

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1],

to Claimant [REDACTED 2],

to Claimant [REDACTED 3],

to Claimant [REDACTED 4],

and to Claimant [REDACTED 5],  
also acting on behalf of [REDACTED 6], [REDACTED 7],  
[REDACTED 8], and [REDACTED 9],  
represented by Uwe Radack

## **in re Account of Ludwig Guttman**

Claim Numbers: 501406/RS;<sup>1</sup> 401720/RS; 223576/RS; 221996/RS;  
214314/RS;<sup>2</sup> 722727/RS; 713978/RS<sup>3</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), Dr. [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) to the account of Ludwig Guttman; and the claims of [REDACTED 5] (“Claimant

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<sup>1</sup> Claimant [REDACTED 5] (“Claimant [REDACTED 5]”) submitted one additional claim, which is registered under the claim number 401722. In separate decisions, the CRT awarded the accounts of Stefanie Guttman and Theodor Guttman to Claimant [REDACTED 5]. See *In re Accounts of Stefanie Guttman* (approved on 31 December 2005) and *In re Account of Theodor Guttman* (approved on 10 December 2007). In a separate decision, the CRT treated Claimant [REDACTED 5]’s claim to the account over which S. Guttman held power of attorney. See *In re Account of Stefanie Guttman* (approved on 23 June 2008).

<sup>2</sup> Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted three additional claims, which are registered under the claim numbers 214312, 214313, and 220334. In separate decisions, the CRT awarded the account of Adelbert Zaloscer to Claimant [REDACTED 2] and treated Claimant [REDACTED 2]’s claim to the account of Moritz Guttman. See *In re Account of Adelbert Zaloscer* (approved on 29 March 2002) and *In re Account of Moritz Guttman* (approved on 23 June 2008).

<sup>3</sup> Claimant [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 she submitted two Initial Questionnaires (“IQs”), numbered HEB-0078-183 and HEB-0305-171, to the Court in the United States. Although these IQ’s were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those IQ’s 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 IQs were forwarded to the CRT and have been assigned claim numbers 713978 and 722727.

[REDACTED 5]”) (together the “Claimants”) to the account of Stefanie Guttman and Theodor Guttman. This Award is to the published account of Ludwig Guttman (the “Account Owner”) at the Lugano branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Initial Questionnaires (“IQs”) identifying the Account Owner as her father, Ludwig or Ludevit Guttman, who was Jewish, and who was married to [REDACTED]. Claimant [REDACTED 1] stated that her family lived in Ružomberok, Czechoslovakia (today Slovakia), prior to the Second World War. According to Claimant [REDACTED 1], her family was deported and separated in 1944. Claimant [REDACTED 1] indicated that her brother was deported to Auschwitz, that she was sent to Ravensbrueck to perform slave labor for the *Siemens* company, and that her father was sent to the Sachsenhausen concentration camp. Claimant [REDACTED 1] stated that her father perished in the Sachsenhausen camp in April 1945.

In support of her claim, Claimant [REDACTED 1] submitted an application form for restitution from *Siemens*, which Claimant [REDACTED 1] completed in 1962, and which indicates that her father’s name was Ludwig Guttman, and that she was born on 24 April 1926 in Ružomberok, Czechoslovakia.

### Claimant [REDACTED 2]

Claimant [REDACTED 2], who was born Boris Gutman, submitted a Claim Form identifying the Account Owner as his paternal grandfather, Ludwig or Lajos Guttman, who was born in approximately 1870 in Bajmok, Hungary, and who was married to [REDACTED]. Claimant [REDACTED 2] stated that his grandfather, who was Jewish, also lived in Budapest, and in Debeljac and Staribec, both in Yugoslavia. Claimant [REDACTED 2] further stated that his grandfather was married to [REDACTED], and that he was a wealthy merchant. Claimant [REDACTED 2] indicated that to the best of his knowledge, his grandfather and grandmother were shot by Nazis and thrown into a river in Hungary some time between 1941 and 1944. Claimant [REDACTED 2] stated that his father believed that Claimant [REDACTED 2]’s grandfather held a Swiss bank account, and that his father had made several unsuccessful attempts to recover accounts belonging to his family members.

In support of his claim, Claimant [REDACTED 2] submitted documents, including: (1) an Israeli certificate indicating that in 1970, he changed his name from [REDACTED] to [REDACTED 2]; (2) his parents’ marriage certificate, indicating that [REDACTED] was the son of Lajos and [REDACTED]; (3) his father’s death certificate, indicating that [REDACTED] was the son of

Ludwig; and (4) an application form that Claimant [REDACTED 2]'s father completed in 1959 regarding restitution of property in Yugoslavia owned by Ludwig and [REDACTED].

