

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Claude Fischer

in re Account of Emma Jean Fischer, Max Fischer, and Madeleine Marie Fischer

Claim Number: 220310/MD

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Claude Fischer (the “Claimant”) to the account of Max Fischer. This Award is to the account of Emma Jean Fischer, Max Fischer, and Madeleine Marie Fischer (the “Account Owners”) at the Geneva branch of 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 the Account Owner as his father, Maxime Chevalier Fischer also known as Max Fischer, who was born in 1880 to Edmée (Emma) Fischer, née Rodrigues. The documents provided by the Claimant indicate that Edmée (Emma) Fischer was born in 1856, was married to Jacques Fischer, and that the couple lived in Paris. According to the information provided by the Claimant, Emma Fischer was a painter. The Claimant stated that Jacques Fischer died in 1923 or 1925 and explained that Emma Fischer, who was Jewish, fled to the French Free Zone after the Nazi occupation of France and died there of natural causes in approximately 1944.

According to the information provided by the Claimant, Max Fischer married Marie Fischer, née Bloch in 1918, and the couple had one child, Claude (the Claimant), who was born on 8 April 1919 in Paris. The Claimant stated that his father divorced his mother, and married Madeleine Marie, née Coquelle, in 1926. The Claimant indicated that his father, who was working for a publishing company, lived from 1926 to 1940 at La Croix-Bosset in Le Mesnil-le-Roi, France. According to the Claimant, his father, who was Jewish, published books criticizing Hitler, was forced to quit his job after the Nazi occupation of France, and that he and Madeleine Marie Fischer fled to Brazil in January 1941. The Claimant stated that his father lived in Rio de Janeiro, Brazil until 1947, when he returned to France. The Claimant stated further that Madeleine Marie Fischer, who never had any children, died in 1947, and that his father married

Nelly Renée, née Caron, in 1950. According to the information provided by the Claimant, his father died on 11 December 1957 in Paris, and Nelly Fischer died in 1989 in Paris. The Claimant stated that he is the only surviving heir of Max Fischer.

In support of his claim, the Claimant submitted documents, including his father's birth and death certificates, the marriage certificate of Max Fischer and Madeleine Marie Coquelle, the death certificates of Madeleine Marie Coquelle Fischer and Nelly Renée Caron Fischer, a notarized document confirming his father's death and containing family information, and his father's handwritten will that contains his father's signature sample. In his will, Max Fischer bequeathed his entire estate to Nelly Fischer.

Information Available in the Bank Records

The bank records consist of a bank customer card, a print out from the Bank's database, and an internal list of dormant accounts. According to these records, the Account Owners were widow Emma Jeanne Fischer, née Rodrigues, Max Fischer and his wife Madeleine Marie Fischer, née Coquelle. The bank records indicate that Max Fischer lived in Le Mesnil-le-Roi. The bank records indicate that the Account Owner held a custody account and a demand deposit, both of which were numbered and opened on 8 September 1937. According to the customer card, the Account Owners instructed the Bank to withhold the mail. The customer card contains a signature sample of Account Owner Max Fischer.

According to bank records, the custody account was closed on 12 December 1939. These records indicate that the demand deposit account was transferred on 31 December 1940 to a collective account for dormant accounts with a balance of 109.00 Swiss Francs where it remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owners. His relatives' names and his father's domicile match the published names and domicile of the Account Owners. The Claimant stated that Emma Fischer's husband, Jacques Fischer, died in the 1920s, which matches unpublished information about the marital status of Account Owner Emma Fischer contained in the bank records. Further, the Claimant identified Max Fischer and Madeleine Marie Fischer as spouses, which matches the unpublished information in the bank records. Furthermore, the CRT notes that the Account Owners were published separately on the February 2001 list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List") and the Claimant identified the connection between them. Finally, the Claimant submitted a sample of his father's signature, which matches the signature sample of Account Owner Max Fischer contained in the bank records.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims or Targets of Nazi Persecution. The Claimant stated that Account Owners Emma Fischer and Max Fischer were Jewish, and that they and Max Fischer's wife, Madeleine Marie, fled from France to escape Nazi persecution.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents, including his father's birth certificate and a notarized document containing information about Max Fischer's family, demonstrating that Account Owner Emma Fischer was the Claimant's grandmother, Account Owner Max Fischer was the Claimant's father, and Account Owner Madeleine Marie Fischer was the Claimant's step-mother. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

With regard to the demand deposit account the bank records indicate that the demand deposit account was transferred to a collective account on 31 December 1940 where it remains open and dormant.

With respect to the custody account that was closed before the Nazi invasion of France, the CRT has not reached a decision at this time pending further consideration as to whether the Account Owner received the proceeds of this account.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owners were his paternal grandmother, his father, and his stepmother, and these relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

The balance of the demand deposit account on the date of its transfer, 31 December 1940, was 109.90 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 this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Initial Payment

In this case, the Claimant is age 75 or older and is therefore entitled to receive 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

December 27, 2002