

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Stanisław Likiernik,
also acting on behalf of Danuta Waydenfeld, Piotr Wojecki, and Jan Reizes,
represented by Charles Sturvetant

in re Account of Hipolit Likiernik

Claim Number: 500553/MD

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Stanisław Likiernik (the “Claimant”) to the account of Hipolit Likiernik (the “Account Owner”) at the Zurich branch of 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 second cousin, the son of his grandfather’s brother, Hipolit Likiernik, who was born on 5 April 1880 in Łódź, Poland, to Maurycy (Morytz) Likiernik and Nacha Likiernik, née Oppenheim. The Claimant stated that his cousin’s family resided in Łódź and Warsaw, Poland; that his cousin, who was a doctor, resided in Warsaw, but may have also maintained an address in Łódź; that his cousin never married and did not have children; and that his cousin’s sister, Bronisława Likiernik, resided in Warsaw at ulica Marszałkowska 129, but the Claimant could not provide his cousin’s street address. The Claimant explained that his cousin, who was Jewish, hid during the Second World War by using a false identity and that he died in Legionowo, near Warsaw, on 30 November 1943 under unknown circumstances. The Claimant explained that he himself hid his Jewish background and was active in the underground resistance movement, and therefore had little contact with his relatives.

In support of his claim, the Claimant submitted documents, including the birth certificate of Hipolit Likiernik which states that his parents were Maurycy Likiernik and Nacha Likiernik, née Oppenheim; an extract from the population register of the city of Łódź indicating that Maurycy Likiernik was married to Nacha Likiernik, née Oppenheim, and that the couple had two children: Bronisława Likiernik, who was born on 24 December 1877 in Łódź, and Hipolit Likiernik, who was born on 17 December 1880 in Łódź, both of whom did not marry and who were all Jewish;

the birth certificate of Morytz Likiernik, indicating that he was a son of Adolf Likiernik; fragments of Adolf Likiernik's will, indicating that Artur Likiernik was one of Adolf Likiernik's children; the family booklet of Stanisław Reizes indicating that Stanisław Reizes was married to Cecylja Likiernik, a daughter of Artur Likiernik, and that the couple had one child, Jan-Artur Reizes; the death certificate of Alina Wojecka, née Likiernik, indicating that she was a daughter of Stanisław Likiernik; the birth certificate of Piotr Wojecki, indicating that he is the son of Alina Wojecka, née Likiernik; the Claimant's baptism certificate, indicating that the Claimant was the son of Tadeusz Likiernik; Tadeusz Likiernik's death certificate indicating that Tadeusz Likiernik was the son of Stanisław Likiernik; and an application for registration as a citizen of the United Kingdom filed by Danuta Waydenfeld, dated 17 March 1956, indicating that she was a daughter of Kazimierz Szczerba Likiernik.

In these proceedings, the Claimant is representing his cousins: Danuta Waydenfeld, née Szczerba Likiernik, who was born on 23 August 1926 in Warsaw; Piotr Wojecki, who was born on 15 May 1920 in Warsaw; and Jan Artur Reizes, who was born on 11 March 1938 in Łódź. The Claimant indicated that he was born on 25 June 1923 in Garwolin, Poland. As explained in detail below, the Claimant, Piotr Wojecki, and Danuta Waydenfeld, are the grandchildren of Stanisław Likiernik, the Account Owner's uncle; and Jan Reizes, is the grandson of Artur Likiernik, the Account Owner's other uncle.

According to the family tree submitted by the Claimant, Hipolit Likiernik's father, Maurycy Likiernik, had two siblings, Stanisław Likiernik (the Claimant's grandfather) and Artur Likiernik. The Claimant indicated that Artur Likiernik had two children: Antoni Likiernik and Cecylia Reizes, née Likiernik. According to the family tree, Antoni Likiernik did not have any children and Cecylia Reizes' only child is Jan Artur Reizes. The Claimant also indicated that Stanisław Likiernik had three children: Tadeusz Likiernik (the Claimant's father), Alina Wojecka, née Likiernik, and Kazimierz Szczerba Likiernik; and that Alina Wojecka had three children: Stanisław Wojecki, who is deceased; Maryla Wojecka, who is also deceased; and Piotr Wojecki. The Claimant further indicated that Kazimierz Szczerba Likiernik had one child, Danuta Waydenfeld, née Szczerba Likiernik.

