

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants Manfred Max Sonneberg and Anthony Joseph Adler

in re Account of Max Adler

Claim Numbers: 213323/JT; 300550/JT¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claims of Manfred Max Sonneberg (“Claimant Sonneberg”) to the account of Josef Sonneberg and Anthony Joseph Adler (“Claimant Adler”) (together the “Claimants”) to the account of Max Adler (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”). This award is to the unpublished account of Max Adler.

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimants

Information Provided by Claimant Adler

Claimant Adler submitted a Claim Form identifying the Account Owner as his paternal grandfather, Max Adler, who was born on 22 July 1900 in Neuhof, Germany, and was married to Sara Adler, née Sachs, on 17 February 1929 in Leipzig, Germany. Claimant Adler indicated that his grandmother was born on 28 January 1906 and that his grandparents had one child, Elkan Adler, Claimant Adler’s father, who was born on 12 June 1931 and passed away on 22 December 1962 in Frankfurt am Main, Germany. Claimant Adler stated that his grandfather was a banker who resided at 17 Eckenheimerlandstrasse in Frankfurt am Main. According to Claimant Adler, his grandfather had connections in Switzerland and gave money to someone to deposit in a bank account on his behalf. Claimant Adler indicated that the intermediary did not survive the Second World War. Claimant Adler further indicated that the *Gestapo* forced his grandmother to write to the Swiss bank where she and her husband had assets asking the Bank to send her money, which the *Gestapo* would then confiscate. Claimant Adler explained that his grandmother was eventually able to stop the money from coming. Claimant Adler stated that his grandfather fled Germany for the Netherlands in 1936, where he stayed until 1939 when he fled

¹ Claimant Sonneberg submitted an additional claim to the account of *Sonneberg & Söhne*, which is registered under the Claim Number 216856. The CRT will treat the claim to this account in a separate decision.

to England. Claimant Adler further stated that his father, Elkan Adler, was interned at Westerbork concentration camp in The Netherlands and at the Bergen-Belsen and Biberach concentration camps in Germany, and that he eventually went to London, England, in 1946. Claimant Adler indicated that his grandmother passed away in February 1984 in England, and that his grandfather passed away on 22 July 1990, also in England. Claimant Adler submitted documents in support of his claim, including a family tree; his grandfather's British National Registration Card, identifying him as Max Adler; his grandparents' marriage certificate, identifying them as Max Adler and Sara Sachs of Frankfurt am Main; and his parents' marriage certificate, identifying the father of the groom as Max Adler. Claimant Adler indicated that he was born on 23 May 1961 in London, England.

Claimant Adler previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Max Adler.

Information Provided by Claimant Sonneberg

Claimant Sonneberg submitted a Claim Form identifying the Account Owner as his maternal uncle, Max Adler, who was born on an unspecified date in Neuhoof, Germany. Claimant Sonneberg explained that his mother, Frieda Sonneberg, née Adler, and Max Adler were siblings. Claimant Sonneberg indicated that his uncle was a banker from Frankfurt am Main, Germany, and that he lived in Frankfurt am Main until 1937, but that he does not know where he lived after that time. Claimant Sonneberg stated that he remembers that his father, Josef Sonneberg, mentioned that his brother-in-law, Max Adler, used a Swiss intermediary to open a bank account. Claimant Sonneberg further stated that he fled to The Netherlands in December 1938, and that his parents followed soon after in May 1939. Claimant Sonneberg indicated that he does not know his uncle's date of death. Claimant Sonneberg submitted a family tree in support of his claim. Claimant Sonneberg indicated that he was born on 24 March 1924 in Germany.

Claimant Sonneberg previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by "Adler."

Information Available in the Bank Records

The bank records contain correspondence with Bank, dated 15 March 1940, and printouts from the Bank's database. According to these records, the Account Owner was Herren M. Adler & Co. of Amsterdam. The bank records indicate that the Account Owner held an account of unknown type. The bank records also include a letter written by Max Adler, who resided at Albr. Dürerstraat 41 hs. in Amsterdam, The Netherlands, asking that the balance of the account of Louis van Dort, an amount of 290.00 Swiss Francs, be transferred to the account of Herren M. Adler & Co. The bank 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 records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant Adler has plausibly identified the Account Owner. His grandfather’s name and city of residence match the unpublished name and city of residence of the Account Owner. In support of his claim, the Claimant submitted documents, including a family tree, his grandparents’ marriage certificate identifying his grandfather as Max Adler, and his parents’ marriage certificate identifying the father of the groom as Max Adler.

The CRT notes that Claimant Adler filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Max Adler, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that Claimant Adler has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant Adler had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant Adler.

The CRT also notes that a database containing the names of victims of Nazi persecution includes a person named Max Adler, and indicates that his date of birth was 22 July 1900 and address was 17 Eckenheimerlandstrasse in Frankfurt, Germany, which matches the information about the Account Owner provided by Claimant Adler. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Claimant Sonneberg has also plausibly identified the Account Owner. His uncle’s name and city of residence match the unpublished name and city of residence of the Account Owner. In support of his claim, the Claimant submitted a family tree.

The CRT has determined that Claimant Adler’s grandfather and Claimant Sonneberg’s uncle is the same person.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant Adler and Claimant Sonneberg have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he lived in Nazi-occupied Germany. Claimant Adler also stated that the Account Owner fled Germany for the Netherlands and England. As noted above, a person named Max Adler was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that the Account Owner is Claimant Adler's grandfather and Claimant Sonneberg's uncle by submitting documents demonstrating these relationships.

The Issue of Who Received the Proceeds

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 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 Claimant Adler. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant Adler 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. 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According Article 23 of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares

by representation. In this case, Claimant Adler, as the grandchild of the Account Owner, is a direct descendant of the Account Owner; and Claimant Sonneberg, as the nephew of the Account Owner, is not a direct descendant of the Account Owner. Therefore, Claimant Adler is entitled to receive 100% of the total 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
April 24, 2003