

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1],

Claimant [REDACTED 2],

Claimant [REDACTED 3],

Claimant [REDACTED 4],

Claimant [REDACTED 5],

Claimant [REDACTED 6],

and to the Estate of Claimant [REDACTED 7]<sup>1</sup>

**in re Accounts of Ludwig Katz and Julius Katz**

Claim Number: 753980/MBC<sup>2</sup>

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 7], née [REDACTED] (“Claimant [REDACTED 7]”), [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 6] (“Claimant [REDACTED 6]”), [REDACTED 2] (“Claimant [REDACTED 2]”), Claimant [REDACTED 5] (“Claimant [REDACTED 5]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) (together, the “Claimants”), to the

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<sup>1</sup> The children of Claimant [REDACTED 7] (“Claimant [REDACTED 7]”) informed the CRT that she passed away on 1 August 1998.

<sup>2</sup> Claimant [REDACTED 7] did not submit a CRT Claim Form. However, in 1998 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-TLV-A-80-330-210-338, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 7]’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 753980.

published accounts of Ludwig Katz.<sup>3</sup> This Award addresses the published and unpublished accounts of Ludwig Katz (“Account Owner Ludwig Katz”) and Julius Katz (“Account Owner Julius Katz”) (together, the “Account Owners”) at the Basel branch of the [REDACTED] (the “Bank”).

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

### **Information Provided by the Claimants**

Claimant [REDACTED 7], submitted an ATAG Ernst & Young claim form (“ATAG Form”) in 1998 identifying Account Owner Ludwig Katz as her father, Ludwig Israel Katz, who was born on 16 May 1879, and resided in Bibra, Germany, where he worked as a butcher. Claimant [REDACTED 7] stated that her father and mother, [REDACTED], née [REDACTED], who were Jewish, had three daughters: Claimant [REDACTED 7], [REDACTED], and [REDACTED], née [REDACTED]. According to information submitted by Claimant [REDACTED 7], as well as pages of testimony which she submitted in 1956 and 1984 to the Yad Vashem Memorial in Israel, in April 1942 her parents and her sister, [REDACTED], were deported to a concentration camp, where they perished.

Claimant [REDACTED 7] further indicated that her sister, [REDACTED], died on 22 February 1997, and that she was survived by two children, [REDACTED], who died on a date which Claimant [REDACTED 7] did not indicate, and Claimant [REDACTED 2]. According to information submitted by the legal representatives of Claimant [REDACTED 7]’s daughters, Claimant [REDACTED 1] and Claimant [REDACTED 6], Claimant [REDACTED 7] passed away on 1 August 1998. In a telephone conversation with the CRT on 18 March 2005, Claimant [REDACTED 7]’s daughter and son-in-law, Claimant [REDACTED 6] and [REDACTED], stated that Ludwig Katz had several siblings, one of whom was named Julius. Claimant [REDACTED 6] and [REDACTED] further stated that they did not know where Julius may have lived before the Second World War and that they believed he perished in the Holocaust.

Claimant [REDACTED 7] submitted several documents, including: her Israeli identity card, dated in 1982 in Natanya, Israel, indicating that her father’s first name was Ludwig, that she is Jewish, and that she was born in Germany; and the passport issued to her by the German Reich, dated in 1939, indicating that her maiden name was [REDACTED] and that she was born on 27 January 1910 in Bibra.

Claimant [REDACTED 7] also submitted two letters written on her behalf by her nephew, [REDACTED], to the Bank and the Bank’s replies, dated from 4 September 1996 to 12 November 1996. In his letters, Claimant [REDACTED 7]’s nephew requested information on deposits made by Ludwig Katz of Bibra. According to Claimant [REDACTED 7]’s nephew, on

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<sup>3</sup> The CRT notes that Claimant [REDACTED 1], Claimant [REDACTED 6], Claimant [REDACTED 2], Claimant [REDACTED 5], Claimant [REDACTED 3] and Claimant [REDACTED 4] indicated to the CRT in March and April 2005 that they intended to continue the claim filed by Claimant [REDACTED 7].

