

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Richard Lehmann

in re Account of Arthur Lehmann

Claim Number: 400286/AZ

Award Amount: 161,088.13 Swiss Francs

This Certified Award is based upon the claim of Richard Lehmann (the “Claimant”) to the published account of Arthur Lehmann (the “Account Owner”) at 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, Arthur Abraham Lehmann, who was born on 23 August 1877 in München Gladbach (now Mönchengladbach), Germany and was married to Anna Franziska Lehmann, née Machold, on 2 May 1912 in Mannheim, Germany. The Claimant indicated that his parents, who were Jewish, resided in Mannheim, where his father was an architect and author, and that they had three children: Ruth Karl, née Lehmann, who was born on 6 March 1910 in Darmstadt, Germany; Lisa Esther Stuckmann, née Lehmann, who was born on 30 January 1913 in Mannheim; and the Claimant, who was born on 24 May 1915 in Mannheim. The Claimant further indicated that his mother died in Mannheim in 1932. The Claimant stated that in approximately August 1939, his father visited him at his home in Milan, Italy; his father wished to return to Mannheim, but the Claimant convinced him to stay in Milan due to the outbreak of the Second World War and the increased persecution of Jews in Germany. The Claimant indicated that he and his father planned to flee from Milan to Australia; however, the ship to Australia did not arrive. According to the Claimant, he and his father resided in Milan until 1941, when they moved to Rome, Italy, from where his father was deported to an internment camp in Ferramonti, Italy, during the same year. The Claimant indicated that his father was liberated from the camp in 1944, after which he was in a refugee camp at Fort Ontario, New York, the United States for two years. Finally, the Claimant indicated that his father died in Niagara Falls, New York in 1948, and that his two sisters died in Germany in 1989 and 1993, respectively.

The Claimant submitted copies of documents in support of his claim, including: 1) a letter from the Baden-Mannheim branch of the federation of German architects, dated in Mannheim on 12 November 1938, confirming that Arthur Lehmann was an independent architect working in Mannheim, that he received his degree in 1907, and that he had been a member of the federation from 1908 until 1934; 2) his father's will, dated in Niagara Falls on 14 October 1947, indicating that Arthur Abraham Lehmann was born on 23 August 1877, that Richard Otto Samson Lehmann, who was born on 5 May 1915 and who resided in Rome, was his son and sole heir, and that his other two children were Ruth Karl and Lisa Stuckmann, who had already received their shares of his estate; and 3) his father's death certificate, dated 3 February 1948 in Niagara Falls, indicating that Abraham Arthur Lehmann was born on 23 August 1877 in Muenchen Gladbach, that he was formerly a German citizen and that he was now stateless, that he was a draftsman, and that his spouse, who was deceased, was Anne Lehmann, née Machold.

The Claimant indicated that he was born on 24 May 1915 in Mannheim.

Information Available in the Bank's Record

The Bank's record consists of a report of the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"). According to this record, the Account Owner was Arthur Lehmann, who resided at Via Cappellini 18 in Milan, Italy. The auditors' report indicates that the Account Owner held a demand deposit account in foreign currency, which held a balance of 12,887.05 Swiss Francs ("SF") and which was closed on 1 September 1936. There is no evidence in the auditors' report 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's father's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which matches unpublished information about the Account Owner contained in the auditors' report. The CRT notes that the Claimant stated that his father resided in Germany until 1939, when he moved to Milan, where the Claimant resided. The CRT considers it plausible that the Claimant resided in Milan at the time the account was open and that his father, who resided in Germany, may have opened the account using his address.

In support of his claim, the Claimant submitted documents, including a letter from his father's professional organization in Mannheim and his father's death certificate and will, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the auditors' report as the name of the Account Owner and that he had a connection to the country of residence recorded in the auditors' report as the Account Owner's country of residence.

The CRT notes that the name Arthur Lehmann appears only once on the January 2005 published list of additional accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the “2005 List”).

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 resided in Nazi Germany until 1939, when he fled to Italy; and that he was imprisoned in an Italian internment camp from 1941 to 1944. The Claimant also submitted documents, indicating that the Account Owner resided in Germany until at least 1938, that he was no longer a member of the professional association of German architects as of 1934, and that he was stateless as of his death in 1948.

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 and documents, demonstrating that the Account Owner was the Claimant’s father. These documents include his father’s will, indicating that Abraham Arthur Lehmann had a son named Richard Otto Samson Lehmann. There is no information indicating that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors’ report indicates that the account was closed on 1 September 1936.

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 the Account Owner remained in Germany until 1939, 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) (see Appendices A and C),¹ 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

¹ Appendix C appears on the CRT II website at www.crt-ii.org.

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, 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 demand deposit account. The auditors' report indicates that the value of the account as of 1 September 1936 was SF 12,887.05. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 161,088.13.

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
23 April 2007