Claimant [REDACTED 2] indicated that he was born on 21 June 1946 in Mitrovica, Yugoslavia.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his father's cousin, Ludwig Guttman, who was born in 1905 in Budapest, Hungary. Claimant [REDACTED 3] stated that Ludwig Guttman, who was Jewish, was a businessman who lived in Budapest until 1944. According to Claimant [REDACTED 3], Ludwig Guttman told [REDACTED] (Claimant [REDACTED 3]'s father) that he had deposited money and gold in Swiss bank accounts prior to the Second World War. Claimant [REDACTED 3] stated that in 1944, Ludwig Guttman was sent to a slave labor camp, and subsequently to Auschwitz, where he perished.

In support of his claim, Claimant [REDACTED 3] submitted documents, including: (1) his father's United States Certificate of Naturalization, indicating that [REDACTED] was originally from Hungary; and (2) his own birth certificate, indicating that the father of [REDACTED 3], who was born on 22 July 1940, was [REDACTED].

Claimant [REDACTED 3] indicated that he was born on 22 July 1940 in Budapest.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an IQ and a Claim Form, identifying the Account Owner as his father, Ludwig Guttman, who was born on 10 April 1902 in Batyu, Hungary, and who was married on 29 August 1929 to [REDACTED]. Claimant [REDACTED 4] stated that his father was a dentist and inventor who ran two dental laboratories, held Czech dentistry patents, and worked in both Slatina, Czechoslovakia (today Czech Republic), and in Sighet, Hungary prior to the War. Claimant [REDACTED 4] indicated that his father, who was Jewish, had two children, Claimant [REDACTED 4] and a daughter, [REDACTED], who was born, like Claimant [REDACTED 4], in Slatina. According to Claimant [REDACTED 4], in 1944, he was deported with his parents and sister to Auschwitz, where he was separated from the rest of his family. Claimant [REDACTED 4] stated that he was subsequently sent to several work and concentration camps, including *Arbeitslager* ("labor camp") Eintrachtshütte, Mauthausen and Gunzkirchen. According to Claimant [REDACTED 4], his sister perished in Auschwitz, and his father perished on 28 January 1945 in the Blechhammer concentration camp in Poland.

Claimant [REDACTED 4] indicated that he was born on 21 September 1930 in Slatina.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted two Claim Forms identifying the Account Owner as his paternal grandfather, Ludwig Guttman, who was married to [REDACTED], with whom he had two children, [REDACTED] (Claimant [REDACTED 5]'s father), and [REDACTED].

Claimant [REDACTED 5] indicated that Ludwig Guttman, who was Jewish, resided in Vienna, Austria.

In support of his claim, Claimant [REDACTED 5] submitted copies of documents obtained from Austrian archives regarding his relatives [REDACTED] and [REDACTED]. The documents regarding [REDACTED] indicate that in 1938, [REDACTED] owned one-hundred percent of a company named *Ludwig Guttman*, which handled in silks shawls and scarves; the records indicate that that company was aryanized by the Nazis.

Claimant [REDACTED 5] indicated that he was born on 13 July 1931 in Vienna. Claimant [REDACTED 5] is representing his brother, [REDACTED 7], who was born on 3 February 1921; the husband of his late sister, [REDACTED 6], who was born on 11 May 1921; and his late sister's two daughters, [REDACTED 8] and [REDACTED 9], who did not provide their birth dates.

### **Information Available in the Bank's Record**

The Bank's record consists of a printout from the Bank's database of accounts that were transferred to the Bank's suspense account. According to this record, the Account Owner was Ludwig Guttman. The Bank's record does not indicate the Account Owner's domicile, nor does it indicate the type of account held by the Account Owner. The Bank's record does indicate that on 20 March 1998, the balance of the account was 160.00 Swiss Francs ("SF").

The account remains open and suspended.

### **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 seven claims of the Claimants in one proceeding.

#### Identification of the Account Owner

The name of Claimant [REDACTED 3]'s father's cousin, Claimant [REDACTED 4]'s father, Claimant [REDACTED 5]'s grandfather, Claimant [REDACTED 2]'s grandfather, and Claimant [REDACTED 1]'s father matches the published name of the Account Owner.

The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

In support of his claim, Claimant [REDACTED 2] submitted his parents' marriage certificate; his father's death certificate; and a completed application form that Claimant [REDACTED 2]'s father completed in 1959 regarding restitution of property owned by Ludwig and [REDACTED]

in Yugoslavia, providing independent verification that the person who is claimed to be the Account Owner had the same name as the name of the Account Owner.

