

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Patricia Mattos

**in re Account of Manfred Straus, Leo Straus, and Fritz Berlin
and
Account of *Bettfedernfabrik Straus & Cie.***

Claim Number: 601434/AV¹

Award Amount: 325,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Manfred Straus (“Account Owner Manfred Straus”), Leo Straus (“Account Owner Leo Straus”), and Fritz Berlin (“Account Owner Berlin”), and the unpublished account of *Bettfedernfabrik Straus & Cie.* (“Account Owner Straus & Cie.”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying Account Owner Manfred Straus as her paternal grandfather, Manfred Straus, who was born on 10 December 1878 in Bad-Cannstatt, Germany, and was married to [REDACTED], née [REDACTED]. The Claimant stated that her grandfather, who was Jewish, resided at Goethestrasse 13 in Stuttgart, Germany, and that he owned *Straus and Company*, a company based in Unterturkheim, Germany that manufactured quilts and pillows. The Claimant further stated that her grandfather was Vice-Counsel to the country of Denmark. The Claimant specified that her father had two sons: [REDACTED], the Claimant’s father, who was born on 30

¹ The Claimant submitted a claim, numbered B-01265, on 14 September 1998, 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 601434.

² In this claim, the Claimant also claimed accounts of [REDACTED], née [REDACTED], [REDACTED], [REDACTED] (formerly, [REDACTED]), née [REDACTED], [REDACTED], and [REDACTED], née [REDACTED]. The CRT will treat the claims to these accounts in separate determinations.

September 1905, and [REDACTED], who was born on 12 April 1907. The Claimant indicated that in 1939, her grandfather was deported to the ghetto in Riga, Latvia, where he perished in 1941. The Claimant submitted an application for compensation from the German government filed by [REDACTED] and [REDACTED], identifying their father as Manfred Strauss and indicating that he resided in Stuttgart. The Claimant indicated that she was born on 22 September 1930 in Stuttgart.

Information Available in the Bank's Records

The CRT notes that 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 report an account belonging to Manfred Straus during their investigation of the Bank. The Bank’s documents were obtained from the Bank by the HCPO on the Claimant’s behalf and were forwarded to the CRT.

The Bank's records consist of an account card, an account registry sheet, a pledge contract, a list of dubious debtors, an acknowledgement of debt, and several letters of correspondence from the Bank. According to these records, Account Owner Manfred Straus was Manfred Straus, who resided at Goethestrasse 13 in Stuttgart, Germany and later resided at Hohenstaufenstrasse 9 in Stuttgart; Account Owner Leo Straus was Leo Straus, who resided at Lindenallee 21 in Berlin, Germany, and who as of 4 March 1937 resided at 77 Ford Road in London, England; Account Owner Berlin was Fritz Berlin, who resided at Hauptmannsroute 6 in Stuttgart, and later in Montevideo, Uruguay; and Account Owner Straus & Cie. was *Bettfedernfabrik Straus & Cie.*, a business located in Unterturkheim, Germany. The Bank's records indicate that Account Owner Manfred Straus, Account Owner Leo Straus, and Account Owner Berlin jointly held a custody account, numbered 7488. The Bank’s records further indicate that Account Owner *Straus & Cie.* held a custody account, numbered 6223. The Bank’s records indicate that account 7488 was closed in 1941, and that account 6223 was closed on 22 January 1941. The amounts in the accounts on the dates of their closure are unknown. The Bank’s records do not show to whom the accounts at issue were paid. There is no evidence in the Bank’s records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

