

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED 1]  
acting on behalf of [REDACTED 2], [REDACTED 3], [REDACTED 4],  
[REDACTED 5], [REDACTED 6], [REDACTED 7],  
and [REDACTED 8]  
represented by [REDACTED 2]

## **in re Account of Louis Bamberger**

Claim Number: 790421/AX<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (the “Claimant”) to the accounts of [REDACTED] and [REDACTED], née [REDACTED].<sup>2</sup> This Award is to the published account of Louis Bamberger (the “Account Owner”) at 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 Claimant**

The Claimant submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to accounts owned by [REDACTED] and [REDACTED], née [REDACTED].

---

<sup>1</sup> The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted three Initial Questionnaires (“IQs”), numbered ENG-0576001, ENG-00576002, and ENG-00576003, to the Court in the United States. Although these IQ were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned the consolidated claim number 790421.

<sup>2</sup> The CRT did not locate an account belonging to the Claimant’s relatives, [REDACTED] and [REDACTED], née [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Represented party [REDACTED 2], the Claimant's cousin, submitted additional information to the CRT identifying the Account Owner as the Claimant's maternal great-uncle, Louis Bamberger, who was born on 19 May 1874 in Wiesenfeld, Germany, and was married to [REDACTED], née [REDACTED]. The Claimant indicated that Louis Bamberger had two brothers, [REDACTED] (the Claimant's maternal grandmother) and [REDACTED]. The Claimant indicated that, before the Second World War, Louis Bamberger, who was Jewish, resided in Wiesenfeld, where he traded in fats and oils. The Claimant indicated that Louis Bamberger and his wife fled Germany to New York, New York, the United States in 1938 to escape Nazi persecution. The Claimant further indicated that Louis Bamberger died on 23 February 1940 in New York. In support of the Claimant's claim, [REDACTED 2] submitted the death certificate of Louis Bamberger, indicating that he was from Wiesenfeld; and the death certificate of the Claimant's mother, indicating that her name was [REDACTED], née [REDACTED].

The Claimant indicated that she was born on 24 October 1931. The Claimant is representing her siblings: [REDACTED 5], née [REDACTED], [REDACTED 6], née [REDACTED], and [REDACTED 7]; and her cousins: [REDACTED 2], née [REDACTED], [REDACTED 3], and [REDACTED 4], who are the children of [REDACTED]'s son [REDACTED]; and her mother's cousin, [REDACTED 8], who is the only child of [REDACTED].

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

The Bank's record consists of an extract from the Bank's closing register of numbered accounts. According to this record, the Account Owner was Louis Bamberger. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held one numbered account under the designation 60875, the type of which is not indicated. The Bank's record indicates that the account was booked out on 4 December 1946. 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") reported that the account was closed to the Bank's profit and loss account.

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

#### Identification of the Account Owner

The Claimant's great-uncle's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. In support of her claim, the Claimant submitted the death certificate of Louis Bamberger, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that there are no other claims to this account. 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 that he and his wife fled Germany in 1938 to escape Nazi persecution.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's great-uncle. The CRT notes that the Claimant submitted a copy of the death certificate of Louis Bamberger. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of the death certificate of her mother, indicating that her name was [REDACTED], née [REDACTED], which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was booked out on 4 December 1946. The auditors who carried out the ICEP Investigation reported that the account was closed to the Bank's profit and loss account.

### 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 her great-uncle, and that relationship justifies an Award. Third, the CRT has determined 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 current 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 ("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 49,375.00.

### Division of the Award

According to Article 23(1)(d) 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's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing [REDACTED 3], [REDACTED 4], [REDACTED 2], [REDACTED 5], [REDACTED 6], [REDACTED 7], who, along with the Claimant, are all grandchildren of [REDACTED], one of the Account Owner's brothers. The Claimant is also representing [REDACTED 8], who is the daughter of [REDACTED], the Account Owner's second brother. Accordingly, [REDACTED 8] is entitled to one-half of the total award amount, and the Claimant, [REDACTED 3], [REDACTED 4], [REDACTED 2], [REDACTED 5], [REDACTED 6], [REDACTED 7] are each entitled to one-fourteenth (1/14<sup>th</sup>) of 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 her claim to determine whether there are additional Swiss bank accounts to which she 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  
10 August 2005