

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

and to Claimant [REDACTED 3]

## **in re Account of Gustav Maier**

Claim Numbers: 224281/AZ;<sup>1</sup> 708561/AZ<sup>2</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of Gustav Meyer and the claim of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Gustav Maier. This Award is to one of three published accounts of Gustav Maier (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>3</sup>

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.

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<sup>1</sup> Claimant [REDACTED 1] filed sixteen additional claims, which are registered under the Claim Numbers 223105, 223106, 223107, 223108, 223116, 223117, 223118, 223119, 224280, 224282, 224283, 224440, 224441, 224442, 300658, and 300659. In a separate decision, the CRT awarded the account of Renate Meier to Claimant [REDACTED 1]. See *In re Account of Renate Meier* (approved on 30 November 2005). The CRT will treat the remaining claims in separate determinations.

<sup>2</sup> Claimant [REDACTED 3] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GER-0008-045, 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 708561.

<sup>3</sup> The CRT notes that on the February 2001 published 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”), the name Gustav Maier appears three times and that the names Gustav Mayer-Alberti and Gustav Meyer also appear. Upon careful review, the CRT has determined that the Claimants did not identify Gustav Maier [Schramberg, Germany] or Gustav Mayer-Alberti, as their relatives, and that Claimant [REDACTED 3] did not identify Gustav Meyer as her relative. Because Claimant [REDACTED 1] specifically claimed the published account of Gustav Meyer, his claim will be treated in a separate determination, as will both Claimants’ claims to the remaining published account of Gustav Maier.

## Information Provided by the Claimants

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his paternal grandmother's cousin, Gustav Maier (Mayer, Meyer), who was born on 24 October 1905 in Gambach (now Münzenberg), Germany, which is located near Frankfurt am Main, to his grandmother's paternal uncle, [REDACTED] and his second wife [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that his paternal grandmother's extended family, who was Jewish, lived in Gambach, where her relatives owned a prominent butcher business, and in Frankfurt. Claimant [REDACTED 1] explained that his family's name was spelled in various ways, including Meier, Meyer, Mayer, and Maier, as documented in records from Gambach, including records from a shoe repair shop and from a real estate transaction. Claimant [REDACTED 1] stated that his grandmother's uncle [REDACTED] perished in 1941 and that his seven children, including Gustav Meier, could not be located after the Second World War. In addition, Claimant [REDACTED 1] indicated that his paternal grandmother, [REDACTED], née [REDACTED], her father [REDACTED], and her children [REDACTED] and [REDACTED] perished in the Holocaust. Finally, Claimant [REDACTED 1] indicated that his father, [REDACTED], who died in 1955 at the age of 26 before the Claimant himself was born, was the only known member of his family to have survived the Holocaust.

In support of his claim, Claimant [REDACTED 1] submitted documents, including: 1) his paternal grandmother's birth certificate, indicating that [REDACTED] was born on 4 March 1903, that she was Jewish, and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; 2) his paternal grandparents' marriage certificate, indicating that [REDACTED], who was a butcher, and [REDACTED] were married on 17 December 1927 in Gambach, and further indicating that they were divorced on 7 July 1932; 3) his father's birth certificate, indicating that [REDACTED] was born on 16 October 1928 in Gambach, that he was Jewish, and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; 4) an excerpt from a 1938 asset declaration, indicating that [REDACTED] and [REDACTED], who were Jewish, lived together in Gambach; 5) his parents' marriage certificate, indicating that [REDACTED] and [REDACTED 2] were married on 4 November 1951 in England; 6) his father's death certificate, indicating that [REDACTED] died on 15 July 1955 in England; 7) his own birth certificate, indicating that [REDACTED 1] was born on 27 October 1955 in England, that his parents were [REDACTED], who was deceased at the time of this birth, and [REDACTED 2], née [REDACTED]; 8) a letter from the Public Museum Auschwitz-Birkenau in Poland, stating that [REDACTED], who was born on 16 October 1929 in Gambach, was imprisoned in the Mauthausen concentration camp during the Second World War and that his sister [REDACTED] perished in Auschwitz; 9) a page from a book of Holocaust victims from Frankfurt am Main, which includes Claimant [REDACTED 1]'s father [REDACTED] and his sister [REDACTED]; and 10) a detailed family tree, indicating that Gustav Meier was the cousin of the Claimant's paternal grandmother.

Claimant [REDACTED 1] indicated that he was born on 27 October 1955 in London, England. Claimant [REDACTED 1] is representing his mother [REDACTED 2], née [REDACTED], who was born on 12 February 1932 in London.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted an Initial Questionnaire identifying the Account Owner as her father, Gustav Maier, who was born on 15 October 1882. Claimant [REDACTED 3] indicated that her father, who was Jewish, lived at Hauptstrasse 51 in Muellheim (Baden), Germany until 1940, when he fled to La Paz, Bolivia. Finally, Claimant [REDACTED 3] indicated that her father died in 1955 in Buenos Aires, Argentina.

Claimant [REDACTED 3] indicated that she was born on 6 November 1922.

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

The Bank's records consist of a list of accounts and printouts from the Bank's database. According to these records, the Account Owner was Gustav Maier. The Bank's records do not indicate the domicile of the Account Owner. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records indicate that the account had a balance of 9.50 Swiss Francs ("SF") on 30 June 1937, when the account was closed to the Bank's profit and loss account.

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

#### Identification of the Account Owner

The Claimants' relatives' names both match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of his claim, Claimant [REDACTED 1] submitted documents, including a detailed family tree providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that Claimant [REDACTED 3] filed her Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Gustav Maier, prior to 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 indicates that Claimant [REDACTED 3] has based her claim not 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 Claimant [REDACTED 3] 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 Claimant [REDACTED 3].

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he lived in Nazi Germany, and that he could not be located after the Second World War. Claimant [REDACTED 1] also submitted documents indicating that the Account Owner's family members were Jewish and that they were interned in concentration camps during the Holocaust.

Claimant [REDACTED 3] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish and that he lived in Nazi Germany until 1940, when he fled to Bolivia.

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

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was his paternal grandmother's cousin. The CRT further notes that Claimant [REDACTED 1] submitted a copy of his grandmother's birth certificate and a detailed family tree, which provide independent verification that the Account Owner was the cousin of Claimant [REDACTED 1]'s grandmother. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim Form. Although Claimant [REDACTED 1] indicated that he had a sister who has living descendants, as they have not filed claims and are not represented in his claims, their potential entitlement to the account will not be considered in this decision.

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s father. The CRT further notes that Claimant [REDACTED 3] identified unpublished information about the Account Owner as contained in the Bank's records; and that Claimant [REDACTED 3] filed her Initial Questionnaire with the Court in 1999, identifying the

relationship between the Account Owner and Claimant [REDACTED 3], prior to the publication in February 2001 of the ICEP List. 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 Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] is related to the Account Owner, as she has asserted in her Initial Questionnaire. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to the Bank's profit and loss account on 30 June 1937.

#### 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 1] has plausibly demonstrated that the Account Owner was his cousin and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her father, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 1], as the Account Owner's blood relative, has a better entitlement to the account than his mother, represented party [REDACTED 2], who is related to the Account Owner only by marriage.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account was SF 9.50 as of 30 June 1937. 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. Consequently, the total award amount in this case is 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 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 3] is entitled to one-half of the Award

amount. As noted above, represented party [REDACTED 2] is not entitled to a share of the Award.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims 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  
27 February 2007