

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

[REDACTED 2],

[REDACTED 3],

and [REDACTED 4]

to Claimant [REDACTED 5]

to Claimant [REDACTED 6]

to Claimant [REDACTED 7]
represented by [REDACTED 8]

and to Claimant [REDACTED 9]

also acting on behalf of [REDACTED 10], [REDACTED 11], and [REDACTED 12]

in re Account of R. Mueller

Claim Numbers: 202480/AZ;¹ 203529/AZ; 206754/AZ; 500217/AZ; 217453/AZ;² 751425/AZ;³
219515/AZ; 205063/AZ⁴

Award Amount: 49,375.00 Swiss Francs

¹ In 1999, [REDACTED 1] (“Claimant [REDACTED 1]”) also submitted two additional Initial Questionnaires (“IQs”), numbered GER-0008002 and GER-0051077, 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 708548 and 710007, respectively. The CRT will treat these claims in a separate determination.

² [REDACTED 5] (“Claimant [REDACTED 5]”) submitted one additional claim, which is registered under the Claim Number 217454. The CRT will treat this claim in a separate determination.

³ [REDACTED 6] (“Claimant [REDACTED 6]”) did not submit a CRT Claim Form. However, in 1998, she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-K-80-205-084-429 to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 6]’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 751425.

⁴ [REDACTED 9] (“Claimant [REDACTED 9]”) submitted two additional claims, which are registered under the Claim Numbers 201534 and 201545. In a separate decision, the CRT awarded the accounts of Georg Müller to Claimant [REDACTED 9]. See *In re Accounts of Georg Müller and Ernst Müller* (approved on 2 January 2003). In another separate decision, the CRT awarded the account of Johannes Müller to Claimant [REDACTED 9]. See *In re Account of Dr. Johannes Müller* (approved on 28 May 2004).

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”), [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”), and [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”) to the accounts of Rudolf and Emma Mueller;⁵ the claim of [REDACTED 5] (“Claimant [REDACTED 5]”) to the accounts of Julie Muller;⁶ the claim of [REDACTED 6], née [REDACTED] (“Claimant [REDACTED 6]”) to the account of Philipp Ludwig Müller;⁷ the claim of [REDACTED 7] (“Claimant [REDACTED 7]”) to the account of Hermann Müller;⁸ and the claim of [REDACTED 9], née [REDACTED] (“Claimant [REDACTED 9]”) (together the “Claimants”) to the accounts of Ernst Müller.⁹ This Award is to the published account of R. Mueller (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).¹⁰

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

Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4]

Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4], who are siblings, submitted Claim Forms and Initial Questionnaires identifying the Account Owner as their father, Rudolf Mueller, who was born on 10 May 1894 in Lippstadt, Germany and was married to [REDACTED], née [REDACTED]. These Claimants indicated that their family, which was Romani, lived in Braunschweig and Celle, Germany, where their father was a carnival worker, actor, basket maker, and jack-of-all-trades. These Claimants further indicated

⁵ The CRT will treat the claims to the account of Emma Mueller in a separate determination. The CRT notes that these Claimants also claimed accounts under their own names. The CRT did not locate accounts belonging to Anita Mueller or Minna Mueller in the Account History Database (“AHD”) 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”). The CRT will treat the claims to the accounts of August Mueller, Frieda Mueller, and Louise Mueller in separate determinations.

⁶ This claim will be considered in a separate determination.

⁷ This claim will be considered in a separate determination.

⁸ In separate decisions, the CRT awarded the accounts of Hermann and Lotte Müller to [REDACTED 7] (“Claimant [REDACTED 7]”). See *In re Account of Hermann Müller* and *In re Account of Lotte Mueller* (both approved on 31 December 2003).

⁹ In separate decisions, the CRT awarded the accounts of Ernst Müller to Claimant [REDACTED 9]. See *In re Accounts of Georg Müller and Ernst Müller* (approved on 2 January 2003), *In re Accounts of Ernst Müller* (approved on 8 April 2004), and *In re Accounts of Ernst Mueller* (approved on 13 May 2005).

