

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Accounts of Marta Wolfson

Claim Number: 200447/LK¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Marta Wolfson (the “Account Owner”) at the Zurich branch of [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 her paternal grandmother, Marta Wolfson, née Cosmann, who was born on 9 August 1885 in Essen, Germany, and was married to [REDACTED] in 1909 in Essen or Berlin, Germany. The Claimant stated that the Marta Wolfson’s father owned *Cosmann’s Steelworks* in Essen, and that her husband was a director at the Dresner Bank in Berlin. The Claimant further stated that her grandparents lived at Schülterstrasse 43 in Berlin-Charlottenburg from 1909 until approximately 1929, when they moved to Allemannen Allee 10 in Berlin-Westend, Germany. According to the Claimant, the family spent holidays in Switzerland prior to 1933. The Claimant explained that Marta Wolfson, who was Jewish, fled empty-handed to South Africa with her husband and two sons in 1939, as their assets had been confiscated by the Nazis. According to the Claimant, her grandmother died in Johannesburg, South Africa in July 1965. In support of her claim, the Claimant submitted a family tree; her own birth certificate, indicating her father was [REDACTED]; her father’s death certificate, indicating his name was [REDACTED] and his mother was Martha Wolfson, née Cosman; her grandmother’s birth certificate; a letter dated 1 May 1962 and written by her grandmother to the Claimant’s father; the Claimant’s father’s will;

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 200447 and 210096. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 200447.

and a letter dated 3 April 1925 to her grandmother regarding her personal property and bearing her address in Charlottenburg. The Claimant indicated that she was born on 30 September 1948 in Johannesburg, South Africa. The Claimant is representing [REDACTED], née [REDACTED], her mother, who was born on 11 January 1926 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of an account opening card and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Marta Wolfson who resided in Berlin-Charlottenburg, Germany. The Bank's records indicate that the Account Owner held a demand deposit account, opened on 30 June 1931 and closed on 10 July 1933, and a custody account, numbered 44208, opened in July 1931 and closed on 23 June 1933. The Bank's records do not show to whom the accounts at issue were paid or the value of these accounts. 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

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandmother's name matches the published name of the Account Owner. The Claimant identified her grandmother's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her own birth certificate, indicating her father was [REDACTED]; and her father's death certificate, indicating his name was [REDACTED] and his mother was Martha Wolfson, née Cosman, providing independent documentation that the grandmother of the Claimant has the same name as the Account Owner. The Claimant also submitted a letter to her grandmother dated 3 April 1925 regarding her personal property and bearing her address, which provides independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of the Account Owner. The CRT also notes that there were 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 her possessions were confiscated by the Nazis, and that she was forced to flee Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner was her grandmother.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; the Account Owner's accounts were closed in 1933 and she remained in Germany until 1939; she would not have been able to repatriate her accounts to Germany when they were closed without their confiscation; there is no record of payments of the Account Owner's accounts to her; 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 Bank's concern regarding double liability; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A) and Appendix C,² 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 Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her 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 claimed accounts.

Amount of the Award

In this case, the Account owner held one demand deposit account and 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 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 and the average value of a custody account was 13,000.00 Swiss Francs, producing a total of 15,140.00 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 189,250.00 Swiss Francs.

Division of the Award

The Claimant is representing her mother, [REDACTED], in this proceeding. According to Article 23(2)(c) of the Rules, if a Claimant has not submitted an unbroken chain of wills relating

² Appendix C appears on the CRT II website -- www.crt-ii.org.

back to the Account Owner, the CRT may use the general principles of distribution established in Article 23(1) of the Rules to make allowance for any missing links in the chain, consistent with principles of fairness and equity. In this case, considering the principles of fairness and equity in Article 23 of the Rules, the CRT determines that the Claimant and the Claimant's mother are each entitled to one-half of the 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 her claim to determine whether there are additional Swiss bank accounts to which she 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