

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED1], also acting on behalf of [REDACTED]
and [REDACTED2], also acting on behalf of [REDACTED], [REDACTED] and [REDACTED]

in re Account of Hendrik De Leeuw

Claim Numbers: 207363/IG; 220569/IG¹

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED2] and [REDACTED1] (the “Claimants”) to the account of Hendrik De Leeuw (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case the Claimants did, 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 Claimants

The Claimants submitted a Claim Form identifying the Account Owner as their father, Hendrik De Leeuw, who was born on 5 March 1908 in Amsterdam, the Netherlands, and was married to [REDACTED] on 26 April 1933 in Amsterdam. The Claimants stated that their father had two children from this marriage: [REDACTED] and [REDACTED1], one of the Claimants. The Claimants’ father and [REDACTED] divorced on 19 September 1939, and afterwards he married [REDACTED], née [REDACTED], on 7 September 1948 in Luzern, Switzerland. The Claimants’ father had three children from this marriage: [REDACTED], [REDACTED] and [REDACTED2], one of the Claimants. The Claimants stated that their father was the director and owner of the company *Metz & Co*, which he inherited from his father. The Claimants stated that their father, who was Jewish, resided at Legrasweg 1, Laren, the Netherlands, from 1936 to May 1940. While on a business trip to Paris, France, he was unable to return home because of the Nazi invasion in the Netherlands, and eventually fled to the United States in September 1940, via England and Portugal. The Claimants further stated that their father resided in New York

¹ Each of the Claimants submitted two Claim Forms, which were registered under the Claim Numbers 207363 and 221989 for [REDACTED2], and 220569 and 220749 for [REDACTED1]. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Numbers 207363/IG [REDACTED2], and 220569/IG for [REDACTED1].

from 1940 to 1950 or 1953, when he returned to the Netherlands. He died in Grimaud, France, on 6 February 1978.

In support of their claims, the Claimants submitted copies of numerous documents, including their father's passport, notarized last will and testament, and a statement issued by the City of Blaricum, the Netherlands, listing the various addresses of the Claimants' father between 1936 and 1953.

Claimant [REDACTED1] indicated that she was born on 3 February 1934 in Amsterdam. Claimant [REDACTED1] is representing [REDACTED], her sister, who was born on 13 October 1935 in Amsterdam.

Claimant [REDACTED2] indicated that he was born on 13 July 1957 in Amsterdam. Claimant [REDACTED] is representing [REDACTED], his mother, who was born on 12 November 1922 in Greenwich, Connecticut, the United States, [REDACTED], his sister, who was born on 15 February 1950 in New York, New York, the United States, and [REDACTED], his brother, who was born on 23 May 1958 in Laren.

Information Available in the Bank Record

The bank record consists of an account statement. According to the bank record, the Account Owner was Hendrik de Leeuw, who resided in Laren, the Netherlands. The bank record indicates that the Account Owner held a demand deposit account, with a value of 24.50 Swiss Francs on 10 December 1943. The account was transferred to a collective account for bookkeeping and administrative purposes on 1 November 1947. The amount in the account on the date of its transfer was still 24.50 Swiss Francs. The account remains suspended today.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their father's name and place of residence between 1936 and 1940 match the published information about the Account Owner contained in the bank records. In support of their claims, the Claimants submitted documents, including a copy of their father's passport and a registration certificate from the city of Laren, the Netherlands, attesting to Hendrik De Leeuw's addresses in Laren in the relevant periods. The CRT notes that there are no other claims to the account of Hendrick De Leeuw.

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 and had to flee to the United States in September 1940.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents demonstrating that the Account Owner was their father.

The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the account as of 10 December 1943 was 24.50 Swiss Francs. According to Article 35 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 present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules. Consequently, the total award amount in this case is 25,680.00 Swiss Francs.

Division of the Award

Where a Claimant has submitted the Account Owner's will, Article 29(2)(a) of the Rules, provides for distribution of the award among any beneficiaries named in the will. Claimant [REDACTED2] submitted the will of the Account Owner, according to which his spouse, [REDACTED], shall receive three eighths (3/8) of his estate, and each of his children shall receive one eighth (1/8) of his estate. Therefore, [REDACTED] is entitled to three-eighths of the award amount, and [REDACTED1], [REDACTED], [REDACTED2], [REDACTED], and [REDACTED] are each entitled to one-eighth of the award amount.

Initial Payment

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of

the Certified Award when so determined by the Court. In this case, however, because the represented party, [REDACTED], is aged 75 or older, she is entitled to receive 100% of her portion of the total award amount. Accordingly, the initial payment amount is 20,062.50 Swiss Francs, which is comprised of 100% of [REDACTED]'s portion of the award (9,630.00 Swiss Francs) and 65% of [REDACTED1], [REDACTED], [REDACTED2], [REDACTED] and [REDACTED]'s portion of the award (2,086.50 Swiss Francs each).

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 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

December 27, 2002