¹⁰ 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”) and on the List of Account Owners Published in 2005 (the “2005 List”), the names R. W. Mueller, Rosa Mueller, Rosemarie Mueller, Rudolf Mueller, and Rosy Müller also appear. Upon careful review, the CRT has determined that the Claimants have not identified R. W. Mueller and that Claimants [REDACTED 9] and [REDACTED 5] have not identified Rosa Mueller, Rosemarie Mueller, or Rosy Müller. The claims to the account of Rudolf Mueller will be treated in a separate determination.

that their family was persecuted by the Nazis, that the family attempted to flee to Switzerland but was refused at the border and sent back to Germany, and that the family had to hide in a trailer in the woods during the Second World War. Finally, these Claimants indicated that their father died in Celle in 1960 and that their mother died in Celle in 1980.

In support of their claims, Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4] submitted records of compensation payments they received as Sinti/Roma victims of Nazi persecution. They further submitted their own identification cards indicating that they were born in Germany and that their surnames at birth were [REDACTED].

Claimant [REDACTED 1] indicated that he was born on 25 February 1927 in Hohenhameln, Germany. Claimant [REDACTED 2] indicated that she was born on 24 January 1931 in Meinersen, Gifhorn, Germany. Claimant [REDACTED 3] indicated that she was born on 2 April 1938 in Feldstofe, Helmstadt, Germany. Claimant [REDACTED 4] indicated that she was born on 12 October 1942 in Wilsche, Gifhorn, Germany.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as her great-grandmother, Rosali Müller, née Marx, who was born on 30 July 1862 in Windesheim, Germany, to [REDACTED] and [REDACTED], and was married to [REDACTED]. Claimant [REDACTED 5] indicated that her great-grandmother, who was Jewish, had at least one child, [REDACTED], née [REDACTED] (Claimant [REDACTED 5]'s paternal grandmother), who was born on 6 July 1896 in Windesheim, and was married to [REDACTED]. Claimant [REDACTED 5] further indicated that her grandparents, who were Jewish, lived in Bonn, Germany, where her grandmother had a menswear shop, and that they had one child, [REDACTED], Claimant [REDACTED 5]'s father, who was born on 5 December 1923 in Bonn, Germany. Finally, Claimant [REDACTED 5] indicated that her great-grandmother died in 1938 in Windesheim, and that her paternal grandparents both perished in concentration camps, but that her father fled to England in 1939 and then emigrated to Australia, where he changed his name to [REDACTED]. Claimant [REDACTED 5] indicated that she has living siblings who are not represented in her claim.

In support of her claim, Claimant [REDACTED 5] submitted excerpts from her father's baby book, indicating that [REDACTED]'s maternal grandmother was [REDACTED], née [REDACTED], who was born on 30 July in Windesheim to parents [REDACTED] and [REDACTED]. Claimant [REDACTED 5] indicated that she was born on 2 May 1965 in Australia.

Claimant [REDACTED 6]

Claimant Walter submitted an ATAG Ernst & Young claim form ("ATAG Form") in 1998 identifying herself as the Account Owner, Renate Walter, née Müller, who was born on 11 February 1938 in Viernheim, Germany. Claimant [REDACTED 6] indicated that she lived with her parents in Viernheim until the end of the Second World War. Claimant [REDACTED 6]

further indicated that her parents were not permitted to marry until after the War because her father was half Jewish.

In support of her claim, Claimant [REDACTED 6] submitted documents, including: 1) her birth certificate, issued in 1947, indicating that [REDACTED 6] was born on 11 February 1938 in Viernheim and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; and 2) her parents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 7 April 1945 in Viernheim. As mentioned above, Claimant [REDACTED 6] indicated that she was born on 11 February 1938 in Viernheim.

Claimant [REDACTED 7]

Claimant R. Müller submitted a Claim Form and Initial Questionnaires identifying himself as the Account Owner, Rudolph Müller, who was born on 1 February 1922 in Göttingen, Germany to [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 7] indicated that his family, which was Jewish, lived in Northeim, Germany, where his father was a banker, until approximately 1936, when they fled to Chile.

