

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award Amendment**

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

and to Claimant [REDACTED 7]  
represented by [REDACTED]<sup>1</sup>

## **in re Accounts of Friedrich Bondy**

Claim Numbers: 501474/AC;<sup>2</sup> 601472/AC<sup>3</sup>

Original Award Amount: 26,750.00 Swiss Francs

Award Amendment Amount: 242,750.00 Swiss Francs

This Certified Award Amendment is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of [REDACTED] and [REDACTED],<sup>4</sup> and the claim of [REDACTED 7] (“Claimant [REDACTED 7]”) (together the “Claimants”) to the accounts of [REDACTED].<sup>5</sup> This Award Amendment is to the published accounts of Friedrich Bondy (the “Account Owner”) at the Zurich 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

---

<sup>1</sup> On 8 April 2004, the Court approved an award to Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) for an account of Friedrich Bondy (the “April 2004 Award”), which is the subject of this Award Amendment. In that decision, the CRT treated Claimant [REDACTED 1]’s claim to the accounts of both Friedrich Bondy and [REDACTED]. Only the accounts of Friedrich Bondy are the subject of this Award Amendment.

<sup>2</sup> Claimant [REDACTED 7] (“Claimant [REDACTED 7]”) submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 501482. The CRT awarded this account to Claimant [REDACTED 7] in a separate decision. See *In re Accounts of [REDACTED] and [REDACTED]* (approved on 31 August 2005).

<sup>3</sup> Claimant [REDACTED 1] submitted a claim, numbered B-00832, on 19 March 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number [REDACTED].

<sup>4</sup> The CRT awarded these accounts to Claimant [REDACTED 1] in a separate decision. See *In re Accounts of [REDACTED] and [REDACTED]* (approved on 8 April 2004).

<sup>5</sup> The CRT awarded these accounts to Claimant [REDACTED 7] in a separate decision. See *In re Accounts of [REDACTED] and [REDACTED]*.

## Procedural History

On 8 April 2004, the Court approved an Award to Claimant [REDACTED 1] for a demand deposit account owned by the Account Owner (the “April 2004 Award”). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant [REDACTED 7]. The CRT notes that although Claimant [REDACTED 7] had filed a timely claim to the awarded account, his claim was not available for consideration in the April 2004 Award. In addition, the CRT adopts and amends its findings to address the Claimants’ entitlement to four additional accounts owned by the Account Owner. The CRT determines that Claimant [REDACTED 1] and the parties he represents are entitled to an award for these four additional accounts, as detailed below. Finally, the CRT adopts and amends its findings to revise the division of the awarded accounts.

## The April 2004 Award

In the April 2004 Award, the CRT determined that the Account Owner and his brother, [REDACTED], held the following accounts:

1. one demand deposit account containing Swiss Francs, held at the Bank;
2. three demand deposit accounts containing foreign currencies, held at the Bank;
3. one custody account, numbered [REDACTED], held at the Bank;
4. one safe deposit box, numbered [REDACTED], held at the Bank;
5. an additional custody account, numbered [REDACTED] and an additional demand deposit account containing Swiss Francs, held by the Account Owner at the Bank, and a custody account, numbered [REDACTED], held by the Account Owner at the [REDACTED].<sup>6</sup>

The CRT further determined that Claimant [REDACTED 1] plausibly identified the Account Owner, that he plausibly demonstrated that he is related to the Account Owner, and that he made a plausible showing that the Account Owner was a Victim of Nazi Persecution. With regard to the issue of who received the proceeds of the accounts, the CRT determined that (1) it is plausible that the Account Owner did not receive the proceeds of the demand deposit account containing Swiss Francs; (2) the Account Owner received the proceeds of the three demand deposit accounts containing foreign currencies, the custody account numbered [REDACTED], and the safe deposit box, numbered [REDACTED]; and (3) the additional custody account and additional demand deposit account held at the Bank, and the custody account held at the [REDACTED], should be held for further consideration as to whether the Account Owner received the proceeds.

With respect to the valuation of the demand deposit account, whose proceeds the CRT determined the Account Owner did not receive, the CRT noted that the Bank’s records indicated the value of the account, but pursuant to Article 29 of the Rules, because the account value was below the average value of the same or a similar type of account in 1945, the CRT determined

---

<sup>6</sup> In the April 2004 Award, the CRT also treated the accounts of [REDACTED], the Account Owner’s brother. These accounts are not the subject of this Award Amendment.

that the value of the account was 2,140.00 Swiss Francs (“SF”), and that the April 2004 Award amount was SF 26,750.00. Finally, the CRT determined that Claimant [REDACTED 1] and represented parties [REDACTED 2], [REDACTED 3], [REDACTED 4], [REDACTED 5] and [REDACTED 6] were each entitled to one-sixth of the award amount.

