

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

and to Claimant [REDACTED 3]

## **in re Account of Sigmund Samuel Feist and Toni Feist**

Claim Numbers: 400706/AZ/AC; 400716/AZ/AC; 705450/AZ/AC<sup>1</sup>

This Certified Denial is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Sigmund Samuel Feist and Toni Feist and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the accounts of Gertrud Falk and Joseph Falk.<sup>2</sup> This Denial is to the published account of Sigmund Samuel Feist (“Account Owner S. Feist”) and Toni Feist “Account Owner T. Feist”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>3</sup>

All denials 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.

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<sup>1</sup> Claimant [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0668107, 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 705450.

<sup>2</sup> The CRT will treat Claimant [REDACTED 3]’s claims to the accounts of Gertrud and Joseph Falk in separate determinations.

<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 Sigmund Samuel Feist and Toni Feist are each indicated as having an account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account, which was jointly held by the Account Owners.

## Information Provided by the Claimants

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted Claim Forms identifying the Account Owners as his maternal grandparents, Dr. Sigmund (Siegmond) Samuel Feist and Antonie (Toni) Feist, née Rawicz (Ravicz), who were born on 12 June 1865 in Mainz, Germany and on 14 July 1880 in Schmieheim, Germany, respectively, and who were married in 1902. Claimant [REDACTED 1] indicated that his grandparents, who lived in Mainz until 1906, had two children: [REDACTED], née [REDACTED], (Claimant [REDACTED 1]'s mother), who was born in Mainz on 11 October 1903, and [REDACTED], née [REDACTED], who was born in Mainz on 2 November 1904.

Claimant [REDACTED 1] indicated that his grandfather, who was Jewish, was a well-known German linguist but that beginning in 1906 he could not obtain a position as a university professor due to anti-Semitism. According to Claimant [REDACTED 1], the family then moved to Berlin, where Claimant [REDACTED 1]'s grandfather was the director of an orphanage for Jewish children, which he ran with his wife until his retirement in 1935. Claimant [REDACTED 1] also indicated that, while residing in Berlin, his grandfather published two editions of a Gothic German dictionary.

Claimant [REDACTED 1] indicated that his grandparents, who were Jewish, fled Germany in 1939 and became refugees in Copenhagen, Denmark, where Claimant [REDACTED 1]'s grandfather died on 23 March 1943. According to Claimant [REDACTED 1], when the Nazis began to threaten Danish Jews, later in 1943, his grandmother fled again to Mölnbo, Sweden. Claimant [REDACTED 1] further explained that, in 1945, his grandmother emigrated to the United States via London, England, where she resided temporarily. Furthermore, Claimant [REDACTED 1] indicated that, until her death, his grandmother resided with her daughter (Claimant [REDACTED 1]'s mother) and her family in the United States. Finally, Claimant [REDACTED 1] indicated that his grandmother died in Stanford, New York, the United States, on 10 February 1952.

Claimant [REDACTED 1] provided extensive documentation in support of his claim, including: (1) his grandparents' birth and death certificates, indicating that Samuel Siegmund Feist was born in 1865 in Mainz, and died on 23 March 1943, and that Toni Rawicz was born in 1880 in Schmieheim and died on 10 February 1952; (2) his grandfather's German identification card, dated 29 March 1939, indicating that Dr. Siegmund Feist was Jewish, and that he resided in Berlin; (3) his grandmother's British identification card and American certificate of naturalization, indicating that Toni Feist was originally from Germany; (4) orders of a probate court in Berlin, dated 12 September 1952, regarding the disposition of his grandparents' estates, indicating that Dr. Samuel Siegmund Feist's estate was to be divided between his widow, Toni Feist, née Ravicz (1/4), and his daughters, [REDACTED], née [REDACTED] (3/8), and [REDACTED], née [REDACTED] (3/8), and that the estate of Toni Feist, née Ravicz was to be divided in equal shares between her daughters, [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED]; (5) his mother's and aunt's death certificates and wills, indicating that [REDACTED], who was the daughter of Sigmund and Toni Feist, died on 10

December 1981, and that her estate was to be divided in equal shares between her nephews, [REDACTED 2] and [REDACTED 1], and that [REDACTED], who was the daughter of Samuel Sigmund Feist and Toni Rawicz, died on 8 May 1998, and that her residual estate was to be divided in equal shares between her sons, [REDACTED 2] and [REDACTED 1]; and (6) his own birth certificate and that of his brother, indicating that [REDACTED 1] and [REDACTED 2] were born to [REDACTED] and [REDACTED], who were from Germany. Claimant [REDACTED 1] also submitted family letters from the period 1938 to 1945 as well as selections from several published works, including a revised 1986 edition of the dictionary written by his grandfather and a memoir written by his mother in 1970.

In addition, Claimant [REDACTED 1] submitted correspondence between his grandparents and the *Dresdner Bank* in Berlin and the Bank in Zurich. This correspondence includes a letter from the *Dresdner Bank* to Dr. Samuel Sigmund Feist or *Frau* (Mrs.) Toni Sara Feist, at an address in Copenhagen, dated 10 July 1941, confirming that 207.08 Swiss Francs (“SF”) was being transferred to their account at the Bank in Zurich. A second letter, dated 6 August 1941, is from the Bank to Claimant [REDACTED 1]’s grandfather, residing at the same Copenhagen address, and concerns the opening of a joint demand deposit account in the name of Dr. Sigmund Samuel Feist and Toni Feist, née Rawicz. This letter indicates that the recipient had neglected to sign a duplicate copy of the Bank’s terms and conditions.