In support of his claim, Claimant [REDACTED 7] submitted documents, including: 1) his birth certificate, indicating that [REDACTED 7] was born on 1 February 1922 in Göttingen and that his parents were [REDACTED], who was a banker, and [REDACTED], both of whom lived in Northeim; and 2) his marriage certificate, indicating that [REDACTED 7], who was born on 1 February 1922 in Germany, was married to [REDACTED] on 1 June 1946 in Santiago, Chile.

Claimant [REDACTED 7] indicated that he was born on 1 February 1922 in Göttingen. Claimant [REDACTED 7] previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Hermann Müller.¹¹

Claimant [REDACTED 9]

Claimant [REDACTED 9] submitted a Claim Form identifying the Account Owner as her paternal uncle's wife, Rose Müller (Mueller), née Hoelscher, who was born in approximately 1900 and was married to [REDACTED] in approximately 1920 in Berlin, Germany. Claimant [REDACTED 9] indicated that her aunt and uncle, who were Jewish, lived in Berlin, where her uncle was a physician. According to Claimant [REDACTED 9], for a short time, her uncle was also a professor of cardiology at a medical school in Hamburg, Germany. Claimant [REDACTED 9] indicated that, after the Nazis' rise to power, her uncle was no longer able to teach or practice medicine in Germany, and that her aunt and uncle emigrated to the United States in approximately 1935. Finally, Claimant [REDACTED 9] indicated that her aunt and uncle had no children, that her aunt died in 1969 in the United States, and that her uncle died on 11 September 1971 in the United States.

In support of her claim, Claimant [REDACTED 9] submitted documents, including: 1) her paternal uncle's birth certificate, indicating that [REDACTED] was born on 18 December 1891

¹¹ In a separate decision, the CRT awarded the accounts of Hermann Müller to Claimant [REDACTED 7]. See *In re Account of Hermann Müller* (approved on 31 December 2003).

in Berlin and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; 2) her father's birth certificate, indicating that [REDACTED] was born on 13 November 1893 in Berlin and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; 3) the birth certificate of another paternal uncle, indicating that [REDACTED] was born on 1 November 1897 in Berlin and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; 4) her own birth certificate, indicating that [REDACTED 9] was born on 7 November 1927 in Berlin and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; and 5) her own passport, indicating that [REDACTED 9] was born on 7 November 1927 in Germany.

Claimant [REDACTED 9] indicated that she was born on 7 November 1927 in Berlin. Claimant [REDACTED 9] is representing her sister, [REDACTED 10], née [REDACTED], who was born on 26 September 1920 in Berlin, and her cousins (the children of her paternal uncle [REDACTED]) [REDACTED 11], née [REDACTED], who was born on 15 April 1925 in Neumark, Germany, and [REDACTED 12], née [REDACTED], who was born on 5 November 1928 in Halle, Germany. Claimant [REDACTED 9] previously submitted an Initial Questionnaire to the Court in 1999, as well as an ATAG Form in 1997, asserting her entitlement to a Swiss bank account owned by Georg and Ida Müller.¹²

Information Available in the Bank's Records

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 submit original documents pertaining to the account at issue, but provided a report regarding the Account Owner's account that was extracted from a list of accounts that were blocked in the 1945 freeze of assets held in Switzerland by nationals of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"). According to this report, the Account Owner was R. Mueller, who resided in Germany. This report indicates that the Account Owner held an account, the type of which is not indicated, which held a balance of 16.00 Swiss Francs ("SF") as of 17 February 1945. The auditors who carried out 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 auditors' report that the Account Owner or his or her 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

¹² In a separate decision, the CRT awarded the accounts of Georg Müller to Claimant [REDACTED 9]. See *In re Accounts of Georg Müller and Ernst Müller* (approved on 2 January 2003). In another decision, the CRT awarded the account of Johannes Müller to Claimant [REDACTED 9]. See *In re Account of Dr. Johannes Müller* (approved on 28 May 2004).

CRT's discretion. In this case, the CRT determines it appropriate to join the eight claims of the Claimants in one proceeding.

