

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
represented by Adv. Erez Bernstein

and to Claimant [REDACTED 2]  
also acting on behalf of [REDACTED 3]

### **in re Account of Therese Ullmann-Duschinsky and Selena Stella Sonnenfeld-Ullmann**

Claim Numbers: 400494/HB; 401268/HB; 402025/HB; 402030/HB<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of S. Stella Sonnenfeld-Ullmann, and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Therese Ullmann-Duschinsky, S. Stella Sonnenfeld-Ullmann, and Johanna Hanna Bierer-Ullmann. This award is to the published account of Therese Ullmann-Duschinsky (“Account Owner Therese Ullmann”) and Selena Stella Sonnenfeld-Ullmann (“Account Owner Stella Ullmann”) (together “the Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>2,3</sup>

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.

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<sup>1</sup> [REDACTED 2] (“Claimant [REDACTED 2]”) submitted two additional claims, which are registered under the Claim Numbers 211862 and 219452. In a separate decision, the CRT awarded the accounts of Stefan Ullmann and Gisela Ullman to Claimant [REDACTED 2]. See *In re Accounts of Stefan and Gisela Ullmann* (approved on 15 July 2003).

<sup>2</sup> The CRT notes that on the List of Account Owners Published in 2005 (the “2005 List”), Therese Ullmann-Duschinsky, S. Stella Sonnenfeld-Ullmann, and Johanna Hanna Bierer-Ullman are each indicated as having a separate account. Upon careful examination of the Bank’s records, the CRT has determined that Therese Ullmann-Duschinsky held one account until her death, when her heirs, Selena Stella Sonnenfeld-Ullmann (who was published as S. Stella Sonnenfeld-Ullmann) and Johanna Hanna Bierer-Ullman, deposited the account proceeds in a new account held solely by Selena Stella Sonnenfeld-Ullmann. The name of Johanna Hanna Bierer-Ullman was incorrectly published on the 2005 List as an account owner.

<sup>3</sup> The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Johanna Ullmann appears twice. Upon careful review, the CRT has determined that neither of the individuals identified on the ICEP List is the same person addressed in the current decision and, consequently, that the Claimants did not identify either of these other account owners as their relative.

## Information Provided by the Claimants

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying Account Owner Stella Ullmann as his adoptive mother, Stella Sonnenfeld, née Ullmann, who was born in Nagyvárad, Hungary (now Oradea, Romania), and was married to [REDACTED], Claimant [REDACTED 1]'s father, in Hungary. Claimant [REDACTED 1] indicated that he was adopted by his stepmother, who was Jewish and resided in Oradea/Nagyvárad. According to Claimant [REDACTED 1], after the outbreak of the Second World War, his stepmother was deported to Riga, Latvia, where she perished in 1944 or 1945.

In support of his claim, Claimant [REDACTED 1] submitted documents, including a page of testimony he submitted to the Yad Vashem Memorial of Israel on 20 May 1956, indicating that he is the stepson of Stella Sonnenfeld, née Ullmann, who was born and resided in Oradea, that Stella Sonnenfeld's husband's name was [REDACTED], and that she perished in Riga in 1944 or 1945. Claimant [REDACTED 1] indicated that he was born on 23 December 1926 in Oradea.

### Claimant [REDACTED 2]

Claimant [REDACTED 2], who is related to Claimant [REDACTED 1], submitted Claim Forms identifying the Account Owners as his paternal grandfather's second wife, Therese (Threse) Resel Ullmann-Duschinsky, née Schreiber, and his paternal aunt, Stella Shifra Mädi Sonnenfeld, née Ullmann.

Claimant [REDACTED 2] indicated that his paternal grandfather's second wife, Therese Resel Ullmann, née Schreiber, was born in Drohobycz, Poland (today Ukraine), and was married to [REDACTED] (Claimant [REDACTED 2]'s grandfather) in 1904 in Budapest, Hungary. According to Claimant [REDACTED 2], his grandfather and his second wife, who were Jewish, resided in Vienna, Austria, where his grandfather's wife owned and managed the family's house. Claimant [REDACTED 2] indicated that after his grandfather's death on 24 April 1919, as well as the marriages of their children and the closure of the family's store, called *Kurlände G. Ullman*, his grandfather's wife moved to Berlin, Germany. According to Claimant [REDACTED 2], his grandfather's wife was deported from Berlin after the Nazis' rise to power, and managed to return to Vienna, where she entered into a "sham" second marriage to a [REDACTED], who was British, in order to obtain British citizenship. Claimant [REDACTED 2] stated that his grandfather's wife died on 27 October 1937 in Vienna, and that her daughters Stella and [REDACTED] were her sole heirs.

