

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1]¹
also acting on behalf of [REDACTED 2], [REDACTED 3]
and [REDACTED 4]

in re Account of Elsa Bär

Claim Numbers: 400313/MBC²

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of Moritz Rennert.³ This Award is to the published account of Elsa Bär (the “Account Owner”) at the Lausanne 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother-in-law, Elsa Baer, née Grunbacher, who was married to [REDACTED]. According to information submitted by the Claimant, his parents-in-law had a daughter, [REDACTED], née [REDACTED], who is the Claimant’s wife. In a telephone conversation with the CRT, the Claimant’s wife specified that she was born on 1 August 1923 in Graben-Neudorf, Germany, and that she had an older brother, [REDACTED], who was born in 1919 or 1920. The Claimant’s wife further stated that she and her family, who were Jewish, resided in Graben-Neudorf until approximately 1940, when they fled Germany for Argentina via Switzerland. Finally, [REDACTED] indicated that

¹ In a telephone conversation with the CRT on 21 February 2006, the Claimant’s wife indicated that he died in early February 2006.

² In 1999, the Claimant also submitted an Initial Questionnaire (“IQ”), numbered SPA-0014075, to the Court in the United States. Although this IQ was not a Claim Form, 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 IQ was forwarded to the CRT and has been assigned claim number 741532.

³ The CRT will treat the claim to this account in a separate determination.

her family's assets were looted by the Nazis during the *Kristallnacht* (Night of Broken Glass) pogrom of November 1938.

The Claimant submitted copies of documents in support of his claim, including an extract from his official family book, issued by the municipal authorities of Buenos Aires, Argentina, indicating that [REDACTED 1] was married on 12 January 1948 to [REDACTED], who was the child of [REDACTED] and Elsa Baer, née Grunbacher.

The Claimant indicated that he was born on 16 October 1922 in Cologne, Germany. The Claimant is representing his cousins, children of his mother's siblings: [REDACTED 2], who was born on 7 February 1935 in Poland; [REDACTED 4], who was born in 1939 in Buenos Aires; and [REDACTED 3], who was born in 1942.

Information Available in the Bank's Records

The Bank's record consists of a report of the auditors who carried out the investigation of this Bank to identify Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"). According to this report, the Account Owner was Elsa Bär. The auditor's report does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held a savings/passbook account, which was suspended by the Bank and which held a balance of 20.15 Swiss Francs ("SF") as of 2 November 1987. The auditor's report indicates that the account remains suspended today.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother-in-law's name matches the published name of the Account Owner.⁴ The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than her name.

In support of his claim, the Claimant submitted documents, including an extract from his family book, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the auditor's report as the name of the Account Owner. The CRT notes that the name Elsa Bär appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

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.

⁴ The CRT notes that "ä" is equivalent to "ae" and that the surname Baer therefore can also be spelled Bär.

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's wife stated that the Account Owner was Jewish, that she resided in Nazi Germany, that her family's assets were looted by the Nazis during *Kristallnacht*, and that she fled Germany for Argentina in 1940.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother-in-law. These documents include the Claimant's family book, indicating that his mother-in-law was Elsa Baer.

The CRT notes that the Claimant indicated that he has other surviving relatives, including the Claimant's wife and her brother, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The auditor's report indicates that the account remains suspended today.

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 mother-in-law, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Further, the CRT notes that the Claimant, as the Account Owner's son-in-law, has a better entitlement to the account than the represented parties, who are the cousins of the Account Owner's son-in-law.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The auditor's report indicates that the value of the account as of 2 November 1987 was SF 20.15. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 705.50. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award is determined by multiplying the

balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 10,375.00.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1) (a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with the principles of equity and fairness. In this case, the Claimant, the Account Owner's son-in-law, is representing his cousins, [REDACTED 2], [REDACTED 3] and [REDACTED 4], who are related to the Account Owner only through the marriage of the Claimant to the Account Owner's daughter. Accordingly, the CRT determines that the Claimant is entitled to the total award amount. As mentioned above, the represented parties, [REDACTED 2], [REDACTED 3], and [REDACTED 4], are not entitled to any portion 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 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
15 November 2007