### **Information Provided by the Claimants**

#### Claimant [REDACTED 1]

In addition to the information included in the April 2004 Award, which is adopted and incorporated here, Claimant [REDACTED 1] also submitted genealogical information for his family. According to Claimant [REDACTED 1], [REDACTED] had two siblings, [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that [REDACTED] had two children, [REDACTED] and [REDACTED], née [REDACTED]; that [REDACTED] had two children, represented parties [REDACTED 3] and [REDACTED 2], née [REDACTED]; and that [REDACTED] had one child, Claimant [REDACTED 1]. According to information provided by Claimant [REDACTED 1], [REDACTED], née [REDACTED] had three children, [REDACTED], née [REDACTED], [REDACTED], née [REDACTED], and [REDACTED]; [REDACTED] had one child, who is now deceased; [REDACTED] had two children, represented parties [REDACTED ] and [REDACTED]; and [REDACTED] had two children, [REDACTED], who is now deceased, and represented party [REDACTED 6].

#### Claimant [REDACTED 7]

Claimant [REDACTED 7] submitted a Claim Form identifying the Account Owner as his paternal aunt’s husband, [REDACTED], who was born on 6 April 1875, and was married to [REDACTED], née [REDACTED], in April 1922 in Vienna, Austria. According to Claimant [REDACTED 7], his aunt, [REDACTED], and her husband, who were Jewish, resided in Vienna, where [REDACTED] died on 24 April 1938. Claimant [REDACTED 7] indicated that his aunt’s husband also had residences at Salzgries 16, in Vienna and on Vaclavka in Prague, and that he died on 14 April 1956, in Briarcliff Manor, United States. Claimant [REDACTED 7] submitted documents in support of his claim, including: (1) a copy of his aunt’s will, dated 21 December 1935, indicating that she was married to [REDACTED], that she had a brother named [REDACTED] and a nephew named [REDACTED]; and (2) a copy of his aunt’s death certificate, indicating that [REDACTED], née [REDACTED], was Jewish, and that she died on 24 April 1938 in Vienna.

Claimant [REDACTED 7] indicated that he was born on 10 May 1923, in Graz, Austria.

### **Information Available in the Bank’s Records**

The Bank’s records consist of two customer cards, and a list of accounts that were reported pursuant to the 1962 survey regarding dormant assets of foreigners and stateless persons

persecuted due to race, religion or politics (the “1962 Survey”). According to these records, the Account Owner held accounts under the names Dr. Friedrich Bondy and Dr. Fritz Bondy, and had addresses in Vienna, Austria, and in Prague, Czechoslovakia, at Vaclavská. The Bank’s records indicate that the Account Owner held two demand deposit accounts in Swiss Francs; three demand deposit accounts in foreign currencies, namely Dutch Florins, Pounds Sterling and United States Dollars; two custody accounts, numbered [REDACTED] and [REDACTED], respectively; and one safe deposit box, numbered [REDACTED].

With regard to the three demand deposit accounts in foreign currencies, the Bank’s records indicate that they were opened on 30 September 1937 and closed on 30 April 1938. The values of the accounts on the date of their closure are unknown. The Bank’s records indicate that custody account numbered [REDACTED] was opened on 24 August 1937 and closed on 26 April 1938. The value of this account on the date of its closure is unknown. Regarding the safe deposit box, numbered [REDACTED], the Bank’s records indicate that it was opened on 26 March 1938 and closed on 8 July 1939. The value of the account on the date of its closure is unknown.

The Bank’s records further indicate that one of the demand deposit accounts held in Swiss Francs was identified by the Bank in the 1962 Survey.<sup>7</sup>

## **The CRT’s Analysis**

### Joinder of Claims

According to Article 37(1) of 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 three claims of the Claimants in one proceeding.

### Claimant [REDACTED 7]’s Identification of the Account Owner

Claimant [REDACTED 7] has plausibly identified the Account Owner. Claimant [REDACTED 7]’s aunt’s husband’s name matches the published name of the Account Owner. Claimant [REDACTED 7] identified his aunt’s husband’s use of the title “Dr.” and his residence in Vienna and Prague, which matches unpublished information about the Account Owner contained in the Bank’s records. In support of his claim, Claimant [REDACTED 7] submitted documents, including a copy of his aunt’s will, indicating that she was married to [REDACTED], providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank’s records as the name of the Account Owner. The CRT notes that the other claims to these accounts were disconfirmed because those claimants did not identify the Account Owner’s use of the title “Dr.” or a connection to Vienna.

---

<sup>7</sup> The CRT notes that this demand deposit account is the account that was awarded to Claimant [REDACTED 1] in the April 2004 Award.

### Status of the Account Owner as a Victim of Nazi Persecution

As detailed in the April 2004 Award, the CRT determined that the Account Owner was a Victim of Nazi Persecution.

