

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of Martin Meyer

Claim Number: 784657/HB; 785694/HB¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Otto and Ida Meyer, née Durlacher.² This Award is to the published account of Martin Meyer (the “Account Owner”) at the Kreuzlingen branch of the [REDACTED] (the “Bank”).

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 Claimants

Claimant [REDACTED 1] and Claimant [REDACTED 2], who are siblings, each submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as their father’s paternal uncle, Dr. Martin Meyer, who was born on 23 March 1878 in Germany, and was married to [REDACTED],

¹ Neither [REDACTED 1] (“Claimant [REDACTED 1]”) nor [REDACTED 2] (“Claimant [REDACTED 2]”) submitted Claim Forms to the CRT. However, in 1999 they submitted Initial Questionnaires (“IQs”), numbered ENG-0574-174 and ENG-0612-151, respectively, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned claim numbers 784657 and 785694, respectively.

² The CRT will treat the claims to these accounts in separate determinations. In a separate decision, Claimant [REDACTED 1] was awarded an account belonging to Hans Meyer, who was the father of Claimant [REDACTED 1] and Claimant [REDACTED 2]. See *In re Account of Hans Meyer* (approved on 7 June 2006). At the time of that decision, Claimant [REDACTED 2]’s Initial Questionnaire was not available to the CRT for consideration. Accordingly, Claimant [REDACTED 1] was awarded the entire award amount. In a Certified Amendment approved concomitantly with this decision, Claimant [REDACTED 2]’s entitlement to the account of Hans Meyer is addressed.

née [REDACTED], on 16 August 1908. Claimant [REDACTED 1] indicated that Martin Meyer's parents, [REDACTED] and [REDACTED], had four other children: [REDACTED], [REDACTED] (who was the Claimants' grandfather), [REDACTED], and [REDACTED]. Claimant [REDACTED 1] stated that [REDACTED] was the president of the Jewish Community of Lubeck, Germany, that he owned an import/export business *H. Meyer & Co.* with offices in Lubeck and Hamburg, Germany, and that he was a lawyer. In a telephone conversation with the CRT, Claimant [REDACTED 1] explained that her relative lived in either Lubeck or Hamburg, and that he and his family fled to Palestine (now Israel) before the outbreak of the Second World War. Claimant [REDACTED 1] stated that her great-uncle had three children: [REDACTED], [REDACTED], and [REDACTED].

The Claimants stated that their own paternal grandparents, [REDACTED] and [REDACTED], together with the Claimants' parents [REDACTED] and [REDACTED], née [REDACTED], fled in 1937 from Germany to Rotterdam, the Netherlands, and went into hiding at Van Ostadelaan 4 in Huis ter Heide, Utrecht, the Netherlands. The Claimants indicated that in late 1943, their grandparents fled to Switzerland, where a cousin, [REDACTED], had arranged for them to live, but that they were refused entry, sent back over the border, and captured by the Nazis. The Claimants stated that their grandparents were deported to Drancy, France, and then to Auschwitz, where they perished. The Claimants explained that their parents remained in hiding in the Netherlands until the end of the Second World War, and then emigrated to the United States and subsequently to Israel.

Claimant [REDACTED 1] submitted copies of documents, including: (1) her grandfather's birth certificate, indicating that [REDACTED] was born on 12 March 1874 in Lubeck, and that his parents were [REDACTED] and [REDACTED]; (2) her paternal grandparents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 27 May 1903 in Hamburg; (3) her paternal grandfather's residency certificate for Hamburg, dated 4 May 1909; (4) a character reference, dated 9 June 1941, from Rabbi Joseph Israel Carlebach in Hamburg, supporting [REDACTED] for American citizenship; (5) a letter, dated 29 October 1941, issued by the SS (*Schutzstaffel*) and the police for occupied Dutch territories (*Polizeiführer beim Reichskommissar für die besetzten niederländischen Gebiete*), indicating that [REDACTED] and his wife had officially lost their German citizenship and were required to turn in their passports; (6) Claimant [REDACTED 1]'s birth certificate, indicating that [REDACTED 1] was born on 6 January 1933 in Hamburg and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; (7) Claimant [REDACTED 1]'s marriage certificate, indicating that [REDACTED] and [REDACTED 1] were married on 25 March 1956 in Haifa, Israel; (8) a comprehensive family history and chronology, indicating that Dr. Martin Meyer was born to [REDACTED] and [REDACTED], and that he worked as a lawyer; and (9) a letter written by [REDACTED], describing the fate of [REDACTED] and [REDACTED].

Claimant [REDACTED 1] indicated that she was born on 6 January 1933 in Hamburg. Claimant [REDACTED 2] indicated that she was born on 15 March 1935.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Martin Meyer, who resided in Hamburg, Germany. The Bank's record indicates that the Account Owner held a demand deposit account. The Bank's record indicates that the account was closed on 30 July 1934. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

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 have plausibly identified the Account Owner. The Claimants' great-uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimants also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city or country of residence than the city and country of residence of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, that he resided in Hamburg, and that he fled to Palestine after the Nazis' rise to power.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimants' great-uncle. Claimant [REDACTED 1] submitted her grandfather's birth, residency and marriage certificates, as well as her own birth and marriage certificates showing that her paternal relatives had the same last name and resided in the same city as the Account Owner.

The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's record; that Claimant [REDACTED 1] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimants, prior to the publication of the Account Owner's name in February 2001 in the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 30 July 1934, at which time, according to information provided by Claimant [REDACTED 1], the Account Owner may have been outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, 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, even for the stated purpose of obtaining indemnification from the German authorities, 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), (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 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their paternal great-uncle, 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. 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 demand deposit account was 2,140.00 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 26,750.00.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendents of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, the Claimants are each entitled to one-half of the total award amount.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
21 December 2009