

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Herbert Kolb  
also acting on behalf of Manfred Hessdörfer

## **in re Account of Emma Baer**

Claim Number: 206744/EZ<sup>1</sup>

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of Herbert Kolb (the “Claimant”) to the account of Hugo Kolb.<sup>2</sup> This Award is to the account of Emma Baer (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

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 Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandmother, Emma Kolb, née Baer, who was Jewish and was born on 10 February 1861 in Germany to Johan Julius Baer and Babette Baer, née Wilmersdörfer. Emma Kolb was married to Hermann Kolb. The Claimant stated that they lived in Nürnberg, Germany, where Hermann was a cattle and horse dealer, and that they had two sons: the Claimant’s father, Bernhard Kolb; and Hugo Kolb. Hermann Kolb died in 1891 in Germany, and Emma Kolb, née Baer, died on 9 October 1935 from natural causes. The Claimant stated that Bernhard and Hugo Kolb married sisters. Bernhard Kolb married Retta Kolb, née Hessdorfer, and they had two children, the Claimant and his sister, Erna Neuberger, née Kolb. Hugo Kolb married Paula Kolb, née Hessdorfer, and they also had two children, Ernst and Hella Kolb. The Claimant stated that Hugo Kolb was deported with his wife and two children on 25 March 1942 to Izbica, near Lublin, Poland, and that they were murdered in a concentration camp in Poland.

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<sup>1</sup> The Claimant submitted eight additional claims to the accounts of Hertha Fleischmann, Siegfried Mezger, Siegfried Fleischmann, Ruth Fleischmann, Max Fleischmann, Hella Kolb, Paula Kolb and Ernst Kolb, which are registered under the Claim Numbers 206730, 206731, 206740, 206741, 206742, 206743, 206745 and 206746, respectively. The CRT will treat the claims to these accounts in a separate decision.

<sup>2</sup> The CRT will treat the claim to this account in a separate decision.

In an e-mail to the CRT on March 19, 2003, the Claimant explained that he was deported with his sister, mother and father to the Theresienstadt concentration camp, and that his sister was killed by the Nazis. The Claimant and his parents were liberated on May 9, 1945, and they immigrated to the United States. In support of his claim, the Claimant submitted Hugo Kolb's German passport, stamped "Jude" (Jew) and dated valid until 1938, and Hugo Kolb's birth certificate from Sügenheim, Germany, indicating that his parents were Hermann Kolb and Emma Kolb, née Bär. The Claimant also submitted copies of his and his father's birth certificates, indicating that his grandmother was Emma Kolb, nee Bär, and that she was Jewish. The Claimant indicated that he was born on 27 February 1922 in Nürnberg, and that he is representing his maternal first cousin, Manfred Hessdörfer, who was born on 29 June 1929 in Nürnberg.

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

The bank records consist of copies of ledgers and a bank statement. According to these records, the Account Owner was *Frl.* (Ms.) Emma Baer from an unknown country. The bank records indicate that the Account Owner held a savings account. The bank records do not show when the account was opened, but these records show that on or before 24 June 1946 the account was transferred to a suspense account, which is a grouping of open and dormant accounts.

On 8 June 1967 the account was transferred to the Bank's profit and loss account with the balance of 10.45 Swiss Francs. The account was closed by the Bank on the date of transfer.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His paternal grandmother's name matches the published name of the Account Owner. The Claimant provided his, his father's and Hugo Kolb's birth certificates, indicating that his grandmother's maiden name was Emma Bär, which matches published information about the Account Owner contained in the bank records.

The CRT notes that the document provided by the Claimant spells his grandmother's name *Bär* even though the Claimant states it was *Baer* and that it appears as *Baer* in the bank documents. However, because the German "ä" is commonly transliterated as "ae," and because the only available bank records consist of copies of ledgers and a bank statement from 1967, the CRT considers the names to be one and the same.

The CRT notes that the bank records do not contain information about the Account Owner other than her maiden name. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hugo Kolb, and indicates that he was born on 15 February 1890 in Sügenheim, Germany, resided in Nürnberg, Germany, and perished in the Holocaust, which matches the information about the Account Owner's son provided by the Claimant. The database also includes individuals named Paula Kolb, Ernst Kolb and Hella Kolb

from Nuernberg, Germany, and indicates that they were interned in the Izbica concentration camp, which corresponds with information about the Account Owner's relatives provided by the Claimant. Finally, the database includes a person named Erna Neuberger Kolb from Nuernberg, Germany, and indicates that she was interned in Bergen, Belgium, which corresponds with information about the Account Owner's granddaughter provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT notes that there are no other claimants to this account.

#### 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 that she lived in Nazi Germany until her death in 1935. Her son, Hugo, and his family were murdered by the Nazis in Poland, and her son, Bernhard, and his family were interned in a concentration camp by the Nazis. As noted above, persons named Hugo Kolb, Paula Kolb, Ernst Kolb, Hella Kolb and Erna Neuberger Kolb were included in the CRT's database of victims.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner. The Claimant submitted a copy of his, his father's and Hugo Kolb's birth certificates, demonstrating that the Claimant's grandmother was Emma Kolb, née Bär. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The bank records indicate the account was taken into bank profits by the Bank on 8 June 1967.

#### 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his grandmother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one savings account. The bank records indicate that the value of the savings account as of 8 June 1967 was 10.45 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 9,960.00 Swiss Francs.

### Division of the Award

According to Article 23 of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares of representation. In this case the Claimant is representing his maternal cousin, Manfred Hessdörfer. Therefore, the Claimant, a descendant of the Account Owner, is entitled to the total award amount.

### **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  
April 1, 2002