In support of her claim, Claimant [REDACTED 1] submitted an application form for restitution from *Siemens*, providing independent verification that the person who is claimed to be the Account Owner had the same name as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 1] in 1955, which indicates that Ludvig Guttman was born in 1890 in Huta, Carpathian Ruthenia, in Czechoslovakia, that he was married to [REDACTED], that his first child's name was [REDACTED], and that he died in Oranienburg (Sachsenhausen) concentration camp, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

That database also includes a page of testimony regarding [REDACTED], who lived in Budapest, which matches the information about the Account Owner provided by Claimant [REDACTED 2].

The CRT notes that the name Ludwig Guttman appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 4] filed IQ's with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Ludwig Guttman, prior to the publication in February 2001 of the ICEP List. This indicates that those claimants based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that those claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1] and Claimant [REDACTED 4].

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

The CRT notes that none of the Claimants' relatives are the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's record, and that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner, the CRT finds that the Claimants 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. Claimant [REDACTED 5] indicated that the Account Owner's child was Jewish,

and the remaining claimants each stated that the Account Owner was Jewish. Claimant [REDACTED 3] stated that the Account Owner was deported first to a slave labor camp, and then to Auschwitz, where he perished. Claimant [REDACTED 4] stated that the Account Owner was deported to the Blechhammer concentration camp in Poland, where he perished. Claimant [REDACTED 5] stated that the Account Owner resided in Austria after its incorporation into the German Reich in March 1938 (the “*Anschluss*”), and indicated that a family company which bore the Account Owner’s name was aryanized by the Nazis. Claimant [REDACTED 2] indicated that the Account Owner, together with his wife, was shot by Nazis and thrown into a river in Hungary some time between 1941 and 1944. Claimant [REDACTED 1] stated that the Account Owner perished in Sachsenhausen concentration camp in 1945. As noted above, persons named Ludwig Guttman were also included in the CRT’s database of victims.

### The Claimants’ Relationships to the Account Owner

Each of the Claimants has plausibly demonstrated that he or she is related to the Account Owner by submitting specific information and, in Claimant [REDACTED 1]’s case, documents, demonstrating that the Account Owner was Claimant [REDACTED 3]’s father’s cousin; Claimant [REDACTED 4]’s father; Claimant [REDACTED 5]’s grandfather; Claimant [REDACTED 2]’s grandfather; and Claimant [REDACTED 1]’s father.

Claimant [REDACTED 1] submitted a 1962 application form for restitution from *Siemens*, which indicates that her father’s name was Ludwig Guttman.

There is no information to indicate that the Account Owner, as identified by each of the Claimants, has surviving heirs other than the Claimants and the parties they represent.

The CRT further notes that Claimant [REDACTED 1] and Claimant [REDACTED 4] filed IQs with the Court in 1999, identifying the relationship between them and the Account Owner, prior to the publication in February 2001 of the ICEP List; and that Claimant [REDACTED 1] and Claimant [REDACTED 2] also identified information which matches information contained in the Yad Vashem records. 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.

### The Issue of Who Received the Proceeds

The Bank’s record indicates that the account remains open and suspended.

### 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 3] has plausibly demonstrated that the Account Owner was his father’s cousin; Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was his father; Claimant [REDACTED 5] has plausibly demonstrated that the Account Owner was his

grandfather; Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his grandfather; and Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her father, and those relationships justify an Award.

#### Amount of the Award

In this case, the Account Owner held one account of an unknown type. The Bank's record indicates that the value of the account as of 20 March 1998 was SF 160.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 905.00, which reflects standardized bank fees charged to the account between 1945 and 1998. Consequently, the adjusted balance of the account at issue is SF 1,065.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total Award amount of SF 49,375.00.

#### 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 3] is entitled to one-fifth of the Award amount, or SF 9,875.00; Claimant [REDACTED 4] is entitled to one-fifth of the Award amount; Claimant [REDACTED 5] and the parties he represents are jointly entitled to one-fifth of the Award amount; Claimant [REDACTED 2] is entitled to one-fifth of the Award amount; and Claimant [REDACTED 1] is entitled to one-fifth of the Award amount.

With regard to the one-fifth of the Award amount to which Claimant [REDACTED 5] and the parties he represents are entitled, according to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 5] and his brother, represented party [REDACTED 7], are each entitled to one-third of their share of the award, or one-fifteenth of the total award amount, namely SF 3,291.67; and siblings represented party [REDACTED 8] and represented party [REDACTED 9], who are the great-grandchildren of the Account Owner, and the children of Claimant [REDACTED 5]'s late sister, are each entitled to one-sixth of their share of the award, or one-thirtieth of the total award amount, namely SF 1,645.83. Represented party [REDACTED 6], who is related to the Account Owner by marriage only, is not entitled to the share in the Award.

**Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
12 May 2009