

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Leopold Ullmann

Claim Number: 402257/NB

Award Amount: 42,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the "Claimant") to the published accounts of Leopold Ullmann (the "Account Owner") at 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.

Information Provided by the Claimant

The Claimant submitted a Claim Form, identifying the Account Owner as his maternal grandfather, Léopold Ullmann, who was born on 22 July 1870 in Mainz, Germany, to [REDACTED] and [REDACTED], née [REDACTED], and was married to [REDACTED], née [REDACTED], who was born on 15 February 1873 in Aschaffenburg, Germany. The Claimant stated that his grandfather, who was Jewish, was a wealthy businessman who owned an auction house, that he resided at 37 Lauterenstrasse, Mainz, and that he had three children, [REDACTED] (the Claimant's mother) who was born on 24 December 1898 in Mainz; [REDACTED], who was born on 8 December 1899 possibly in Mainz; and [REDACTED], who was born in 1900 and died in 1901. In a telephone conversation with the CRT, the Claimant explained that he last saw his grandfather on the day after the *Kristallnacht* (the "Night of Broken Glass") pogrom on 9 November 1938, during which his grandfather's house had been broken into and damaged. According to the Claimant, his grandfather, who attempted to join his son in the United States, died of hepatitis in Havana, Cuba, on 6 October 1941.

In support of his claim, the Claimant submitted copies of: 1) his grandfather's death certificate, issued by the Cuban authorities, which indicates that Leopold Weman, whose real name was Leopold Ullmann, was a German citizen, who died on 6 October 1941, at the age of 71 in Cuba; 2) his grandfather's certificate of inheritance, dated 19 December 1949, which indicates that Leopold Ullmann, who last resided in Mainz, died on 5 October 1941 in Havana, Cuba, on his way to the United States, and that his estate was to be divided equally between his children,

[REDACTED], née [REDACTED], who resided in Brussels, Belgium, and [REDACTED], who resided in New York, the United States; 3) a letter sent by [REDACTED] to his sister, dated 6 October 1941, indicating that his father, who had left Germany for Lisbon, Portugal, en route to Cuba, died in the hospital in Havana, at 8:00 am on the morning of 6 October 1941; 4) his mother death's certificate, which indicates that [REDACTED], née [REDACTED], died on 27 May 1969, leaving her husband, [REDACTED], and her son, [REDACTED], as her legal heirs; and 5) the Claimant's family tree, which indicates that [REDACTED] was the son of [REDACTED], née [REDACTED], who was the daughter of Léopold Ullmann.

The Claimant indicated that he was born on 27 September 1930 in Brussels, Belgium.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Leopold Ullmann, who resided in Mainz, Germany, and later in Strasbourg, France.

The Bank's record indicates that the Account Owner held a safe deposit box, number 971, which was opened on 5 September 1936, and a demand deposit account, which was opened on 20 January 1938. The dates of closure of these accounts are illegible. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. The Bank's record does not indicate the value of these accounts.

There is no evidence in the Bank's record that the Account Owner, or his heirs, closed the accounts and received the proceeds.

The CRT's Analysis

Identification of the Account Owner

The Claimant's maternal grandfather's name matches the published name of the Account Owner. The Claimant also identified one of the Account Owner's cities and countries of residence, which matches unpublished information about the Account Owner, as contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including his grandfather's certificate of inheritance, which indicates that Leopold Ullmann, who last resided in Mainz, Germany, died on 5 October 1941 in Havana, Cuba, providing independent verification that the person who is claimed to be the Account Owner had the same name, and resided in one of the same cities and countries of residence recorded in the Bank's record as the name, and one of the cities and countries of residence of the Account Owner.

The CRT notes that the Claimant did not identify the city of Strasbourg, France. However, the CRT notes that the Claimant was a child during the Second World War, and that he last saw his grandfather at his residence in Mainz, following *Kristallnacht* in November 1938. Therefore, the CRT determines that it is plausible that the Claimant would not know all the cities through which his grandfather may have transited from the time he escaped Germany and the time he departed from Lisbon, Portugal to Cuba in 1941. The CRT notes that Strasbourg is located southwest of Mainz, and that it is possible that the Claimant's grandfather passed through Strasbourg on his way to Lisbon.

The CRT notes that the other claim to this account has been disconfirmed because that claimant provided a different country of residence than the countries of residence of the Account Owner.

Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, that he lived in Nazi Germany, where his house was attacked and damaged during *Kristallnacht*, and that he died in 1941 after fleeing Europe.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's maternal grandfather. These documents include his grandfather's certificate of inheritance, which indicates that Leopold Ullmann is the father of [REDACTED], née [REDACTED], and his mother's death certificate, which indicates that [REDACTED], née [REDACTED], is the mother of [REDACTED].

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner died in 1941, that there is no record of the payment of the Account Owner's accounts to him, and that the closure dates of the accounts are illegible in the Bank's records; that the Account Owner's heirs would not have been able to obtain information about the 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 (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 Owner, or his 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 the Account Owner was his maternal grandfather and this relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held a safe deposit box and a demand deposit 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 investigation carried out pursuant to the ICEP Investigation, in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs ("SF"), and the average value of a demand deposit account was SF 2,140.00. Thus, the combined 1945 average value for the two accounts at issue is SF 3,380.00. 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 42,250.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
13 February 2009