

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Jost von Trott zu Solz

in re Account of *Bankgeschäft E. J. Meyer*

Claim Numbers: 401153/BW; 401610/BW

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of *Bankhaus E. J. Meyer* and Olga Meyer.¹ This Certified Award is to the unpublished account of *Bankgeschäft E. J. Meyer* (the “Account Owner”) at the [REDACTED] (the “Bank”). The account awarded is from the Total Accounts Database (“TAD”) at 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 a Claim Form identifying the Account Owner as *Bankhaus E. J. Meyer*, a bank that was partially owned by her father, [REDACTED], who was born on 27 November 1886 in Berlin, Germany, and was married to [REDACTED], on 20 November 1920 in Hamburg, Germany. The Claimant indicated that her father was the son of [REDACTED] and [REDACTED], and that her mother was the cousin of [REDACTED], a London banker who was a partner of *Warburg & Co.* in Amsterdam, the Netherlands and *M. M. Warburg* in Hamburg, Germany. The Claimant indicated that her parents, who were Jewish, had two children: the Claimant and her brother, [REDACTED]. According to the Claimant, her father and his business partners, [REDACTED] and [REDACTED], each owned one-third of the *Bankhaus E. J. Meyer*, located at Vossstrasse 16 in Berlin, until the bank was aryanized by the Nazi government. The Claimant indicated that her father’s bank held numerous accounts in various European banks, including several Swiss banks. The Claimant indicated that she and her parents fled Nazi Germany via Amsterdam and Lisbon, Portugal, for the United States, where they arrived on 3 June 1941, and where her father remained until his death on 13 December 1965.

¹ The CRT will treat the claim to this account in a separate determination.

In support of her claim, the Claimant submitted the following documents: (1) a copy of her birth certificate, which indicates that [REDACTED] was born in Berlin on 30 May 1925 to [REDACTED], a banker, and [REDACTED], who were both Jewish; (2) a copy of her father's application for American citizenship, indicating that [REDACTED] arrived in New York, New York, United States on 3 June 1941; that he was born on 27 November 1886 in Berlin; was married to [REDACTED] on 20 November 1920 in Hamburg, and indicating that the couple had two children, a son, [REDACTED] who was born on 28 February 1923, and a daughter, [REDACTED], who was born on 30 May 1925, both in Berlin; (3) a copy of a sheet of notes pertaining to *Bankhaus E. J. Meyer* taken from the German Bankers Book (*Deutsches Bankier-Buch*), 16th edition, 1930, indicating that the address of the bank was Vossstrasse 16, that it was owned by [REDACTED], [REDACTED], and [REDACTED], and that it held accounts at various banks in Europe, including several Swiss banks; and (4) a copy of her father's death certificate, indicating that [REDACTED] was born on 27 November 1886 in Berlin, that he was married to [REDACTED], that his parents were [REDACTED] and [REDACTED], that he was a banker, and that he died on 13 December 1965.

The Claimant indicated that she was born on 30 May 1925 in Berlin.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Bankgeschäft E. J. Meyer*, located at Voss-Strasse 16 in Berlin, Germany. The Bank's record indicates that the Account Owner held a custody account, numbered 35987.

The Bank's record indicates that the account was closed on 2 August 1934. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the legitimate owners of the Account Owner or their heirs closed the account and received the proceeds themselves.

This account was not part of the Account History Database at the CRT, but was identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks² are composed of 1.9 million savings accounts with a 1930-1940s value of 250 Swiss francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database, that is within the 36,000 accounts that ICEP determined were "probably or possibly" owned by victims of Nazi persecution. The account awarded is part of a group of accounts identified in the TAD.

² These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name, street address, city and country of the location of the Claimant's father's business substantially match the unpublished name, street address, city and country of the location of the Account Owner contained in the Bank's record. Furthermore, the Claimant's grandfather's initials and last name match the name used in the name of the Account Owner.

In support of her claim, the Claimant submitted documents, including a copy of a sheet of notes pertaining to *Bankhaus E. J. Meyer* taken from the German Bankers Book and a copy of her father's death certificate, providing independent verification that the entity that is claimed to be the Account Owner had the same name and was located at the same street address recorded in the Bank's record as the name and street address of the Account Owner, and that the father of the person who is claimed to have owned the Account Owner had the same initials and last 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.

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 owner of the Account Owner was Jewish, that he resided in Nazi Germany, that he lost control over the Account Owner when it was aryanized, and that he fled Nazi Germany to avoid further persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the owner of the Account Owner, by submitting specific information and documents, demonstrating that one of owners of the Account Owner was the Claimant's father. These documents include a copy of her birth certificate, which indicates that her father was [REDACTED]; a copy of her father's application for American citizenship, indicating that [REDACTED] had a daughter named [REDACTED]; and a copy of a sheet of notes pertaining to *Bankhaus E. J. Meyer* taken from the German Bankers Book, indicating that the bank was partially owned by [REDACTED].

The CRT notes that the Claimant indicated that she has a brother, [REDACTED]. However, the Claimant's brother did not submit a claim to the CRT and is not represented in the Claimant's

claims, and the CRT therefore will not treat his potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed on 2 August 1934.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that one of the owners of the Account Owner remained in Nazi Germany until he fled for the United States via the Netherlands and Portugal; that the owners of the Account Owner lost control over the Account Owner when it was aryanized; that there is no record of the payment of the account to the owners of the Account Owner or their heirs; that the owners of the Account Owner and their heirs would not have been able to obtain information about their 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; given the application of Presumptions (a), (h) and (j) as provided in Article 28 of the Rules (see Appendices A and C),³ the CRT concludes that it is plausible that the account proceeds were not paid to the owners of the Account Owner or their 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 one of the owners of the Account Owner was her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the owners of the Account Owner, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a custody account. 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 a custody account was 13,000.00 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 162,500.00.

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

Division of the Award

According to Article 23(3) of the Rules, if the Account Owner is a legal or other entity (such as a corporation, association, organization, *etc.*), the Award will be in favor of those Claimants who establish a right of ownership to the assets of the entity. Furthermore, according to Article 25(2) of the Rules, in cases where a joint account is claimed by relatives of only one or some of the joint account owners, it shall be presumed that the account was owned as a whole or in equal shares by the Account Owners whose shares of the account have been claimed. Accordingly, the Claimant is entitled to the entire 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 claims 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) at banks other than the Bank.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
23 April 2007