Information Available in the Bank's Records

The Bank's records consist of a registry card, a list of accounts, a signature sample card, and a printout from the Bank's database. According to these records, the Account Owner was Hipolit Likiernik, who resided at Hoza 41-5 in Warsaw, Poland. The Bank's records indicate that the Account Owner held one demand deposit account, which was opened on 18 October 1931. These records further indicate that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets some time after 31 May 1950, but the exact date of transfer is not recorded. The amount in the account was 58.50 Swiss Francs as of 31 May 1950 and 53.00 Swiss Francs when the transfer occurred.

The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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”) did not find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank’s records 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 cousin’s name and country of residence match the published name and country of residence of the Account Owner. The Claimant stated that Hipolit Likiernik resided in Warsaw, which matches the unpublished information about the Account Owner’s residence contained in the Bank’s records.

In support of his claim, the Claimant submitted numerous documents pertaining to the Likiernik family, including the birth certificate of Hipolit Likiernik which states that his parents were Maurycy Likiernik and Nacha Likiernik, née Oppenheim; an extract from the population register of the city of Łódź indicating that Maurycy Likiernik was married to Nacha Likiernik, née Oppenheim, and that the couple had two children: Bronisława Likiernik, who was born on 24 December 1877 in Łódź, and remained unmarried, and Hipolit Likiernik, who was born on 17 December 1880 in Łódź, and remained unmarried (this document indicates that Hipolit Likiernik, his parents, and his sister were Jewish); the birth certificate of Morytz Likiernik, indicating that he was a son of Adolf Likiernik; fragments of Adolf Likiernik’s will, indicating that Artur Likiernik was one of Adolf Likiernik’s children; the family booklet of Stanisław Reizes indicating that Stanisław Reizes was married to Cecylja Likiernik, a daughter of Artur Likiernik, and that the couple had one child, Jan-Artur Reizes; the death certificate of Alina Wojecka, née Likiernik, indicating that she was a daughter of Stanisław Likiernik; the birth certificate of Piotr Wojecki, indicating that he is the son of Alina Wojecka, née Likiernik; the Claimant’s baptism certificate, indicating that the Claimant was the son of Tadeusz Likiernik; Tadeusz Likiernik’s death certificate indicating that Tadeusz Likiernik was the son of Stanisław Likiernik; and an application for registration as a citizen of the United Kingdom filed by Danuta Waydenfeld, dated 17 March 1956, indicating that she was a daughter of Kazimierz Szczerba Likiernik.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different last name than that of the Account Owner contained in the Bank’s records. 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, who was Jewish, hid during the Second World War by using a false identity and that he died in Legionowo, near Warsaw, on 30 November 1943 under unknown circumstances.

The Claimant's Relationship to the Account Owner

The Claimant has indicated he is related to the Account Owner by submitting specific biographical information and numerous documents pertaining to the Likiernik family, which plausibly demonstrates that the Account Owner was his cousin, the son of his grandfather's brother. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. Additionally, 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 Claimant as a family member, and all of this information supports the plausibility that the Claimant is related the Account Owner as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs other than the parties, which the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner died on 30 November 1943 and that the account was transferred to a suspense account some time after 31 May 1950; 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), (i), 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 cousin, and that relationship justifies an Award. Finally, 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 Bank's records indicate that the value of the account was 58.50 Swiss Francs as of 31 May 1950. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. In this case, the Claimant, Piotr Wojecki, and Duanta Waydenfeld are the grandchildren of Stanislaw Likiernik, the Account Owner's uncle; and Jan Reizes is the grandson of Artur Likiernik, the Account Owner's other uncle. Accordingly, the Claimant, Piotr Wojecki, and Danuta Waydenfeld are each entitled to one-sixth of the total award amount, and Jan Reizes is entitled to one-half of the total award amount.

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
20 May 2004