Claimant [REDACTED 2] further identified Account Owner Stella Ullmann as the daughter of his grandfather and his wife, Stella Shifra Sonnenfeld, née Ullmann, who was born in approximately 1906 in Nagyvárad, Hungary (now Oradea, Romania), and was married to [REDACTED] in Oradea. Claimant [REDACTED 2] indicated that his paternal aunt was Jewish, that she owned oil fields in Poland, and that she resided at 11 Piața Miha Viteazul in Oradea from approximately 1906 until 1944. Claimant [REDACTED 2] further indicated that

his aunt Stella helped raise her husband's children and that she had no offspring of her own. Claimant [REDACTED 2] stated that his aunt Stella perished in Auschwitz on 6 June 1944.

Claimant [REDACTED 2] indicated that his grandfather and his wife had another daughter, [REDACTED], née [REDACTED], who was born in approximately 1907 in Nagyvárad (Oradea), and was married to [REDACTED] in Oradea or Vienna. Claimant [REDACTED 2] indicated that his aunt [REDACTED] was Jewish and that she resided in Oradea, where she was an English teacher. Claimant [REDACTED 2] indicated that his aunt and her husband, who was a doctor, moved to Vienna after their wedding and that they had one son, [REDACTED]. Claimant [REDACTED 2] further indicated that his aunt and her husband were divorced after the incorporation of Austria into the Reich in March 1938 (the "Anschluss"), and that she returned to Oradea, where she lived in the family home, *Ullmann Palota* ("Ullmann's palace"). According to Claimant [REDACTED 2], his aunt [REDACTED] and her son were deported from Hungary to Auschwitz, where they perished on 6 June 1944.

Claimant [REDACTED 2] further indicated that his grandfather's second wife and his aunts traveled to Switzerland during their vacations and that he is certain that they held Swiss bank accounts. In support of his claim, Claimant [REDACTED 2] submitted documents, including the last page from a book entitled *Alon Brachot*, indicating that a person referred to as "Mrs. Resel" died on 27 October 1937 in Vienna, that a person referred to as "Mrs. Shifra" perished in Auschwitz on 6 June 1944, and that a person referred to as "[REDACTED]" perished in Auschwitz on 6 June 1944.

Claimant [REDACTED 2] indicated that he was born on 28 December 1926 in Oradea. Claimant [REDACTED 2] is representing his brother, [REDACTED 3], who was born on 9 May 1930 in Oradea.

### **Information Available in the Bank's Records**

The Bank's records consist of a letter from Account Owner Therese Ullmann to the Bank, dated 6 May 1936; a letter from [REDACTED] to the Bank, dated 20 December 1937; a certificate of a Polish notary, dated 17 February 1938; and printouts from the Bank's database. According to these records, Account Owner Therese Ullmann was Therese (also referred to as Resla) Ullmann-Duschinsky, who resided at Franz-Josefskai 5 in Vienna, Austria.

The Bank's records further indicate that Account Owner Therese Ullmann died on 27 October 1937 and that her sole heirs were [REDACTED], née [REDACTED], who resided at Franz-Josefskai 1 in Vienna, and Selena (Stella) Sonnenfeld, née Ullmann, who resided at Piata Mihai Viteazul 11 in Oradea, Romania. The CRT notes that in the 20 December 1937 letter, [REDACTED], who resided in Oradea, requested the Bank to transfer Account Owner Therese Ullmann's account to her two heirs in equal shares.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with

additional documents, including: correspondence between [REDACTED] and the Bank, dated in 1937 and 1938; a death certificate; a spousal consent form; a letter from Account Owner Stella Ullmann and [REDACTED] to the Bank, dated 14 January 1938; and a letter from the Bank to Account Owner Stella Ullmann, dated 1 April 1938.