Identification of the Account Owner

The initial, surname, and country of residence of Claimants' [REDACTED 1]'s, [REDACTED 2]'s, [REDACTED 3]'s, and [REDACTED 4]'s father, Claimant [REDACTED 9]'s aunt, Claimant [REDACTED 5]'s great-grandmother, Claimant [REDACTED 6], and Claimant [REDACTED 7] all match the published initial, surname and country of residence of the Account Owner.

In support of her claim, Claimant [REDACTED 5] submitted excerpts from her father's baby book, providing independent verification that the person who is claimed to be the Account Owner had the same initial and surname and resided in the same country recorded in the auditors' report as the initial, surname, and country of residence of the Account Owner. In support of her claim, Claimant [REDACTED 6] submitted her birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same initial and surname and resided in the same country recorded in the auditors' report as the initial, surname, and country of residence of the Account Owner. In support of his claim, Claimant [REDACTED 7] submitted his birth certificate and marriage certificate, providing independent verification that the person who is claimed to be the Account Owner had the same initial and surname and resided in the same country recorded in the auditors' report as the initial, surname, and country of residence of the Account Owner.

The CRT notes that Claimant [REDACTED 9] and Claimant [REDACTED 6] both filed ATAG Forms in 1997 - 1998, and that Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], [REDACTED 4], [REDACTED 7], and [REDACTED 9] filed Initial Questionnaires with the Court in 1999, asserting their entitlement to a Swiss bank account owned by the Account Owner and other relatives, 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 Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that these 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 these Claimants.

The CRT notes that Claimants' [REDACTED 1]'s, [REDACTED 2]'s, [REDACTED 3]'s, and [REDACTED 4]'s father, Claimant [REDACTED 5]'s great-grandmother, Claimant [REDACTED 6], Claimant [REDACTED 7], and Claimant [REDACTED 9]'s aunt are different persons. However, given that the Claimants have identified all published information about the Account Owner that is available in the auditors' report; that the information provided by each claimant supports and in no way contradicts any information available in the auditors' report; that there is no additional information in the auditors' report 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 each of the Claimants has plausibly identified the Account Owner.¹³

Status of the Account Owner as a Victim of Nazi Persecution

Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. These Claimants stated that the Account Owner was Sinti/Roma, that he lived in Germany, that he attempted to flee to Switzerland but was refused at the border, and that he survived the Second World War in hiding from the Nazis. These Claimants also submitted records of compensation payments they received as Sinti/Roma Victims of Nazi Persecution.

Claimant [REDACTED 5] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 5] stated that the Account Owner was Jewish and that she lived in Nazi Germany. Additionally, Claimant [REDACTED 5] stated that the Account Owner's daughter and son-in-law perished in concentration camps and that her grandson fled from Germany to England in 1939 and then emigrated to Australia. Furthermore, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], née [REDACTED], who was born on 6 July 1896 in Windsheim, whose parents were [REDACTED] and [REDACTED], who was married to [REDACTED], and who lived in Bonn. The database also includes a person named [REDACTED], who was married to [REDACTED] and who lived in Bonn. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Claimant [REDACTED 6] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 6] stated that she lived in Nazi Germany and that her parents were prevented from marrying until the end of the Second World War because her father was Jewish.

Claimant [REDACTED 7] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 7] stated that he lived in Nazi Germany until approximately 1936, when he fled to Chile with his family.

Finally, Claimant [REDACTED 9] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 9] stated that the Account Owner was Jewish and that she fled Nazi Germany in approximately 1935.

¹³ With respect to the claims of Claimant Walter and Claimant R. Müller, the CRT notes that it is plausible that a parent or other relative would have opened an account under these Claimants' names during the Relevant Period. Although Claimant [REDACTED 7] was an adult by the end of the Second World War, he and his family fled to Chile in 1936, when Claimant [REDACTED 7] was still a minor. Moreover, in his IQ, Claimant [REDACTED 7] indicated that he did not know under whose name his father's accounts were held. Therefore, the CRT notes that it is plausible that Claimant Walter and Claimant R. Müller could have owned accounts despite failing to file claims for accounts held under their own names.