Claimant [REDACTED 1] indicated that he was born on 22 February 1942 in Rhinebeck, New York, the United States. Claimant [REDACTED 1] is representing his brother, [REDACTED 2], who was born on 29 November 1939, also in Rhinebeck.

#### Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to the account of his grandmother Gertrud Falk.

In additional correspondence with the CRT, dated 11 February 2005, Claimant [REDACTED 3] indicated that he had seen the names Toni Feist and Sigmund Samuel Feist on the January 2005 List of additional accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “2005 List”). Claimant [REDACTED 3] further indicated that he believed these individuals to be his distant cousin Antonie (Toni) Feist, née Rawicz, who was born in 1880 and died in 1952, and her husband Samuel Sigmund Feist, who was born in 1865 and died in 1942. In addition, Claimant [REDACTED 3] indicated that his relative and her husband had two children: [REDACTED], who died without issue, and [REDACTED], née [REDACTED], who was born in 1904 and died in 1998 and who had two sons still living in the United States. Finally, Claimant [REDACTED 3] indicated that he would inform these remaining descendants (Claimant [REDACTED 3]’s distant cousins) that their grandparents’ names were on the 2005 List and that they should make a claim to these accounts.

Claimant [REDACTED 3] indicated that he was born on 11 August 1962.

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

The Bank's record consists of a contract to open a joint account, dated 6 August 1941 and a printout from the Bank's database. 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/these accounts ("Voluntary Assistance"). The Bank provided the CRT with an additional document, consisting of a copy of the Bank's terms and conditions, signed by the Account Owners on 12 August 1941. According to these records, the Account Owners were Dr. Sigmund Samuel Feist and Toni Feist, née Rawicz, who resided in Copenhagen, Denmark. The Bank's records indicate that the Account Owners held one account, the type of which is not indicated. According to the Bank's records, the account was opened on 6 August 1941 and was closed on 27 February 1946. The Bank's records do not indicate the value of this account. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account 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 three claims of the Claimants in one proceeding.

### Identification of the Account Owners

The Claimants, who are related, have plausibly identified the Account Owners. The Claimants' relatives' names match the published names of the Account Owners. The Claimants also identified the Account Owners' city of residence, as well as the professional title of Account Owner S. Feist and the maiden name of Account Owner T. Feist, which matches unpublished information regarding the Account Owners contained in the Bank's record.

In support of his claim, Claimant [REDACTED 1] submitted documents, including (1) his grandparents' birth and death certificates; (2) his grandfather's German identification card; (3) his grandmother's British identification card and American certificate of naturalization; (4) orders of a probate court in Berlin regarding the disposition of his grandparents' estates; (5) his mother's and aunt's death certificates, providing independent verification that the persons who are claimed to be the Account Owners had the same names (including maiden name) and titles and resided in the same town recorded in the Bank's records as the names, titles, and city of residence of the Account Owners.

The CRT notes that there were no other claims to this account.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, that they resided in Nazi Germany, and that they fled Germany in 1939. Claimant [REDACTED 1] further stated that his grandmother fled Nazi persecution again in 1943, ultimately emigrating to the United States. Claimant [REDACTED 1] submitted correspondence regarding his grandmother's status as a refugee and her attempts to gain entry into the United States.

### The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were Claimant [REDACTED 1]'s grandparents and Claimant [REDACTED 3]'s distant relatives. These documents include (1) orders of a probate court in Berlin, indicating that Dr. Samuel Sigmund Feist and Toni Feist, née Ravicz, had two daughters, [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED]; (2) Claimant [REDACTED 1]'s mother's and aunt's death certificates and wills, indicating that [REDACTED] and [REDACTED] were the daughters of Sigmund and Toni Feist, and that Elisabeth Feist Hirsch had two sons, [REDACTED 2] and [REDACTED 1]; and (3) Claimant [REDACTED 1]'s birth certificate and that of his brother, indicating that their mother was [REDACTED]. There is no information to indicate that the Account Owners have surviving heirs other than the party whom Claimant [REDACTED 1] is representing.

### The Issue of Who Received the Proceeds

The CRT notes that Claimant [REDACTED 1] submitted documents, including a letter from the *Dresdner Bank* to Dr. Samuel Sigmund Feist or *Frau* (Mrs.) Toni Sara Feist, at an address in Copenhagen, dated 10 July 1941, confirming that SF 207.08 was being transferred to their account at the Bank in Zurich, and another letter, dated 6 August 1941, from the Bank to Claimant [REDACTED 1]'s grandfather, residing at the same Copenhagen address, regarding the opening of a joint demand deposit account in the name of Dr. Sigmund Samuel Feist and Toni Feist, née Rawicz. This correspondence clearly shows that the Account Owners were able to access their assets in Germany, transfer them to their account at the Bank, and maintain contact with the Bank about their account while they were in Copenhagen. The CRT notes that the opening contract, dated 6 August 1941, contained in the Bank's records corresponds to the letter submitted by Claimant [REDACTED 1] regarding the opening contract for a joint demand deposit account, and therefore determines that the account held by the Account Owners was a demand deposit account and that this is the account referred to in both documents.

The CRT further notes that the Bank's records indicate that the account was closed on 27 February 1946, and that the Claimants stated that Account Owner T. Feist emigrated in 1945 to the United States via the United Kingdom. Given that the Account Owners maintained contact with the Bank while in Copenhagen, that they were able to transfer money from the *Dresdner Bank* in Berlin to their account at the Bank in July 1941, that the account at the Bank was closed after the War and while Account Owner T. Feist resided in the United States, the CRT concludes

that Account Owner T. Feist had access to the account and was able to receive the proceeds herself.

### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimants may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimants should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

### **Scope of the Denial**

The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

Claims Resolution Tribunal  
31 August 2007