.

#### Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an Initial Questionnaire identifying Account Owner Max Strauss as his father, Max Strauss, who was born on 31 January 1896 and was married to [REDACTED]. Claimant [REDACTED 4] indicated that his father, who was Jewish, was a traveling salesman for *Kaufhaus Adolf Cohen*, which was Claimant [REDACTED 4]'s grandfather's company. Claimant [REDACTED 4] indicated that he lived with his mother and father in Neuss until 1941, and that on 9 July 1941 his family left Berlin, Germany and traveled to France, Spain, and finally emigrated to the United States. Claimant [REDACTED 4] further indicated that members of his extended family, including his grandfather [REDACTED], his aunt and uncle [REDACTED] and [REDACTED], and his cousin [REDACTED], were not able to flee, and that they perished in concentration camps. Claimant [REDACTED 4] indicated that his father died in 1975 in Brooklyn, New York, the United States. Claimant [REDACTED 4] indicated that he was born on 8 June 1928.

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

As detailed in the February 2007 Award, the Bank's records indicate the names and address of the Account Owners. The records indicate that the Account Owners jointly held one custody account, which was closed on 2 May 1934.

## **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 five claims of the Claimants in one proceeding.

### The Claimants' Identification of the Account Owners

The name and country of residence of Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3]'s uncle, and the name and country of residence of Claimant [REDACTED 4]'s father match the published name and country of residence of Account Owner Max Strauss.

The CRT notes that the Claimants filed IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Max Strauss, prior to the publication in February 2001 of the 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"). This indicates that the Claimants 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 relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT notes that the Claimants did not identify Account Owner Sofie Strauss. Given that the Bank's records do not indicate the nature of the relationship between the Account Owners, that the Claimants were children during the Second World War, and that the Claimant's immediate family fled Europe to the United States when they were still young, the CRT determines that it is plausible that the Claimants were not familiar with all of the members of their extended family who may have held Swiss bank accounts.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided no connection to Mannheim, the city of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified Account Owner Max Strauss.

### Status of the Account Owners as Victims of Nazi Persecution

As detailed in the February 2007 Award, the CRT determined that Account Owner Max Strauss was a Victim of Nazi Persecution.

### The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3] have plausibly demonstrated that they are related to Account Owner Max Strauss by submitting specific biographical information, demonstrating that Account Owner Max Strauss was these Claimants' uncle, and Claimant [REDACTED 4] has plausibly demonstrated that he is related to Account Owner Max Strauss by submitting specific biographical information, demonstrating that Account Owner Max Strauss was his father. There is no information to indicate that Account Owner Max Strauss has other surviving heirs.

The CRT notes that the Claimants filed IQ's with the Court in 1999, identifying the relationship between Account Owner Max Strauss and the Claimants, prior to the publication in February 2001 of the ICEP List. Additionally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Max Strauss was well known to the Claimants as a family member, and all of this information supports the plausibility that these Claimants are related to Account Owner Max Strauss, as the Claimants have asserted in their Claim Forms.

The CRT notes that the Claimants did not indicate that they were related to Account Owner Sofie Strauss, but that, given that the Account Owners resided in the same city, that they share the same surname, and that they held a joint account, the CRT determines that it is plausible that the Account Owners were related, and that by plausibly demonstrating that they are related to Account Owner Max Strauss, the Claimants have therefore plausibly demonstrated that they are related to Account Owner Sofie Strauss.

### The Issue of Who Received the Proceeds

As detailed in the February 2007 Award, the CRT has concluded that it is plausible that the account's proceeds were not paid to the Account Owners or their heirs.

### Basis for the Award Amendment

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 4]. First, Claimant [REDACTED 4]'s claim is admissible in accordance with the criteria contained in the Rules. Second, Claimant [REDACTED 4] has plausibly demonstrated that Account Owner Max Strauss was his father, and that Account Owner Sofie Strauss was his relative, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts. Further, the CRT notes that Claimant [REDACTED 4], as the Account Owner's son, has a better entitlement to the account than Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3], the Account Owner's nieces.

### Amount of the February 2007 Award

As detailed in the February 2007 Award, the Account Owners 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 SF 13,000.00. According to Article 31 of the Rules, account values are multiplied by an adjustment factor to bring award amounts up to current value. At the time of the February 2007 Award, the adjustment factor was 12.5, and the resulting award amount was SF 162,500.00. The CRT notes that this amount has yet to be distributed to any Claimant.

### Amended Division of the February 2007 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. In this case, Claimant [REDACTED 4], as the son and direct descendant of the Account Owner, is more entitled to the account than Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3], the Account Owner's nieces and the descendants of the Account Owner's parents. Accordingly, Claimant [REDACTED 4] is entitled to the entire Award amount of SF 162,500.00.

### **Scope of the Award Amendment**

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 Amendment**

The CRT certifies this Award Amendment for approval by the Court.

Claims Resolution Tribunal  
12 October 2007