In addition, the Bank’s records indicate that in March 1935, the Bank executed a loan in favor of Account Owner Manfred Straus, Account Owner Leo Straus, and Account Owner Berlin. The Bank’s records indicate that on 28 June 1935, Account Owner Manfred Straus pledged 50,000 shares of *Bettfedernfabrik Straus & Cie.* as security for his personal liability for the loan. Moreover, the Bank’s records include an acknowledgement of debt signed by Account Owner Manfred Straus on 4 March 1937, indicating that Account Owner Manfred Straus, Account Owner Leo Straus, and Account Owner Berlin owed the Bank 234,015.07 Swiss Francs (“SF”) from the outstanding loan. This debt is also indicated on the account card for account 7488. The Bank’s records further indicate that Account Owner Manfred Straus, Account Owner Leo Straus, and Account Owner Berlin were placed on a list of dubious debtors on 30 June 1944. Finally, the Bank’s records include a letter from the Bank to the HCPO, dated 2 August 2000, indicating that the Bank never collected the outstanding amount of SF 234,015.07.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified Account Owner Manfred Straus. Prior to the Bank's disclosure of information about Account Owner Manfred Straus, the Claimant identified her grandfather's name, city and country of residence, and street address, which match the unpublished name, city and country of residence, and street address of Account Owner Manfred Straus. In support of her claim, the Claimant submitted documents, including an application for compensation from the German government, identifying her grandfather as Manfred Strauss and indicating that he resided in Stuttgart, providing independent verification that the person who is claimed to be Account Owner Manfred Straus had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of Account Owner Manfred Straus.

In addition, prior to the Bank's disclosure, the Claimant plausibly identified Account Owner *Straus & Cie.* The Claimant's grandfather's company's name and city and country of domicile match the unpublished name and city and country of domicile of Account Owner *Straus & Cie.* The Claimant identified the goods manufactured by Account Owner *Straus & Cie.*, which matches unpublished information about Account Owner *Straus & Cie.* contained in the Bank's records.

The CRT notes that the Claimant did not identify Account Owner Leo Straus or Account Owner Berlin. The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Manfred Straus was a Victim of Nazi Persecution. The Claimant stated that Account Owner Manfred Straus was Jewish, and that in 1939, her grandfather was deported to the ghetto in Riga, where he perished in 1941.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owner Manfred Straus by submitting specific biographical information, demonstrating that Account Owner Manfred Straus was the Claimant's grandfather. The CRT notes that the Claimant identified unpublished information about Account Owner Manfred Straus as contained in the Bank's records. The CRT further notes that the Claimant submitted a copy of an application for compensation from the German government for assets of Manfred Straus. 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 Account Owner Manfred Straus was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to Account Owner Manfred Straus, as she has asserted in her Claim Form. Furthermore, the Claimant has plausibly demonstrated that Account Owner Manfred Straus was an owner of

Account Owner *Straus & Cie.* There is no information to indicate that Account Owner Manfred Straus has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that Account Owner Manfred Straus, Account Owner Leo Straus, and Account Owner Berlin had an outstanding debt of SF 234,015.07 with the Bank for a loan extended in March 1935, and that this debt was not repaid as of 2 August 2000. According to Article 14 of the Rules, the CRT has jurisdiction to resolve claims to Accounts of Victims open or opened in Swiss banks during the Relevant Period. The CRT therefore concludes that it does not have the authority to treat the issue or to offset the debt of Account Owner Manfred Straus, Account Owner Leo Straus, and Account Owner Berlin.

With regard to the custody accounts owned by the Account Owners that were closed in 1941, given the above; that Account Owner Manfred Straus was deported to Riga in 1939, and that he perished there in 1941; that Account Owner Leo Straus fled from Germany to England as of 4 March 1937, that Account Owner Berlin fled from Germany to Uruguay, and that there is no indication that either Account Owner Leo Straus or Account Owner Berlin closed the accounts and received the proceeds themselves; that the accounts were closed in 1941; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about their accounts 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 (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 Owners or their 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 Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Manfred Straus was her grandfather and that Account Owner Manfred Straus was an owner of Account Owner Straus & Cie., and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts. Finally, according to Article 25(2) of the Rules, in cases where a joint account is claimed by relatives of only one of the joint account owners, it shall be presumed that the account was owned as a whole by the account owner whose shares of the account have been claimed. Therefore, the Claimant is entitled to the entire award amount.

Amount of the Award

In this case, Account Owner Manfred Straus, Account Owner Leo Straus, and Account Owner Berlin held one custody account, and Account Owner Straus & Cie. held one custody 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 custody account was SF 13,000.00. Consequently, the total historical value of the two custody accounts was SF 26,000.00. 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 325,000.00.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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
21 September 2005

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