These documents indicate that Account Owner Therese Ullmann was born on 12 August 1885, that she was Jewish, that she was the widow of [REDACTED], who died in 1918 in Grosswardein (the German name for Oradea, Romania), that she was married to [REDACTED], who resided in London; but that her second marriage had been annulled in 1931. The documents also indicate that she held British citizenship, that she resided at Franz Josefskai 5 in Vienna, that she had held shares in oil mines in Poland, and that she died on 27 October 1937 in Vienna. These documents indicate that she had two children [REDACTED], née [REDACTED], who was approximately 30 years old, married to a physician, [REDACTED], and resided at Franz Josefskai 1 in Vienna, and Selena Stella Sonnenfeld, née Ullmann, who was approximately 33 years old, married to a businessman, [REDACTED], and resided in Oradea.

Furthermore, in a letter dated 14 January 1938, Account Owner Stella Ullmann and [REDACTED] instructed the Bank to place the proceeds of the account of Account Owner Therese Ullmann in an account solely under the name of Account Owner Stella Ullmann.

The Bank's records indicate that Account Owner Therese Ullmann held a demand deposit account. The additional documents provided by the Bank indicate that Account Owner Therese Ullmann's account was transferred to Account Owner Stella Ullmann's name, and that the account's value as of 31 December 1937 was 1,501.50 Swiss Francs ("SF").

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 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 Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of 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 Owners

#### *Claimant [REDACTED 1]*

Claimant [REDACTED 1] has plausibly identified Account Owner Stella Ullmann. Claimant [REDACTED 1]'s stepmother's name matches the published name of Account Owner Stella

Ullmann. Claimant [REDACTED 1] identified Account Owner Stella Ullmann's city and country of residence and her husband's name,<sup>4</sup> which matches unpublished information about Account Owner Stella Ullmann contained in the Bank's records.

In support of his claim, Claimant [REDACTED 1] submitted documents, including a page of testimony he submitted to the Yad Vashem Memorial of Israel on 20 May 1956, indicating that Stella Sonnenfeld, née Ullmann, was born and resided in Oradea, providing independent verification that the person who is claimed to be Account Owner Stella Ullmann had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of Account Owner Stella Ullmann.

*Claimant [REDACTED 2]*

Claimant [REDACTED 2] has plausibly identified the Account Owners. Claimant [REDACTED 2]'s grandfather's wife's name matches the published name of Account Owner Therese Ullmann, and his paternal aunts' names match the published names of Account Owner Stella Ullmann and Johanna Ullmann. In addition, Claimant [REDACTED 2] identified the Account Owners' cities and countries of residence, the relationship between the Account Owners, Account Owner Therese Ullmann's date of death, Account Owner Stella Ullmann's street address and husband's name,<sup>5</sup> and [REDACTED]'s husband's profession and title, which match unpublished information about the Account Owners contained in the Bank's records.

In support of his claim, Claimant [REDACTED 2] submitted documents, including the last page from a book entitled *Alon Brachot*, indicating that a "Mrs. Resel" died on 27 October 1937 in Vienna, that a "Mrs. Shifra" perished in Auschwitz on 6 June 1944, and that a "[REDACTED]" perished in Auschwitz on 6 June 1944, providing independent verification that the persons who are claimed to be the Account Owners had the same first names recorded in the Bank's records as the first names or name variations of the Account Owners,<sup>6</sup> and that the person who is claimed to be Account Owner Therese Ullmann had the same date and place of death recorded in the Bank's records as the date and place of death of Account Owner Therese Ullmann.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Stella Ullmann, and indicates that her place of birth was Oradea, which matches the information about Account Owner Stella Ullmann 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 the other claims to this account were disconfirmed because those claimants provided a different city and country of residence, maiden name, date of birth, or married name than the city and country of residence, maiden name, date of birth, and married name of one or more of the Account Owners.

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<sup>4</sup> The CRT notes that "[REDACTED]" is the German variation of "[REDACTED]," "[REDACTED]," "[REDACTED]," and "[REDACTED]."

<sup>5</sup> The CRT notes that "[REDACTED]" is the Hungarian pet form of "[REDACTED]."

<sup>6</sup> The CRT notes that Claimant [REDACTED 2] indicated that the alternate first names for his grandfather's wife Therese and his paternal aunts Stella and [REDACTED] were Resel, Shifra, and [REDACTED], respectively.

### Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that Account Owner Stella Ullmann was a Victim of Nazi Persecution. Claimant [REDACTED 1] indicated that Account Owner Stella Ullmann was Jewish, and that she perished at the hands of the Nazis in 1944 or 1945.