1 June 1938 Ludwig Katz deposited a substantial sum of money with the Bank's Basel branch with which the following securities were purchased: "SBB 3.5% - 4000 sfrcs" and "Eidg. Anl. 1930 4.5% - 10000 sfrcs." The Bank replied that, following an "intensive investigation," which included inquiries with a former bank manager who was involved with asset management at that time, the Bank had failed to locate any "documents regarding a business relationship with Mr. Katz," nor was the Bank "in a position to confirm" such a relationship. Claimant [REDACTED 7] also submitted a letter from her nephew to the Swiss Banking Ombudsman, dated 15 January 1998, requesting further investigation.

The husband of Claimant [REDACTED 6] submitted the will of Claimant [REDACTED 7] to the CRT on 13 March 2005, which indicates that it was Claimant [REDACTED 7]'s intention that her estate be divided equally between her daughters.

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

The Bank's records consist of two customer cards. According to one of these cards, the Account Owners were "Jul. and Ludw. Katz" of Frankfurt am Main, Germany, and Bibra, Germany. This customer card indicates that the Account Owners jointly held two accounts: a demand deposit account that was opened on 11 March 1931 and closed on 11 July 1933, and a custody account, numbered L8466, that was opened on 3 November 1930 and closed on 22 July 1936. The other customer card lists only the name of Account Owner Ludwig Katz, and indicates that he resided in Bibra. According to this record, Account Owner Ludwig Katz held three accounts: a demand deposit account that was opened on 25 August 1936 and closed on 16 September 1936, a demand deposit account denominated in foreign currency, that was opened on 19 September 1936 and closed on 6 March 1937, and a custody account, the number of which is illegible, that was opened on 22 July 1936 and closed on 10 December 1936.

The amounts in the accounts on their dates of closure are unknown. There is no evidence in the Bank's records that the Account Owners or their heirs closed Account Owner Ludwig Katz's custody account and demand deposit account denominated in foreign currency and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimants have plausibly identified the Account Owners. The names and country of residence of Claimant [REDACTED 7]'s father and uncle match the published names and country of residence of the Account Owners. Claimant [REDACTED 7] also identified Account Owner Ludwig Katz's city of residence, as well as the Bank and the branch where the accounts were held, which matches unpublished information contained in the Bank's records. Furthermore, Claimant [REDACTED 6] and her husband identified the Account Owners as brothers, which is consistent with unpublished information that they held two accounts jointly. In support of her claim, Claimant [REDACTED 7] submitted her own Israeli identity card and

the passport issued to her by the German Reich, providing independent verification that the person who is claimed to be Account Owner Ludwig Katz had the same name and city of residence as those indicated in the Bank's records.

The CRT further notes that Claimant [REDACTED 7]'s nephew wrote to the Bank as early as 1996 and that Claimant [REDACTED 7] submitted an ATAG Ernst & Young claim form in 1998 asserting her entitlement to a Swiss bank account owned by Ludwig Katz, several years before 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 supports the credibility of the information provided by Claimant [REDACTED 7]. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different cities of residence and/or countries of residence for Account Owner Ludwig Katz and failed to identify Account Owner Julius Katz.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. Claimant [REDACTED 7] and Claimant [REDACTED 6] and [REDACTED] indicated that the Account Owners were Jewish. Furthermore, Claimant [REDACTED 7] indicated that in April 1942, Account Owner Ludwig Katz, his wife, and his daughter, [REDACTED], were deported to a concentration camp, where they perished. Additionally, Claimant [REDACTED 6] and her husband stated that they believed Account Owner Julius Katz perished in the Holocaust.

#### The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents. Claimant [REDACTED 7] submitted her own Israeli identity card and the passport issued to her by the German Reich, together indicating that Account Owner Ludwig Katz was her father. Further, the CRT notes that Claimant [REDACTED 6] and her husband identified Account Owner Julius Katz as the brother of Account Owner Ludwig Katz, which is consistent with unpublished information in the Bank's records that the Account Owners jointly held two accounts.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate the opening and closing dates for each of the Account Owners' accounts. According to the records, the Account Owners' joint custody account was closed on the same day that Account Owner Ludwig Katz's custody account was opened, *i.e.*, 22 July 1936. Moreover, Account Owner Ludwig Katz's demand deposit account in foreign currency was opened on 19 September 1936, only three days after his other demand deposit account was closed on 16 September 1936. This evidence of activity indicates that at least one of the Account Owners had control over the accounts recorded in the Bank's records until 19 September 1936, which is the latest opening date for any of the accounts recorded in the Bank's records. Accordingly, the CRT concludes that the accounts closed prior to this date, namely the Account Owners' joint demand deposit and custody accounts and Account Owner

Ludwig Katz's demand deposit account, were closed by the Account Owners themselves, and that the Account Owners therefore received the proceeds of these accounts.