The Claimants' Relationships to the Account Owner

Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4] have plausibly demonstrated that they are related to the Account Owner by submitting specific information, demonstrating that the Account Owner was their father. The CRT further notes that these Claimants filed Initial Questionnaires with the Court in 1999, identifying their relationships to the Account Owner, prior to the publication in February 2001 of the ICEP List. The CRT further notes that these Claimants submitted a copy of their own identification cards, which provide independent verification that their relatives bore the same family name as the Account Owner and that they resided in Germany. 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 these Claimants as a family member, and all of this information supports the plausibility that these Claimants are related to the Account Owner, as they have asserted in their Claim Forms. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 5] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was her great-grandmother. The CRT notes that Claimant [REDACTED 5] identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 5] submitted pages from her father's baby book, indicating that [REDACTED] was the grandmother of [REDACTED]. 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 5] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 5] is related to the Account Owner, as she has asserted in her Claim Form. Although Claimant [REDACTED 5] indicated that she has several living siblings, as they are not represented on her claim and have not filed claims of their own, their potential entitlement to the Account Owner's account will not be considered in this Award.

Claimant [REDACTED 9] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was her aunt by marriage. The CRT notes that Claimant [REDACTED 9] submitted copies of her birth certificate and passport, along with various other documents, which provide independent verification that Claimant [REDACTED 9]'s relatives bore the same family name as the Account Owner and that they resided in Germany. The CRT additionally notes that Claimant [REDACTED 9] filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, 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 9] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 9] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom Claimant [REDACTED 9] is representing.

Claimant Walter has plausibly demonstrated that she is the Account Owner. Furthermore, Claimant R. Müller has also plausibly demonstrated that he is the Account Owner.

The Issue of Who Received the Proceeds

The auditors' report indicates that the account was part of the 1945 Freeze and that it held a balance of SF 16.00 as of 17 February 1945. The ICEP auditors presumed that the account was closed. Given that the Account Owner resided in Germany; that there is no record of the payment of the Account Owner's account to him or her, nor any record of a date of closure of the account; that the Account Owner and his or her heirs would not have been able to obtain information about his or her 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 (b), (h), and (j), as provided in Article 28 of the Rules (See Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or to his or her 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, Claimant Walter has plausibly demonstrated that she was the Account Owner, and Claimant R. Müller has plausibly demonstrated that he was the Account Owner. Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4] have plausibly demonstrated that the Account Owner was their father, Claimant [REDACTED 5] has plausibly demonstrated that the Account Owner was her great-grandmother, and Claimant [REDACTED 9] has plausibly demonstrated that the Account Owner was her aunt, and, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his or her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The auditors' report indicates that the value of the account as of 17 February 1945 was SF 16.00. 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, 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 group of Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4] are entitled to one-fifth of the Award amount; Claimant [REDACTED 5] is entitled to one-fifth of the Award amount; Claimant [REDACTED 6] is entitled to one-fifth of the Award amount; Claimant [REDACTED 7] is entitled to one-fifth of the Award amount; and Claimant [REDACTED 9] is entitled to one-fifth of the Award amount

With respect to the portion of the Award designated to Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4], 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. Accordingly, these Claimants are each entitled to one-fourth of this portion of the Award, or one-twentieth of the total Award amount.

With respect to the portion of the Award designated to Claimant [REDACTED 9], Claimant [REDACTED 9] is representing her sister, [REDACTED 10], and her cousins, [REDACTED 11] and [REDACTED 12]. Together, Claimant [REDACTED 9] and her sister are the children of one of the Account Owner's spouse's siblings; their cousins are the children of another of the Account Owner's spouse's siblings. According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or marriage, consistent with principles of fairness and equity. In this case, the CRT determines that it is fair and equitable, as well as consistent with the general principles of apportionment in equal shares by representation set forth in Article 23(1)(a-f), for Claimant [REDACTED 9] and the represented parties to each receive one-fourth of this portion of the Award, or one-twentieth 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
27 February 2007