

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of Kurt Grossmann

Claim Numbers: 216796/AC;¹ 224346/AC

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Kurt Grossmann (the “Account Owner”) at the [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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as either his father’s uncle or his father’s cousin, Kurt Grossmann, who was born in Germany. According to Claimant [REDACTED 1], in the 1920s his father, [REDACTED] developed movies with sound in Berlin, Germany, with help from an uncle and two cousins, who were Jewish. Claimant [REDACTED 1] indicated that his father maintained contact with his relatives in Germany in the

¹ Claimant [REDACTED] 1 submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 216792, 216795, 216824, and 216825, respectively. The CRT did not locate an account belonging to the Claimant’s relatives, [REDACTED] and [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (ICEP or ICEP Investigation), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the Rules). The Claimant should be aware that the CRT will carry out further research on his claims to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources. The CRT will treat the claims to the accounts of [REDACTED] and [REDACTED] in separate decisions.

1930s, but that there was no contact with them after the Second World War. Claimant [REDACTED 1] indicated that to his knowledge, he is the only surviving member of the family as his relatives in Germany are believed to have perished during the Second World War. Claimant [REDACTED 1] submitted documents in support of his claim, including: 1) a copy of his own birth certificate, indicating that he was born on 18 September 1923 in Gdansk, Poland, that his parents were [REDACTED] and [REDACTED], and that he was originally named [REDACTED]; 2) a copy of a statement made by Alexander Ross, the Claimant's acquaintance from Warsaw, Poland, indicating that Claimant [REDACTED 1] was formerly known as [REDACTED], that he is an only child, and that he does not have other surviving relatives; 3) a copy of a declaration of identity form, indicating that Claimant [REDACTED 1] was formerly known as [REDACTED]; and 4) a copy of an excerpt from a German patent, issued on 13 January 1921 to Claimant [REDACTED 1]'s father, indicating that his father's name was [REDACTED], and that he lived in Berlin-Friedenau, Germany.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his paternal uncle, Kurt Grossman, who was born in Germany. Claimant [REDACTED 2] indicated that his uncle and his father, [REDACTED], were the sons of [REDACTED]. Claimant [REDACTED 2] indicated that his uncle, who was Jewish, may have resided in Berlin, and that he probably traveled to Switzerland for business purposes. According to Claimant [REDACTED 2], his uncle emigrated to the United States, where Claimant [REDACTED 2] often visited him, and he passed away on 15 March 1973 in the Bronx, New York, the United States. Claimant [REDACTED 2] submitted documents in support of his claim, including: 1) a copy of his birth certificate, indicating that his name is [REDACTED 2]; and 2) a copy of an ownership certificate issued by Congregation Ahavath Torah v'Tikvoh Chodoshohof Washington Heights, Inc., in New York, indicating that his father, [REDACTED], owned plots in the congregation's cemetery.

Claimant [REDACTED 2] indicated that he was born on 26 June 1941 in New York, New York, the United States.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Kurt Grossmann, who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held a safe deposit account, numbered S 211.

The Bank's record indicates that the safe deposit box was opened on 17 January 1932 and was closed on 2 September 1933. The contents of the safe deposit box on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the safe deposit box 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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s relative's name and country of residence and Claimant Grossman's uncle's name and country of residence match the published name and country of residence of the Account Owner. Claimant [REDACTED 1] and Claimant [REDACTED 1] both identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT also notes that the name Kurt Grossmann appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The CRT further notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each 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 of Nazi Persecution. The Claimants stated that the Account Owner was Jewish. Claimant [REDACTED 1] indicated that the Account Owner perished in the Holocaust, and Claimant [REDACTED 2] indicated that the Account Owner resided in Nazi Germany before immigrating to the United States.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father's uncle or cousin.

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 2]'s uncle.

The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's record. The CRT also notes that Claimant [REDACTED 1] submitted: 1) a copy of his birth certificate, indicating that his parents were [REDACTED] and [REDACTED], and that he was originally named [REDACTED]; 2) a copy of a statement made by Alexander Ross, indicating that Claimant [REDACTED 1] was formerly known as [REDACTED]; 3) a copy of a declaration of identity form, indicating that Claimant [REDACTED 1] was formerly known as [REDACTED]; and 4) a copy of an excerpt from a German patent, issued on 13 January 1921 to Claimant [REDACTED 1]'s father, indicating that his father's name was [REDACTED], and that he resided in Berlin-Friedenau, Germany, which provides independent verification that Claimant [REDACTED 1] and his relatives bore the same family name as the Account Owner and that they resided in Berlin. In addition, the CRT notes that Claimant [REDACTED 2] submitted: 1) a copy of his own birth certificate, indicating that his name is [REDACTED]; and 2) a copy of an ownership certificate issued by Congregation Ahavath Torah v'Tikvoh Chodoshof Washington Heights, Inc., in New York, indicating that his father's name was [REDACTED], which provides independent verification that Claimant [REDACTED 2] and his relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the safe deposit box was closed on 2 September 1933.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that there is no evidence that the Account Owner fled Germany prior to 2 September 1933 and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his 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 (a), (h) and (j), as provided in Article 28 of the Rules (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 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.

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

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 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his uncle or his father's cousin, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his uncle, and those relationships justify 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 safe deposit box. 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 safe deposit account was 1,240.00 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 15,500.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the 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
18 November 2004