The CRT notes that Claimant [REDACTED 7] stated that her father deposited a substantial sum of money with the Bank's Basel branch on 1 June 1938. Given that the Bank's records do not contain any reference to this deposit, and that the letters asserting this deposit were written in 1996 and 1998 and cannot be construed as a contemporaneous record of the deposit, the CRT concludes that the deposits were likely made earlier to the accounts identified in the Bank's records.

With regard to Account Owner Ludwig Katz's demand deposit account denominated in foreign currency and Account Owner Ludwig Katz's custody account, the Bank's records indicate that they were closed on 6 March 1937 and 10 December 1936, respectively. The CRT notes that these accounts were closed after the 19 November 1936 promulgation of Nazi Germany's Seventh Ordinance regarding implementation of the Foreign Exchange Control Law,<sup>4</sup> which, *inter alia*, obliged all German nationals to deposit their foreign-held shares to the account of a bank designated to deal in foreign exchange (*Devisenbank*), and after the promulgation on 1 December 1936 of the law and associated measures changing the Foreign Exchange Law, which allowed preventive steps to be taken if the intent to breach foreign currency restrictions was suspected. These provisions were enforced primarily against Jewish persons.<sup>5</sup>

Therefore, given the foregoing, which serves as but one example of the Nazi regime's 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 Account Owner Ludwig Katz resided in Germany at the time the accounts were closed, and would not have been able to repatriate his accounts without losing ultimate control over their proceeds; that there is no record of the payment of Account Owner Ludwig Katz's accounts to him; that Account Owner Ludwig Katz's heirs would not have been able to obtain information about the accounts 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), (e), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,<sup>6</sup> the CRT concludes that it is plausible that the accounts' proceeds were not paid to Account Owner Ludwig Katz 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that Account Owner Ludwig Katz was their relative and

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<sup>4</sup> *Siebente Durchführungsverordnung zum Gesetz über die Devisenbewirtschaftung*. Text available on the CRT website -- [www.crt-ii.org](http://www.crt-ii.org).

<sup>5</sup> *Gesetz gegen Wirtschaftssabotage*. Text available on the CRT website, *id.*

<sup>6</sup> Appendix C appears on the CRT website, *id.*

that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither Account Owner Ludwig Katz nor his heirs received the proceeds of the claimed accounts.

### Amount of the Award

For the purpose of this Award, Account Owner Ludwig Katz held a demand deposit account denominated in foreign currency and a custody account. The CRT notes that Claimant [REDACTED 7] submitted letters, dated 1996 and 1998, asserting that her father deposited a substantial sum of money, with which the following securities were purchased: “*SBB 3.5% - 4000 sfrcs*” and “*Eidg. Anl. 1930 4.5% - 10000 sfrcs.*” As noted above, these letters cannot be construed as a contemporaneous record of the activity on the accounts. Accordingly, the CRT concludes that they do not provide a sufficient basis to determine the value of the accounts at issue, and that the value of the accounts for the purposes of this Award is unknown.

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 demand deposit account was 2,140.00 Swiss Francs (“SF”) and the average value of a custody account was SF 13,000.00, for a total of SF 15,140.00. 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 189,250.00.

### Division of the Award

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. In this case, as the child and grandchildren of one of the daughters of Account Owner Ludwig Katz, Claimant [REDACTED 2] is entitled to one-fourth of the total award amount and Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant [REDACTED 5] are each entitled to one-twelfth of the total award amount. Furthermore, the CRT notes that the will of Claimant [REDACTED 7] as submitted to the CRT constitutes a broken chain of inheritance documents in the absence of an inheritance document from Account Owner Ludwig Katz to Claimant [REDACTED 7] and therefore, as the daughters of Claimant [REDACTED 7], Claimant [REDACTED 1] and Claimant [REDACTED 6] are each entitled to one-fourth of the total award amount. Nonetheless, the CRT also notes that this latter division is supported by clauses 6, 7, and 10 of Claimant [REDACTED 7]’s will, received on 14 March 2005, which indicates that according to the wishes of Claimant [REDACTED 7], the original claimant in this case, her estate is to be divided between her daughters in equal shares.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research 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  
10 August 2005