

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Isaac Fulda

Claim Number: 782571/CC/WG¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Isaac Fulda (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 name 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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his father’s paternal cousin, Isaac Fulda, who was born in Mainz, Germany in 1868. The Claimant indicated that his relative, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED], and the brother of [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED]. The Claimant indicated that his father’s cousin was married to [REDACTED], née [REDACTED], and that the couple had three children: Dr. [REDACTED], [REDACTED], and [REDACTED], née [REDACTED]. The Claimant stated that Dr. [REDACTED] and his wife, [REDACTED], née [REDACTED], died in a car accident in 1936 or 1937, and that they had one daughter, [REDACTED], who survived them; that [REDACTED] never married; and that the third child, [REDACTED], was married to [REDACTED], with whom she had two children, [REDACTED] and [REDACTED]. The Claimant also stated that Isaac Fulda was a partner in the family-owned *Bank Firma Isaac Fulda* (“Bank Fulda”), headquartered in Mainz. The Claimant further stated that his relative’s property was confiscated

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0493016, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 782571.

by the Nazis after November 1938. According to the Claimant, in order to avoid further persecution by the Nazis, Isaac Fulda tried to enter Switzerland in late 1938 or early 1939 but was turned away. The Claimant stated that, in 1939, Isaac Fulda finally fled with his entire extended family to Amsterdam, the Netherlands, but that they were caught there after the Nazi occupation and, between 1942 and 1944, were deported to Poland, where they all perished in Lublin and Auschwitz.

The Claimant stated that his paternal grandfather, [REDACTED], and Isaac Fulda's father, [REDACTED], were the children of Isaac Fulda, a banker who founded the family-owned *Bank Fulda*. The Claimant stated that *Bank Fulda* had three principal owners: Isaac Fulda; Dr. [REDACTED], Isaac Fulda's son; and [REDACTED], the Claimant's grandfather. The Claimant further stated that after the death of [REDACTED] in 1908, [REDACTED], née [REDACTED], the Claimant's grandmother, and [REDACTED], the Claimant's father, became principal owners of *Bank Fulda*. The Claimant reported that his father and grandmother often discussed banking business with Isaac Fulda. The Claimant also indicated that after the Nazis rose to power, the Claimant's father sold his one-third interest in *Bank Fulda* to Isaac Fulda.

The Claimant stated that his father, [REDACTED], passed away in San Francisco, California, the United States, in May 1983, his mother, [REDACTED], passed away on 8 December 2000 in San Francisco, and that his brother, [REDACTED], passed away in California in 1992. The Claimant stated that he was born on 3 March 1929 in Mainz.

In support of his claim, the Claimant submitted: copies of a family tree; his father's birth certificate, identifying [REDACTED] as the son of the banker [REDACTED] [REDACTED], née [REDACTED]; his father's certificate of naturalization, indicating that [REDACTED] was formerly a German citizen; and a court decree, dated 21 May 1945, certifying his father's name change from [REDACTED] to [REDACTED].

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 Isaac Fulda, who resided in Mainz, Germany. The Bank's record indicates that the Account Owner held a custody account, numbered 20035, that was opened on 28 December 1936 and closed on 19 January 1938. The Bank's record does not show the value of the account at the time of its closure. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's cousin's name and city and country of residence match the Account Owner's published name and city and country of residence.

The CRT notes that the Claimant filed an IQ with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Isaac Fulda who resided in Mainz, Germany, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Isaac (Isaak or Isac) Fulda, and indicates that his place of birth was Mainz, and that he was deported from Amsterdam, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account.

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 he fled Germany for the Netherlands, and that he and his entire family were subsequently deported to Poland, where they all perished.

As noted above, a person named Isaac Fulda was included in the CRT’s database of victims. According to the Yad Vashem records, Isaac Fulda was born on 7 July 1868 in Mainz, Germany and perished in Sobibor on 7 May 1943; [REDACTED], née [REDACTED], was born in Regensburg, Germany on 20 April 1876 and perished in Sobibor on 7 May 1943; his son, [REDACTED], was born on 12 April 1899 in Mainz and perished in Auschwitz on 30 September 1942; his daughter, [REDACTED], née [REDACTED], was born on 30 January 1902 and perished in Sobibor on 28 May 1943; [REDACTED]’s husband, [REDACTED], was born on 25 July 1896 in Darmstadt, Germany and perished in Auschwitz on 30 September 1942; [REDACTED]’s son, [REDACTED], was born on 16 May 1924 and perished in Sobibor on 28 May 1943; [REDACTED]’s daughter, [REDACTED], was born in Darmstadt on 26 January 1925 and perished in Auschwitz on 30 September 1942; and Isaac Fulda’s grand-daughter, [REDACTED], was born in Mainz on 21 September 1930, immigrated with her paternal grandparents’ family to Amsterdam, and perished in Sobibor on 28 May 1943.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was his father’s cousin.

The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant prior to the publication in 2001 of the ICEP List, and that the Claimant also identified information that matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of his father's birth certificate, indicating that he was born in Mainz and that his father was [REDACTED], as well as his father's certificate of naturalization, indicating that his father was formerly a German citizen, and a court decree, documenting the Claimant's father's change of name from Fulda to [REDACTED], which provide independent verification that the Claimant's paternal relatives bore the same last name and resided in the same city and country as the Account Owner.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-controlled Germany until 1939, and was later deported from the Netherlands to Poland, where he perished; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner's heirs would not have been able to obtain information about his 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 banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A); the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 his father's cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). 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 SF 162,500.00.

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
31 March 2005