

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of C. M. Miller

Claim Numbers: 207784/MBC; 702135/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Chaim Miller and Masza Miller.² This Award is to the unpublished account of C. M. Miller (the “Account Owner”) at the Zurich-Stadelhoferplatz branch of [REDACTED] (the “Bank”).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

The Claimants, who are sisters, submitted claims identifying the Account Owner as their father, Chaim Miller, who was born on 8 May 1900 in Jablonna, Poland, and was married to [REDACTED], née [REDACTED], in approximately 1920. The Claimants indicated that their parents, who were Jewish, lived in Jablonna, Poland, near Warsaw, and that they had four children - the Claimants and their siblings [REDACTED] and [REDACTED]. The Claimants stated that their father owned several businesses, including a textile business and a large grocery

¹ Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit a Claim Form to the CRT. However, in 1999, she submitted an Initial Questionnaire (“IQ”), numbered ENG-0058169, 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 IQs 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 702135.

² The CRT did not locate an account under the names Chaim Miller or Masza Miller 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”).

store, and that he traveled to Switzerland on business. Claimant [REDACTED 2] stated that their parents held one or more bank accounts in Poland, which contained gold pieces to be used towards their daughters' dowries. According to the Claimants, their family was deported to the Ludwisin ghetto in 1940, and the family's assets were looted in November 1940. The Claimants indicated that their parents and siblings perished in the ghetto in 1942, and that they were deported to Auschwitz on 2 October 1942. Claimant [REDACTED 2] further indicated that she escaped and remained in hiding until the end of the Second World War. Finally, the Claimants indicated that they are their parents' only remaining heirs and among the only surviving members of their extended family.

In a telephone conversation with the CRT, Claimant [REDACTED 1] stated that her father informed his children of his Swiss bank account after the War broke out. Additionally, Claimant [REDACTED 1] stated that she does not remember her father's middle name.

Claimant [REDACTED 2] stated that she was born on 2 May 1924, and Claimant [REDACTED 2] stated that she was born on 6 October 1928, both in Jablonna.

Information Available in the Bank's Record

The Bank's record consists of a report from 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 C. M. Miller. This record does not indicate the Account Owner's domicile. The auditors' report indicates that the Account Owner held one account, the type of which is not indicated, which held a balance of 34.05 Swiss Francs ("SF") on an unspecified date. The auditors who carried out the ICEP Investigation indicated that there is no evidence of activity on this account after 1945, that it was suspended on an unknown date, and that it remains suspended.

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' father's first initial and surname match the unpublished first initial and surname of the Account Owner. The Claimants did not identify the Account Owner's middle initial; however, the CRT notes that it is plausible that they do not know or do not remember their

father's middle initial. The CRT further notes that the auditors' report does not contain any specific information about the Account Owner other than his or her initials and surname.

Additionally, a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimants' aunt in 1978, indicating that [REDACTED] was born in 1928 to Chaim and [REDACTED], that he resided in Jablonna, that he was deported to Ludwisin, and that he was shot and killed by the Nazis during a work detail - which matches the information about the Account Owner's family provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified 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, and that he, his wife and two of his children perished in the Holocaust. As noted above, a person named [REDACTED] - the child of Chaim and [REDACTED] - was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was their father. The CRT further notes that the Claimants identified their relationship to the Account Owner without the publication of his name in connection with a Swiss bank account; and that they also provided information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the information submitted by each Claimant, which is corroborated by the other, is of the type that family members would possess and indicates that the Account Owner was well known to them as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their claims. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors' report indicates that the account remains suspended.

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 father, and that relationship justifies an Award. Third, the CRT has determined 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 account of unknown type, which had a value of SF 34.05 on an unspecified date. 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 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Therefore, the Claimants, who are siblings, are each entitled to one-half of the total award amount.

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
15 November 2007