

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1],  
also acting on behalf of [REDACTED 2],

and [REDACTED 3]

## **in re Account of Robert Anninger**

Claim Numbers: 211935/AX; 221320/AX

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Robert Anninger, and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of [REDACTED].<sup>1</sup> This Award is to the published account of Robert Anninger (the “Account Owner”) at the Zurich branch of 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 Claimants**

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, Dr. Robert Peter Anninger, who was born on 10 May 1909 in Vienna, Austria, and was married to [REDACTED], née [REDACTED], on 24 November 1936 in Vienna. According to Claimant [REDACTED 1], her parents had two children: [REDACTED] and Claimant [REDACTED 1]. Claimant [REDACTED 1] stated that her father, who was Jewish, owned a textile manufacturing company named *Spinnerei-Weberei Teesdorf AG* in Vienna. Claimant [REDACTED 1] further stated that her father resided at Lannerstrasse 36 in Vienna XVIII until 1938, when he was forced to flee from Austria to the United States. Claimant [REDACTED 1] stated that her father died on 19 July 1971 in Thurgau, Switzerland, and that her mother died on 12 September 1985 in

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<sup>1</sup> The CRT notes that [REDACTED] was the Power of Attorney Holder for the account of [REDACTED]. The CRT has awarded the account of [REDACTED] to another claimant. See *In re Account of [REDACTED]* (approved on 23 January 2003). The CRT has issued a Certified Denial to the Claimants to the account of [REDACTED], over which [REDACTED] held power of attorney. See *In re Account of [REDACTED] (Power of Attorney Holder [REDACTED])* (approved on 28 July 2004).

Chatham, Massachusetts, the United States. Claimant [REDACTED 1] submitted her own birth certificate; her sister's baptism certificate, indicating her father's name was Robert Peter Anninger; her father's death certificate, indicating his name was Robert Anninger; and her father's will, indicating Robert Peter Anninger's daughter is Claimant [REDACTED 1] and his nephew is Claimant [REDACTED 3]. Robert Anninger's will further indicates that a trust was to be created for his living children, Claimant [REDACTED 1] and her sister, [REDACTED 2], until they reached the age of 30, upon which his children were to be entitled to the entire balance of the trust in equal shares. Claimant [REDACTED 3] was to inherit the Estate of Robert Anninger if all Robert Anninger's heirs were deceased at the time of his death. Claimant [REDACTED 1] indicated that she was born on 15 September 1943 in New York, New York, the United States. Claimant [REDACTED 1] represents her sister, [REDACTED 2], née [REDACTED], who was born on 6 June 1949 in New York.

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his paternal uncle, Robert Anninger. Claimant [REDACTED 3] stated that his uncle, his father, [REDACTED], and his aunt, [REDACTED], née [REDACTED], were the children of [REDACTED] and [REDACTED], née [REDACTED]. In support of his claim, Claimant [REDACTED 3] submitted his own birth certificate, which indicates his father was [REDACTED], and his father's birth certificate, which indicates that [REDACTED]'s father was [REDACTED]. Claimant [REDACTED 3] indicated that he was born on 25 May 1942 in New York.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Robert Anninger who was "from Vienna" ("*aus Wien*"). The Bank's record indicates that the Account Owner held a safe deposit box numbered 1902. The safe deposit box was opened on 14 April 1938 and closed on 6 May 1939. The value of the safe deposit box on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets (the "1938 Census"). In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Otto Anninger, numbered 37886. According to these documents, [REDACTED] was abroad ("*jetzt im Ausland*") at the time these forms were completed in July 1938. These documents indicate that [REDACTED] was born on 20 February 1874, that he was married to [REDACTED], née [REDACTED], and that he resided at Lannerstrasse 36 in Vienna XIX. According to these documents, [REDACTED] owned 50 percent of the company *Wm. Abeles & Co.* valued at 997,526.00 Reichsmark ("RM"). These records also show that [REDACTED] held various securities valued at RM 1,042,102.98, including 1217 shares of *Spinnerei & Weberei Teesdorf*

*Schönau AG* valued at RM 152,125.00. According to these records, [REDACTED]'s real estate, which included his house on Lannerstrasse 36, was valued at RM 195,847.00. In addition, these records indicate that [REDACTED] annually transferred his profits in the company *Wm. Abeles & Co* to both of his sons, Dr. Robert Anninger and [REDACTED]. These records make no mention of assets held in a Swiss bank account.

## **The CRT's Analysis**

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

The Claimants have plausibly identified the Account Owner. The Claimants' relative's name and city of residence match the published name and city of residence of the Account Owner. Claimant [REDACTED 1] stated that her father held the title of Doctor, which matches the unpublished title of the Account Owner contained in the Bank's record. Claimant [REDACTED 1] stated that her father resided at Lannerstrasse 36 in Vienna, which matches information about Robert Anninger's father, [REDACTED], contained in the documents at the Austrian State Archive. In support of her claim, Claimant [REDACTED 1] submitted documents, including her sister's baptism certificate and her father's will, indicating her father's name was Robert Anninger, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that there are no other claims to this account.

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

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that her father was Jewish, and was forced to flee Austria in 1938 to escape Nazi persecution.

### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father and Claimant [REDACTED 3]'s uncle. These documents include Claimant [REDACTED 1]'s father's will, indicating Robert Peter Anninger's daughter is Claimant [REDACTED 1] and his nephew is Claimant [REDACTED 3]. There is no information to indicate that the Account Owner has surviving heirs other than the party which Claimant [REDACTED 1] represents.

## The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 6 May 1939, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 there is a sufficient probability 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 [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her father, 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. Further, the CRT notes that Claimant [REDACTED 1] and her sister, as the Account Owner's daughters and the Account Owner's heirs according to his will, have a better entitlement to the account than Claimant [REDACTED 3], the Account Owner's nephew.

## Amount of the Award

In this case, the Account Owner held one safe deposit box. 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 instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs ("SF"). 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 15,500.00.

## Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for

distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim.

Claimant [REDACTED 1] is representing her sister, [REDACTED 2]. In this case, Claimant [REDACTED 1] has submitted her father's will, which instructed a trust to be created for his living children, Claimant [REDACTED 1] and her sister, [REDACTED 2], until they reached the age of 30, upon which his children were to be entitled to the entire balance of the trust in equal shares. Both Claimant [REDACTED 1] and her sister are still living and have reached the age of 30. Accordingly, Claimant [REDACTED 1] and her sister are each entitled to one-half 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  
25 October 2004