

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Otto Löb

Claim Number: 777662/WI¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Fredric Truby Loeb.² This Award is to the published account of Otto Löb (the “Account Owner”), over which Ludwig Löb (the “Power of Attorney Holder”) held power of attorney at the Basel branch of the [REDACTED] (the “Bank”).³

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 Claimant

The Claimant submitted an Initial Questionnaire identifying the Power of Attorney Holder as her paternal grandfather, Ludwig Loeb (Löb), who was married to [REDACTED], née [REDACTED]. The Claimant indicated that her grandfather, who was Jewish, resided in Frankfurt am Main, Germany, before the Second World War and that he owned a fur shop. The

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0296-048, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires 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 IQ was forwarded to the CRT and has been assigned claim number 777662.

² The CRT did not locate an account belonging to Fredric Truby Loeb 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”).

³ The CRT notes that, 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”), Otto Löb and Ludwig Löb are indicated as having one account each. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account belonging to Otto Löb, over which Ludwig Löb held power of attorney.

Claimant further indicated that her grandparents are believed to have perished in the Holocaust. According to the Claimant, her father, Fredric Truby Loeb, was born on 14 August 1909, and resided in Frankfurt. The Claimant indicated that her father fled Nazi Germany in 1933, and after being denied entry to Switzerland, he fled to Denmark and England before ultimately emigrating to South Africa. The Claimant indicated that her father had one sister, [REDACTED], who also fled, but her ultimate fate and whereabouts are unknown.

The Claimant indicated that she was born on 14 December 1943.

Information Available in the Bank's Records

The Bank's records consist of a hold mail request, an acknowledgment of receipt of regulations, and a power of attorney form. According to these records, the Account Owner was *Herr* (Mr.) Otto Löb, who resided in Griesheim by Darmstadt, Germany, and the Power of Attorney Holder was *Herr* Ludwig Löb, who also resided in Griesheim, and was born on 10 April 1877. The Bank's records indicate that the Account Owner held one custody account, numbered 40382-II, over which he granted power of attorney on 5 November 1935. The Bank's records further indicate that the Bank was instructed to hold correspondence as of 5 November 1935. The Bank's records do not show when the account at issue was closed, 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, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal grandfather's name and country of residence match the published name and country of residence of the Power of Attorney Holder. The Claimant indicated that her grandfather resided in Frankfurt, which is approximately 34 kilometers from Griesheim, the Power of Attorney Holder's city of residence. The CRT notes that Frankfurt is larger than Griesheim, and that it is plausible, given that the Claimant never lived in Griesheim and that she never met her grandfather, that the Claimant could identify only the larger city near his residence, rather than the smaller, lesser-known city where he actually resided.

The CRT also notes that the Claimant did not identify the Account Owner. However, given that the Account Owner share the same surname and reside in the same city, the CRT concludes that

the Account Owner and Power of Attorney Holder were related. The CRT notes that the Claimant was born only in 1943, nearly ten years after her father left Europe, and finds it is plausible that the Claimant would not know the names of all of her father's European relatives. Furthermore, given that the Claimant has identified the Power of Attorney Holder as her relative, and that the Account Owner and Power of Attorney Holder were related, the CRT concludes that the Claimant has also identified the Account Owner as her relative.

The CRT notes that the name Ludwig Löb 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 (the "ICEP List").

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ludwig Löb, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because these claimants provided a different city of residence or date of birth than the city of residence and date of birth of the Power of Attorney Holder. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Power of Attorney Holder.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Power of Attorney Holder was a Victim of Nazi Persecution. The Claimant stated that the Power of Attorney Holder was Jewish, that he resided in Nazi Germany and that he perished in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Power of Attorney Holder by submitting specific information, demonstrating that the Power of Attorney Holder was the Claimant's paternal grandfather.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Power of Attorney Holder and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Power of Attorney Holder was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Power of Attorney Holder, as she has asserted in her Claim Form.

The CRT notes that the Claimant did not indicate that she is related to the Account Owner. However, given that the Bank's records indicate that the Account Owner and the Power of Attorney Holder shared the same surname and resided in the same city, the CRT concludes that it is plausible that the Account Owner and the Power of Attorney Holder were related, and that by plausibly demonstrating that she is related to the Power of Attorney Holder, the Claimant has also plausibly demonstrated that she is related to the Account Owner.

There is no information to indicate that the Account Owner and the Power of Attorney Holder have other surviving heirs who have submitted claims to the CRT.

The Issue of Who Received the Proceeds

Given that the Account Owner and the Power of Attorney Holder resided in Nazi Germany; that the Power of Attorney Holder perished in the Holocaust; that there is no record of the payment of the Account Owner's account to him or to the Power of Attorney Holder nor any record of a date of closure of the accounts; that the Account Owner, the Power of Attorney Holder and their 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) 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, the Power of Attorney Holder, or their 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 Power of Attorney Holder was her paternal grandfather, and the Account Owner was her paternal relative, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account. 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 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 162,500.00.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
31 August 2007