

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]
represented by [REDACTED 3]

to Claimant [REDACTED 4]

and to Claimants [REDACTED 5],

[REDACTED 6],

and [REDACTED 7]

in re Account of Emil Mueller

Claim Numbers: 000995/AX; 203528/AX;¹ 600901/AX;² 729540/AX³

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 5] (“Claimant [REDACTED 5]”), [REDACTED 6] (“Claimant [REDACTED 6]”), [REDACTED 7] (“Claimant [REDACTED 7]”), and [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”) (together the “Claimants”) to the published account of Emil Mueller (the “Account Owner”) at the Schaffhausen branch of the [REDACTED] (the “Bank”).

¹ Claimant [REDACTED 2] submitted an additional claim to the accounts of [REDACTED], which is registered under the Claim Number 213234. The CRT will treat the claim to this account in a separate determination.

² Claimant [REDACTED 4] submitted a claim, numbered B-00100, on 25 September 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600901.

³ Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] did not submit a Claim Form to the CRT. However, in 1999 they submitted an Initial Questionnaire (“IQ”), numbered HUN 0034163, 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 729540. Claimant [REDACTED 6] and Claimant [REDACTED 7] submitted additional claims to the accounts of [REDACTED], which are registered under Claim Numbers 729539 and 730029. The CRT will treat the claims to these accounts in separate determinations.

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her maternal grandfather, Emil Müller, who was born on 22 November 1872 in Slawitschin, Czechoslovakia. Claimant [REDACTED 1] stated that her grandfather was married to [REDACTED], née [REDACTED], and had two children, [REDACTED] and [REDACTED]. Claimant [REDACTED 1] further stated that her grandfather resided at 73 Zeille Street, Brno (Brünn), Czechoslovakia (now Brno, Czech Republic) and that he was an engineer and owned a shoe-leather factory named *Pellin Werke*. According to Claimant [REDACTED 1], her grandfather, who was Jewish, was deported to the Theresienstadt concentration camp, where he perished on 18 October 1942. In support of her claim, Claimant [REDACTED 1] submitted her marriage certificate, indicating that her mother was [REDACTED]; her mother's death certificate, indicating that her mother's father was Emil; and the inheritance certificate of her grandfather, indicating that his children were [REDACTED] and [REDACTED]. The Claimant indicated that she was born on 9 February 1945 in Israel.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Emil Muller.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his grandmother's cousin, Emil Müller, who was Jewish and was born in approximately 1894 in Hungary. Claimant [REDACTED 2] stated that his relative was a banker and owned a bank at Magrit Körut 2, Budapest II, Hungary. Claimant [REDACTED 2] stated that his father, [REDACTED], worked in Emil Müller's bank during the 1930s. Claimant [REDACTED 2] further stated that his relative resided at Syepvölgyi ut 26, Budapest III. In a telephone conversation with the CRT on 25 May 2005, Claimant [REDACTED 2] indicated that Emil Müller fled Hungary to England and later to the United States. Claimant [REDACTED 2] submitted his father's birth certificate, and an official letter from the Hungarian Parliament, acknowledging that Claimant [REDACTED 2]'s father was interned in a labor camp. Finally, Claimant [REDACTED 2] indicated that he was born on 16 July 1949 in Budapest, Hungary.

Claimant [REDACTED 2] previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Emil Müller.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her maternal uncle, Emil Müller, who was Jewish and was born in approximately 1867 in Austria-Hungary (later Czechoslovakia). Claimant [REDACTED 4] indicated that when she was a young child, her parents and she spent vacations at her uncle’s house in Rimaszombat, Czechoslovakia (now Rimavská Sobota, Slovakia). Claimant [REDACTED 4] stated that her uncle, who was a wealthy wholesale textile manufacturer, offered to help relocate her family to Switzerland in order for Claimant [REDACTED 4] to continue her education there, but her parents declined the offer and stayed in Hungary. Claimant [REDACTED 4] stated that her family lost contact with her uncle in approximately 1938 or 1939, and that he and his family perished in the Holocaust. Claimant [REDACTED 4] indicated that she was born on 5 August 1924 in Miskolc, Hungary.

Claimant [REDACTED 4] previously submitted an ATAG Ernst & Young claim form in 1998 asserting her entitlement to a Swiss bank account owned by Emil Müller.

Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7]

Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7], who are siblings, submitted a joint IQ with the Court in 1999 identifying the Account Owner as their paternal uncle, Emil Müller, who was born in approximately 1900 in Hungary. Claimant [REDACTED 5] indicated that their uncle lived in Paris, France before the Second World War. According to Claimant [REDACTED 5], their uncle, who was Jewish, owned a rubber factory in France. Claimant [REDACTED 5] further indicated that their uncle inherited property in Hungary when his parents died. Claimant [REDACTED 5] stated that she believed that her uncle perished in the Holocaust, but did not know the exact circumstances of his death. In support of their claim, Claimant [REDACTED 5] submitted a copy of an excerpt from the registry of property owners in Hungary, indicating that Emil Müller, from Paris, owned property in Hungary. Claimant [REDACTED 5] indicated that she was born in 1931. Claimant [REDACTED 6] indicated that she was born in 1934 and Claimant [REDACTED 7] indicated that she was born in 1935.

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was Emil Mueller. The Bank’s record indicates that the Account Owner held one account, the type of which is not indicated. The Bank’s record further indicates that the account was transferred to a suspense account for dormant assets on 17 November 1987. The amount in the account on the date of its transfer was 7.85 Swiss Francs (“SF”). The account remains open and dormant.

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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s grandfather's name, Claimant [REDACTED 2]'s grandmother's cousin's name, Claimant [REDACTED 4]'s uncle's name, Claimant [REDACTED 5]'s uncle's name, Claimant [REDACTED 6]'s uncle's name, and Claimant [REDACTED 7]'s uncle's name each match the published name of the Account Owner.⁴ The CRT further notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

The CRT notes that Claimant [REDACTED 4] and Claimant [REDACTED 2] filed an ATAG Ernst & Young claim form in 1998 identifying their relative as Emil Muller; and Claimant [REDACTED 1], Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] filed IQs with the Court in 1999, all of them asserting their entitlement to a Swiss bank account owned by Emil Müller, 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 Claimants have based their 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 them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant [REDACTED 4]'s relative, Claimant [REDACTED 5]'s relative, Claimant [REDACTED 6]'s relative, and Claimant [REDACTED 7]'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 record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

⁴ The CRT notes that the Claimants indicated that their relatives' names were spelled "Müller," and that the Bank's record indicates that the Account Owner's name was "Mueller." Given that, in German, "ü" is the phonetic equivalent of "ue," the CRT has concluded that this does not affect the Claimants' identification of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants all stated that their relative was Jewish. Claimant [REDACTED 1] stated that her grandfather was deported to the Theresienstadt concentration camp, where he perished on 18 October 1942; Claimant [REDACTED 2] stated that his grandmother's cousin resided in Hungary during the Second World War; Claimant [REDACTED 4] stated that her uncle lived in Czechoslovakia during the Second World War, and that he perished in the concentration camps; and Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7], indicated that their uncle resided in France during the Second World War, and that he was not heard from after the Holocaust.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was her grandfather. The CRT notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 1], prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 1] submitted a copy of the inheritance certificate of her grandfather, indicating that his name was Emil Mueller. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. 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 she has asserted in his Claim Form.

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was Claimant [REDACTED 2]'s cousin. The CRT notes that Claimant [REDACTED 2] filed an ATAG Ernst & Young claim form in 1998, identifying the relationship between the Account Owner and Claimant [REDACTED 2], 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 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form.

Claimant [REDACTED 4] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was Claimant [REDACTED 4]'s uncle. The CRT notes that Claimant [REDACTED 4] filed an ATAG Ernst & Young claim form in 1998 and an HCPO claim form, identifying the relationship between the Account Owner and Claimant [REDACTED 4], 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 4] as a family member, and all of this information supports the

plausibility that Claimant [REDACTED 4] is related to the Account Owner, as she has asserted in her Claim Form.

Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was their uncle. The CRT notes that Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7], 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 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] are related to the Account Owner, as they have asserted in their IQ.

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 the account remains open and dormant.

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 her grandfather, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his cousin, Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was her uncle, and Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] have plausibly demonstrated that the Account Owner was their uncle, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Bank's records indicate that the value of the account of unknown type as of 17 November 1987 was SF 7.85. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 692.85. 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 present 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 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], Claimant [REDACTED 2] and Claimant [REDACTED 4] are each entitled to one-fourth of the Award amount; and Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] are jointly entitled to one-fourth of the total Award amount.

With respect to Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7], 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 descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7], who are all siblings, are the nieces of the Account Owner. Accordingly, Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] are each entitled to one-twelfth 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 claim 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
30 November 2005