

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Accounts of Regina Weile

Claim Numbers: 203134/HS; 209369/HS¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], formerly known as [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], formerly known as [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Regina Weile (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants each submitted a Claim Form identifying the Account Owner as their maternal grandmother, Regina Weile, née Landau, or Landoska, who was born in Lodz, Poland, and was married to [REDACTED], or [REDACTED], [REDACTED]. The Claimants indicated that their grandparents, who were Jewish, had four children: [REDACTED], née [REDACTED], Claimant [REDACTED 1]’s mother, who was born on 27 October 1890 in Lodz and was deported by the Nazis to a concentration camp, where she perished on 21 October 1941; [REDACTED], née [REDACTED], Claimant [REDACTED 2]’s mother, who was born on 23 February 1898 and died in Belmar, New Jersey in 1946; [REDACTED], who died in approximately 1918; and [REDACTED] who died in approximately 1921. The Claimants stated that their grandmother was a homemaker, and that she lived at either 165 or

¹ Claimant [REDACTED 2] submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 209367 and 209368, respectively. The CRT will treat the claims to these accounts in separate decisions.

365 Piotrkowska in Lodz. Claimant [REDACTED 1] further stated that his grandfather was a textile engineer, and that he was the general manager, director and co-owner of *Landau & Weile*, a cotton mill in Lodz. The Claimants indicated that their grandfather died in Lodz in 1916 and that their grandmother perished in Lodz on an unknown date during the Holocaust.

In support of his claim, Claimant [REDACTED 1] submitted a copy of his birth certificate, identifying him as [REDACTED] and his mother as [REDACTED], née [REDACTED]; a copy of the certificate that authorized his change of name from [REDACTED] to [REDACTED]; a detailed family tree; and a photograph of the Claimant and his grandmother taken in 1923. In support of her claim, Claimant [REDACTED 2] submitted a copy of her mother's passport, identifying her as [REDACTED] and Claimant [REDACTED 2] as her daughter; her mother's application for an American immigration visa, identifying her as [REDACTED], her parents as Regina [REDACTED] and [REDACTED], and her residence between 1912 and 1939 as Lodz; her mother's United States alien registration form, dated 1943, identifying her as [REDACTED], née [REDACTED], from Lodz; a copy of the certificate that authorized Claimant [REDACTED 2]'s change of name from [REDACTED] to [REDACTED]; and a copy of Claimant [REDACTED 2]'s marriage certificate, identifying her as [REDACTED] and her husband as [REDACTED]. Claimant [REDACTED 1] indicated that he was born on 6 April 1921 in Cologne, Germany, and Claimant [REDACTED 2] indicated that she was born on 15 February 1934 in Lodz.

Information Available in the Bank's Records

The Bank's records consist of a customer card, a signature card, lists of accounts, internal Bank correspondence, documents relating to the 1945 freeze of assets held in Switzerland by nationals of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"), documentation related to the 1962 survey of dormant accounts belonging to foreigners or stateless persons believed to be victims of persecution on racial, religious or political grounds (the "1962 Survey"), and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Regina Weile, who was a widow and resided at Piotrkowska 125 in Lodz, Poland. The Bank's records indicate that the Account Owner held one demand deposit account and one custody account, numbered 26954.

The Bank's records indicate that the custody account was opened no later than February 1929 and was closed on 5 October 1931. The Bank's records further indicate that the demand deposit account was opened on 12 May 1931, that the Bank's last contact with the Account Owner was in January 1938, and that the account was frozen on 17 January 1945, at which time it carried a balance of 380.50 Swiss Francs. According to the Bank's records, the demand deposit account was included on a list of dormant accounts pursuant to a 1959 internal Bank survey. The Bank's records indicate that the Account Owner's name was also included in documents prepared by the Bank in connection with the 1962 Survey, but was not registered in the 1962 Survey. The records further show that the demand deposit account carried a balance

of 257.00 Swiss Francs as of 15 November 1963, and that the Bank closed the account on 2 December 1977. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

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 claims of Claimant [REDACTED 1] and Claimant [REDACTED 2] in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their grandmother's name, city and country of residence match the published name, city and country of residence of the Account Owner. The Claimants identified the street in Lodz where their grandmother resided, which matches unpublished information contained in the Bank's records. In addition, the Claimants stated that their grandmother was widowed in 1916, which matches unpublished information about the Account Owner's marital status contained in the Bank's records. The Claimants also submitted Claimant [REDACTED 2]'s mother's passport, identifying her as [REDACTED] and Claimant [REDACTED 2] as her daughter; [REDACTED]'s application for an American immigration visa, identifying [REDACTED]'s parents as Regina Landoska and [REDACTED], and [REDACTED]'s previous city of residence as Lodz; [REDACTED], née [REDACTED]'s, United States alien registration form, indicating she previously resided in Lodz; and Claimant [REDACTED 1]'s birth certificate, identifying him as [REDACTED] and his mother as [REDACTED], née [REDACTED]. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that there are no other claims to this account. 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 of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim or Target of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that she perished in Lodz during the period of German occupation of Poland.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information and documents, including Claimant [REDACTED 2]'s mother's passport, identifying her as [REDACTED] and Claimant [REDACTED 2] as her daughter; and [REDACTED]'s application for an American immigration visa, identifying [REDACTED]'s mother as Regina Weile, née Landoska; demonstrating that the Account Owner was the Claimants' grandmother. The CRT notes that the Claimants also identified the Account Owner's unpublished street name, as contained in the Bank's records. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Regarding the custody account, numbered 26954, given that the account was closed in 1931; that the Nazi occupation of Poland did not begin until 1939; and given that the Bank's records indicate that the Account Owner transacted business with the Bank in 1938, the CRT concludes that it is plausible that the Account Owner received the proceeds of the account.

Regarding the demand deposit account, given that the Account Owner's last contact with the Bank occurred in January 1938; that the Account Owner died during the Second World War; that the account was frozen in 1945 and closed in 1977; that there is no record of the payment of the Account Owner's account to her; that the Account Owner's heirs would not have been able to obtain information about her account after the War 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 (b), (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes it is plausible that the proceeds of the demand deposit account 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the demand deposit account.

Amount of the Award

In this case, with respect to the Account Owner's demand deposit account that was closed in 1977, the Bank's records indicate that the value of the demand deposit account as of 17

February 1945 was 380.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 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 is 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the spouse of an account owner 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. Claimant [REDACTED 1] is the son of the Account Owner's daughter [REDACTED], and Claimant [REDACTED 2] is the daughter of the Account Owner's daughter [REDACTED]. Consequently, Claimant [REDACTED 1] and Claimant [REDACTED 2], are each entitled to one-half of the total 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
6 February 2004