

# 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 Hanny Neuhaus**

Claim Numbers: 721211/BI,<sup>1</sup> 214756/BI, 214757/BI, 600228/BI<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 account of Hanna Neuhaus and upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Israel Neuhaus and Max Neuhaus.<sup>3</sup> This award is to the unpublished account of Hanny Neuhaus (the “Account Owner”) at the Freiburg branch of the [REDACTED] (the “Bank”).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.

---

<sup>1</sup> Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB-0268048, 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 721211.

<sup>2</sup> Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted two Claim Forms, numbered 214756 and 214757, to the CRT identifying Chana Neuhaus. In addition, Claimant [REDACTED 2] submitted a claim, numbered B-01075, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department on 8 July 1998 in which he identified Chana Neuhaus. This third claim was referred by the HCPO to the CRT and has been assigned Claim Number 600228. These three claims are the subject of the present award. Claimant [REDACTED 2] submitted the following additional claims: 214754 to the account of Berysz Neuhaus; 214755 to the account of Arie Flattau; and 214758 to the account of Moses Flattau. The CRT did not locate accounts belonging to Berysz Neuhaus, Arie Flattau, or Moses Flattau 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”).

<sup>3</sup> The CRT did not locate accounts belonging to Israel Neuhaus or Max Neuhaus in the Account History Database.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire identifying the Account Owner as his paternal grandmother, Hanna Neuhaus, who was born in 1892 in Romania, and was married to [REDACTED]. According to Claimant [REDACTED 1], his grandparents, who were Jewish, had three children and lived until 1944 in Komorzán, Satu Mare, Romania. Claimant [REDACTED 1] added that his grandparents were business owners whose holdings included farms, forests, fields, vineyards, and mills. Claimant [REDACTED 1] indicated that his grandparents were deported in 1944 to Auschwitz, where they perished. Claimant [REDACTED 1] further indicated that his grandfather told his family, as they were being deported, that they had money in Switzerland.

In a phone conversation with the CRT on 23 March 2007, Claimant [REDACTED 1] indicated that his family surname was [REDACTED]. Claimant [REDACTED 1] indicated that he was born on 30 October 1952.

### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted two Claim Forms to the CRT and a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his paternal grandmother, Chana (Channah) Neuhaus, who was married to [REDACTED]. According to Claimant [REDACTED 2], his grandparents had two children: [REDACTED] and [REDACTED] (Claimant [REDACTED 2]’s father). Claimant [REDACTED 2] indicated that his uncle and his grandfather, who were Jewish, owned a waste metal business in Lodz, Poland, where they resided before the Second World War. According to his claim forms and a page of testimony Claimant [REDACTED 2] submitted to the Yad Vashem memorial in Israel in April 2001, Chana (Hannah) Neuhaus predeceased [REDACTED], who died in Lodz in 1939 at the age of 91. Claimant [REDACTED 2] indicated that before the Second World War his parents resided in Breslau, Germany (now Wrocław, Poland), and that during the War they were confined to the Lodz ghetto. Claimant [REDACTED 2] further indicated that his parents perished in the ghetto, his mother in 1941 and his father in 1942, and that his uncle died in a concentration camp in Poland on an unknown date. Claimant [REDACTED 2], who indicated that the original spelling of his own name is “[REDACTED],” stated that he was born on 8 January 1921 in Breslau.

## **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 Hanny Neuhaus. The Bank’s record does not indicate the Account Owner’s domicile.

According to the Bank’s record, the Account Owner held an account, the type of which is not indicated, numbered 46499. The Bank’s record indicates that the account was suspended and

transferred to a collective account on an unknown date. According to the Bank's record, the amount in the account as of 23 December 1987 was 32.85 Swiss Francs ("SF").

### **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 grandmother's name matches the unpublished name of the Account Owner.<sup>4</sup> Claimant [REDACTED 2]'s grandmother's name also matches the unpublished name of the Account Owner.<sup>5</sup> The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 1]'s aunt in 1957, written in Hebrew and transliterated into the Roman alphabet, which indicates that Khana Naihaus, née Leibovitz, lived in Komorzan, Satu-Mare, Romania, that she was married to the merchant [REDACTED], and that she perished in Auschwitz in 1944, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that Claimant [REDACTED 1] filled out his IQ in Hebrew and that in a phone conversation with the CRT on 23 March 2007 he provided a transliteration of his family surname which matches the spelling of the Account Owner's surname. As noted above, Claimant [REDACTED 2] also submitted a page of testimony to Yad Vashem, indicating that his grandmother was Hannah Neuhaus.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all information about the Account Owner that is 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 Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

---

<sup>4</sup> The CRT notes that the Account Owner's first name was Hanny and that Claimant [REDACTED 1] indicated that his grandmother's name was Hanna. However, the CRT notes that Hanny is a common variation of the name Hanna and this discrepancy does not adversely affect Claimant [REDACTED 1]'s identification of the Account Owner.

<sup>5</sup> The CRT notes that Hanny is a common variation of the name Chana (also spelled "Hannah" in the page of testimony submitted by Claimant [REDACTED 2] to Yad Vashem) and this discrepancy does not adversely affect Claimant [REDACTED 2]'s identification of 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] indicated that the Account Owner's family was Jewish and that the Account Owner was deported to Auschwitz, where she perished. As noted above, a person named Khana Naihaus was included in the CRT's database of victims.

According to the information provided by Claimant [REDACTED 2], the Account Owner may have died before the beginning of the Second World War. However, Claimant [REDACTED 2] has made a plausible showing that the Account Owner's direct heirs were Victims of Nazi Persecution. Claimant [REDACTED 2] indicated that the Account Owner's children, who were Jewish, perished in the Holocaust (one son in the Lodz ghetto and the other in a concentration camp in Poland).

### The Claimants' Relationship to the Account Owner

Each of the Claimants has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was his paternal grandmother. The CRT notes that the Claimants bear the same family name as the Account Owner.<sup>6</sup> There is no information to indicate that the Account Owner has other surviving heirs who filed a claim.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended and transferred to a collective account on an unknown date.

### 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, both Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that the Account Owner was their grandmother, and those relationships justify an Award. Third, the Bank's record indicates that the account was suspended and transferred to a collective account at an unknown date.

### Amount of the Award

In this case, the Account Owner held an account of unknown type. The Bank's record indicates that the value of the account as of 23 December 1987 was SF 32.85. 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 an account of unknown type between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 717.85. 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

---

<sup>6</sup> The current spelling of Claimant [REDACTED 2]'s surname is a direct English translation of [REDACTED].

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 the 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 half of the Award amount, and Claimant [REDACTED 2] is entitled to half of the 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  
12 October 2007