Claimant [REDACTED 2] has made a plausible showing that Account Owner Stella Ullmann was a Victim of Nazi Persecution. Claimant [REDACTED 2] indicated that the Account Owners were Jewish, and that Account Owner Stella Ullmann perished in Auschwitz in 1944.<sup>7</sup> The CRT notes that while Account Owner Therese Ullmann was not a Victim of Nazi Persecution, her daughters were Victims of Nazi Persecution. Claimant [REDACTED 2] stated that Stella and [REDACTED], who were Account Owner Therese Ullmann's sole heirs, perished in Auschwitz on 6 June 1944.

As noted above, a person named Stella Ullmann was included in the CRT's database of victims.

### The Claimants' Relationship to the Account Owners

#### *Claimant [REDACTED 1]*

Claimant [REDACTED 1] has plausibly demonstrated that he is related to Account Owner Stella Ullmann by submitting specific biographical information and documents, demonstrating that Account Owner Stella Ullmann was Claimant [REDACTED 1]'s stepmother and adoptive mother. These documents include a page of testimony he submitted in 1956 to the Yad Vashem Memorial of Israel, indicating that Stella Sonnenfeld was his stepmother. The CRT notes that Claimant [REDACTED 1] identified unpublished information about Account Owner Stella Ullmann as contained in the Bank's records. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Stella Ullmann 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 Account Owner Stella Ullmann, as he has asserted in his Claim Form.

#### *Claimant [REDACTED 2]*

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owners by submitting specific biographical information, demonstrating that Account Owner Therese Ullmann was Claimant [REDACTED 2]'s grandfather's wife, and that Account Owner Stella Ullmann and [REDACTED] were Claimant [REDACTED 2]'s paternal aunts. The CRT notes that Claimant [REDACTED 2] identified unpublished information about the Account Owners as contained in the Bank's records. The CRT further notes that Claimant [REDACTED 2] submitted a copy of the last page from a book entitled *Alon Brachot*, containing information

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<sup>7</sup> The CRT notes that Claimant [REDACTED 1] stated that his adoptive mother perished in Riga, Latvia, while Claimant [REDACTED 2] stated that she perished in Auschwitz. The CRT determines that this discrepancy does not materially alter the Claimants' identification of Account Owner Stella Ullmann.

matching unpublished information about the Account Owners contained in the Bank's records. As the book does not mention the full names or surnames of the Account Owners, the CRT notes that it is plausible that this document is a document which most likely only a family member would submit to the CRT. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to Claimant [REDACTED 2] as family members, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owners, as he has asserted in his Claim Forms.

There is no information to indicate that the Account Owners have surviving heirs other than the party Claimant [REDACTED 2] is representing.

#### The Issue of Who Received the Proceeds

Given that Account Owner Therese Ullmann died in Vienna on 27 October 1937, and that her sole heirs, Account Owner Stella Ullmann, who took over the account upon her death, and [REDACTED] perished in Auschwitz on 6 June 1944; that there is no record of the payment of the Account Owners' account to them nor any record of a date of closure of the account; that the Account Owners' heirs would not have been able to obtain information about their 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 (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 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 Claimant [REDACTED 1]. 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 Account Owner Stella Ullmann was his stepmother and adoptive mother, and that relationship justifies 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 account.

The CRT notes that Claimant [REDACTED 1], as Account Owner Stella Ullmann's adopted son, has a better entitlement to the account than Claimant [REDACTED 2] and represented party [REDACTED 3], who are Account Owner Stella Ullmann's half-nephews.

#### Amount of the Award

In this case, the Account Owners held one demand deposit account. The Bank's records indicate that the value of the account as of 31 December 1937 was SF 1,501.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to

be SF 2,140.00. 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 26,750.00.

#### Division of the Award

The CRT notes that the Bank's records indicate that after Account Owner Therese Ullmann's death, the proceeds of the account were transferred into an account under the sole name of Account Owner Stella Ullmann.

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. According to Article 46(5) of the Rules, a "child" of the Account Owner means both a biological and an adopted child. In this case, Claimant [REDACTED 1] is Account Owner Stella Ullmann's adopted child, and therefore is entitled to the entire award amount. As noted above, Claimant [REDACTED 2] and the party he represents are not entitled to share in 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