

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Dr. [REDACTED]

in re Account of Adolphe (Ad) Adler

Claim Number: 205358/ES

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Dr. [REDACTED] (the "Claimant") to the published account of Adolphe (Ad) Adler (the "Account Owner") at the Geneva branch of the [REDACTED] (the "Bank").¹

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 paternal grandfather, Adolphe or Adolf Adler, who was born on 23 June 1872 in Lieblos, Germany, and was married to [REDACTED], née [REDACTED], on 19 January 1908 in Frankfurt am Main, Germany. The Claimant stated that his grandparents had one son: [REDACTED], the Claimant's father, who later changed his surname to [REDACTED]. The Claimant indicated that his paternal grandfather resided at Wolfsgangstrasse 2 in Frankfurt am Main from at least 1927 to 1940 and was the owner of the company *A. Adler & Co., Weingrosshandlung* (a wholesale wine business) in Bleichstrasse 28, Frankfurt am Main. The Claimant indicated that [REDACTED], his father, attended university in Geneva, Switzerland. In a telephone conversation with the CRT on 13 December 2001, the Claimant indicated that his father resided in Geneva from approximately 1925 to 1929 while studying law at the University of Geneva. The Claimant also stated that it was possible that his grandfather visited his father in Geneva during that period. The Claimant stated that his grandfather, who was Jewish, fled to the United States in 1940 and lived there in Champaign, Illinois, until his death on 28 August 1950. The Claimant indicated that [REDACTED] died on 25 March 1983 in Long Beach, California, the United States, and that his father died on 9 February 1986, also in Long Beach.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably those of Victims of Nazi Persecution (the "ICEP List"), the name Adolphe Adler was published twice: once as Adler, Ad (AKA Adler, Adolphe) [1]; and once as Adler, Adolphe (AKA Adler, Ad) [1]. Upon careful review, the CRT has concluded that the Bank's records evidence the existence of only one account.

The Claimant submitted numerous documents, including his own birth certificate, indicating his father was [REDACTED]; his father's United States certificate of naturalization, indicating his name change from [REDACTED] to [REDACTED]; his grandparents' marriage certificate, indicating that Adolf Adler was married to [REDACTED] in Frankfurt am Main on 19 January 1908; his grandfather's death certificate, indicating that Adolf Adler was born in Germany and was married to [REDACTED]; his grandmother's death certificate, indicating that [REDACTED] was her son, and his father's death certificate; indicating that the Claimant was his son and that Adolf Adler was his father.

The Claimant indicated that he was born on 28 December 1946 in Waterloo, Iowa, the United States.

Information Available in the Bank's Records

The Bank's records consist of excerpts from a suspense account ledger. According to these records, the Account Owner was Adolphe (Ad) Adler, who resided in Geneva, Switzerland. The Bank's records indicate that the Account Owner held an account, but do not indicate its type.

The Bank's records indicate that the account was transferred on or before 12 May 1937 to a suspense account for dormant assets. The amount in the account on the date of its transfer was 8.00 Swiss Francs. The last known date of existence of the account is 16 June 1939.

The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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 Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal grandfather's name is substantially similar to the published name of the Account Owner. The Claimant stated that his father resided in Geneva, Switzerland from approximately 1925 to 1929 while studying law at the University of Geneva and that it was possible that his grandfather visited his father in Geneva during this period, which matches unpublished information about the Account Owner's address contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and city of residence. In support of his claim, the Claimant submitted documents, including his grandparents' marriage certificate, indicating that Adolf Adler was married to [REDACTED] in Frankfurt am Main on 19 January 1908; his grandfather's death certificate, indicating that Adolf Adler was born in Germany and was married to [REDACTED], and his father's death certificate, indicating that Adolf Adler was his father, providing independent verification that the person who is claimed to be the

Account Owner had substantially the same name as the one recorded in the Bank's records as the name of the Account Owner. Furthermore, the CRT notes that the other claims to this account were disconfirmed because those claimants did not establish a connection to Geneva, Switzerland. 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 and resided in Nazi Germany until 1940, when he fled to the United States.

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 his grandfather. These documents include his father's death certificate, indicating the Claimant was his son and that Adolf Adler was his father. 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 resided in Germany until 1940, when he fled to the United States; that the account was transferred to a suspense account in 1937; that there is no record of the payment of the Account Owner's accounts to him or his heirs, nor any record of the closure of the account at issue; that the Account Owner or his heirs would not have been able to obtain information about his 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 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 grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 12 May 1937 was 8.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than

3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
8 June 2004