

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED], acting on behalf of himself and of:

[REDACTED] and [REDACTED]

in re Account of André Biltz, Yvonne Céleste Neuberger Biltz and Robert Biltz

Claim Numbers : 211496/SY, 211497/SY,
211498/SY, 211499/SY, 216175/SY

Award Amount: 24,610.00 Swiss Francs

This Certified Award is based upon the Claims of [REDACTED] (the "Claimant"), acting on behalf of himself and of [REDACTED] and [REDACTED], who also submitted a separate Claim Form, to the Account of André Biltz, Yvonne Céleste Neuberger Biltz and Robert Biltz (the "Account Owners").

All awards are published, but where the Claimant has requested confidentiality, as in this case, the names of the Claimant, the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted Claim Forms to the Tribunal in which he stated that the Account Owners, André Biltz and Yvonne Céleste Neuberger, were his and [REDACTED] parents, and that the Account Owner Robert Biltz was his brother and [REDACTED]'s father. The Claimant submitted that André Jean Biltz was born in Caen, France, on 22 August 1882, and died in France on 21 June 1940. Yvonne Céleste Biltz, née Neuberger, was born in Paris, France, on 18 March 1892, and perished in Auschwitz on 26 January 1944. In addition, the Claimant stated that André Biltz married Yvonne Neuberger on 11 May 1918, and their children included Robert Biltz, who was born in Paris, France, on 11 October 1919, and died in France on 21 June 1983. It appears from the documents on file that the Claimant and the family members he represents are the sole heirs of the Account Owners.

The Claimant indicated that the Account Owners resided at 3, rue Anatole de la Forge, Paris, France, during the period 1919-1940. The Claimant also indicated that André Biltz was a banker and worked for "Banque Lambert-Biltz" and was an officer in the French Reserve Army. He stated that André Biltz was mobilized in 1939, and died in action on 21 June 1940.

Information Available in the Bank Records

According to the bank records, which consist of a printout of an electronic database, André Biltz, Yvonne Céleste Neuberger Biltz and Robert Biltz jointly held a demand deposit account identified by the number 11.416 at the bank. The Account Owners resided at 3, rue Anatole de la Forge, Paris. The bank records also indicate that the Account was closed by fees on 14 December 1979. The amount in the Account before its closure is unknown.

The Tribunal's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The information provided by the Claimant matches the unpublished information in the bank records and in the report of the audit firm about the Account Owners, specifically the Account Owners' names and exact address in Paris. It is therefore plausible that the Account Owners and the Claimant's relatives are the same persons.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has provided plausible evidence that the Account Owners were Victims of Nazi persecution. The Claimant has shown that the Account Owners were Jewish and produced documents demonstrating that André Jean Biltz was killed in action in 1940, and that Yvonne Céleste Biltz perished in Auschwitz in 1944. As a member of a persecuted group living in Nazi-controlled France during the Second World War, Robert Biltz was also a Victim.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly shown that the Account Owners André Biltz and Yvonne Céleste Neuberger were his and [REDACTED]'s parents and that the Account Owner Robert Biltz was their brother and the father of [REDACTED]. The Claimant produced documents and information which evidenced his relationship to the Account Owners and matched the unpublished information contained in the bank records. The Claimant stated that the Account Owners had no other surviving heirs. The credibility of other information provided by the Claimant gives the Tribunal no basis for questioning this information provided by the Claimant.

Basis for the Award

The Tribunal has determined that an Award may be made in favor of the Claimant and the family members he represents for the following reasons: the Claims are admissible as the claimed Account belonged to Victims of Nazi Persecution, and the Claimant has provided information establishing that Account Owners André Biltz and Yvonne Céleste Neuberger were his and [REDACTED]'s parents and that the Account Owner Robert Biltz was their brother and the father of [REDACTED] (relationships that justify making an Award).

Amount of the Award

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, as determined based on the results of the investigation of Swiss banks by the Independent Committee of Eminent Persons and as required by Article 35 of the Rules Governing the Claims Resolution Process (the “Rules”), is used to calculate the present value of the account being awarded. In 1945, the average value of a demand deposit account was 2,140.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 24,610.00 Swiss Francs.

In accordance with Article 31 of the Rules, the Tribunal determined that each of the Account Owners had an equal share of the Account. According to the principles of distribution set forth in Article 29(1)(c) of the Rules, [REDACTED] and [REDACTED] are each entitled to one third of the shares of their parents, André Biltz and Yvonne Biltz, née Neuberger. In addition, [REDACTED] is entitled to her father’s share of the Account, as well as one third of the combined share of André Biltz and Yvonne Neuberger to which Robert Biltz was entitled by inheritance from his parents. Therefore, the Claimant and the family members he represents are entitled to the following fractional shares of the Award:

- [REDACTED] : two-ninths (2/9)
- [REDACTED] : two-ninths (2/9)
- [REDACTED] : five-ninths (5/9)

The Claimant should note that, according to Article 37(3) of the Rules, in cases when the amount in the account is unknown, claimants shall receive an initial payment of 35% of the total award amount. Such claimants may receive a second payment of up to the remaining 65% of the total award amount when so determined by the Court, but not later than when all claims have been processed. In this case, 35% of the total award amount is 8,613.50 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on his claims to determine whether there are additional Swiss bank accounts to which he and the relatives he represents 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

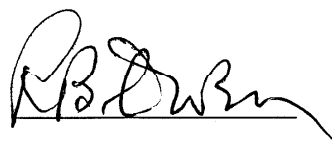
At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a strong case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same accounts will be forthcoming. Moreover, the new process of analyzing the Initial Questionnaires to determine those that can be treated as claim forms adds another element of uncertainty about the possibility of future complementary or competing claims.

The Special Masters appointed by the Court to supervise the Claims Resolution Process for Deposited Assets Claims have stressed the importance of moving ahead quickly to begin to make awards to Holocaust victim claimants or their heirs. They have therefore instructed the Tribunal that in particular cases where the Tribunal is satisfied that the currently identified claimant has a strong claim and that the risk of future competing claims is low, the Tribunal should prepare an award to that claimant and submit it to the Court for approval. This is such a case.

In this case, the Tribunal is of the opinion that the Claimant has presented strong claims to the Account, thus substantially reducing the likelihood of competing claims. On this basis, and taking into account the instructions of the Special Masters, the Tribunal recommends approval of the present Award by the Court for payment by the Special Masters in accordance with Article 37(3) of the Rules.

Nov. 5, 2001

Date



Roberts B. Owen
Senior Claims Judge