

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Lino Modena
also acting on behalf of Luisa Modena

in re Account G. Tedeschi

Claim Number: 222790/ZP

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Lino Modena (the “Claimant”) to the account of Jacopo Franco.¹ This Award is to the account of G. Tedeschi (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner as his maternal grandmother, Giulietta Franco, née Tedeschi, who was married to Salomone Massimo Franco, the Claimant’s grandfather. The couple had four children: Giuseppe Franco; Giacomo Jacopo Franco; Rita Franco, the Claimant’s mother; and Ferruccio Franco. The Claimant stated that his grandmother, who was Jewish, was born on 27 November 1854 and that she lived in different areas of Italy, including Verona, Milano and Mantova. The Claimant further stated that his uncle, Giacomo Jacopo Franco, was the owner of a glass trading company and laboratory in Turin, Italy, where he lived. The Claimant stated that his uncle and aunt, who had no children, were arrested by the Nazis in Chianni (Pisa) on 20 April 1944, subsequently imprisoned in Florence, Italy, transferred to a concentration camp in Fossoli, Italy on 16 May 1944, and finally deported to Auschwitz-Birkenau in 23 May 1944, where they were immediately murdered. The Claimant stated that his grandmother died on 20 April 1934. In support of his claim, the Claimant submitted documents including his mother’s birth certificate, indicating that her name was Rita Franco and her mother’s maiden name was Giulietta Tedeschi; and the Claimant’s own birth certificate and the birth certificate of his sister, Luisa Modena, indicating that their mother’s maiden name was Rita Franco.

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

The Claimant stated that he was born on 25 September 1921, and that he is representing his sister, Luisa Modena, who was born on 6 January 1923, both in Modena, Italy.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was G. Tedeschi. The Bank's record indicates that the Account Owner held an account of unknown type. The account was transferred to a suspense account on 25 June 1973. The amount in the account on the date of its transfer was 14.40 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's first initial and maiden name match the published first initial and surname of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her first initial and last name. The CRT also notes that the Claimant submitted documents including his mother's birth certificate, indicating that her name was Rita Franco and her mother's maiden name was Giulietta Tedeschi. Moreover, the Claimant's own birth certificate and the birth certificate of his sister, Luisa Modena, indicate that their mother's maiden name was Rita Franco. In addition, the CRT notes that it previously awarded the Claimant the account of Jacopo Franco, the Claimant's uncle, and Ugo Fano, based on the Claimant's identification of unpublished information about Jacopo Franco and Ugo Fano. The CRT further notes that the book, *Il Libro della Memoria* (The Book of Memory), contains an entry for Jacopo Franco of Verona, indicating that his parents were Salomone Massimo Franco and Giulietta Tedeschi, which matches unpublished information provided by the Claimant about the Account Owner, the Account Owner's husband, their city of residence and one of their children.² Finally, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 she died in 1934 and her heirs were victims of Nazi persecution, including the murder of one of her children by the Nazis.

² Liliana Picciotto, *Il Libro della Memoria: Gli Ebrei deportati dall'Italia (1943-1945)* 301 (Gruppo Ugo Mursia Editore S.p.A. ed., 1991).

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his and his mother's birth certificates, demonstrating that Giulietta Franco, née Tedeschi, was his grandmother.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account on 25 June 1973, and remains open and dormant.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his grandmother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account was 14.40 Swiss Francs as of 25 June 1973. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, an award shall be made in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. The Claimant is representing his sister, Luisa Modena, in these proceedings. Therefore, the Claimant and his sister are each entitled to one-half of the total award amount.

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
September 30, 2003