### Claimant [REDACTED 7]'s Relationship to the Account Owner

Claimant [REDACTED 7] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that Claimant [REDACTED 7] is the Account Owner's brother-in-law's son. These documents include a copy of his aunt's will, indicating that she was married to [REDACTED], and that she had a brother named [REDACTED] and a nephew named [REDACTED]. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimants are representing.

### The Issue of Who Received the Proceeds

As detailed in the April 2004 Award, the CRT has concluded that it is plausible that the proceeds of one demand deposit account containing Swiss Francs were not paid to the Account Owner or his heirs.

As detailed in the April 2004 Award, the CRT has concluded that the Account Owner received the proceeds of the safe deposit box, numbered [REDACTED], which was opened on 26 March 1938, after the Account Owner had fled to Switzerland.

With respect to the three foreign currency demand deposit accounts held in United States Dollars, Pounds Sterling, and Dutch Florins, and the custody account, numbered L59018, the CRT notes that the Bank's records indicate that the demand deposit accounts were closed on 30 April 1938, that the custody account was closed on 26 April 1938, at which time, according to information provided by the Claimants, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the accounts were closed; that the Account Owner fled his country of origin due to Nazi persecution shortly before the accounts were closed; that the Account Owner's wife remained in his country of origin after the Account Owner fled; that the Account Owner's wife died in his country of origin on 24 April 1938, only a few days prior to the closing dates of the accounts; that the Account Owner may have had other relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety; that the Account Owner had another demand deposit account at the Bank that was reported in the 1962 Survey and later presumed by the auditors who conducted the ICEP Investigation to have been closed; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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; and given the application of Presumptions (f), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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.

Finally, the three accounts that were previously held for further consideration shall be treated in a separate decision.

#### Basis for the Award Amendment

The CRT has determined that an Award may be made in favor Claimant [REDACTED 1] and represented parties [REDACTED 2], [REDACTED 3], [REDACTED 4], [REDACTED 5] and [REDACTED 6]. First, Claimant [REDACTED 1]'s claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that he and the parties he represents are the Account Owner's great-nephews and great-niece, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the demand deposit accounts and custody account described above.

Further, the CRT notes that Claimant [REDACTED 1] and represented parties [REDACTED 2], [REDACTED 3], [REDACTED 4], [REDACTED 5] and [REDACTED 6], as the Account Owner's great-nephews and great-niece, have a better entitlement to the account than Claimant [REDACTED 7], the Account Owner's brother-in-law's son.

#### New Division of the Award

Claimant [REDACTED 1] is representing his cousins, [REDACTED 3], [REDACTED 2], née [REDACTED], [REDACTED 4], [REDACTED 5], and [REDACTED 6]. The CRT notes that Claimant [REDACTED 1] and his cousins were awarded equal shares in the April 2004 Award. The CRT now determines that the division of the Award should be revised.

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 Account Owner had two siblings, [REDACTED] and [REDACTED], who would each have been entitled to one-half of the April 2004 Award amount and the Award Amendment amount. [REDACTED] had two children: [REDACTED] and [REDACTED], who would each have been entitled to one-half of his share; and [REDACTED] had three children: [REDACTED], [REDACTED], and [REDACTED], who would each have been entitled to one-third of her share. Because there is no information to indicate that [REDACTED] has any surviving heirs, the heirs of [REDACTED] are entitled to one-half of [REDACTED]'s share, and the heirs of [REDACTED] are likewise entitled to one-half of [REDACTED]'s share.

With respect to the heirs of [REDACTED], [REDACTED 3] and [REDACTED 2] are the only children of [REDACTED]; and Claimant [REDACTED 1] is the only child of [REDACTED]. With respect to the heirs of [REDACTED]: [REDACTED 5] and [REDACTED 4] are the only children of [REDACTED]; and [REDACTED 6] is the only surviving child of [REDACTED].

Accordingly, Claimant [REDACTED 1] and represented party [REDACTED 6] are each entitled to one-fourth of the total award amount, and represented parties [REDACTED 2], [REDACTED 3], [REDACTED 4], and [REDACTED 5] are each entitled to one-eighth of the total award amount.

As noted above, Claimant [REDACTED 7], as the Account Owner's brother-in-law's son, is not entitled to a share of the award.

#### Amount and Division of the Award Amendment

For the purposes of this Award Amendment, the Account Owner held three demand deposit accounts and one 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 demand deposit account was SF 2,140.00, and the average value of a custody account was SF 13,000.00, for a combined average value of SF 19,420.00 for one custody account and three demand deposit accounts. 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 Amendment amount of SF 242,750.00.

In light of the revised division of the Award, the CRT notes that in the April 2004 Award, Claimant [REDACTED 1] and represented party [REDACTED 6] received less than the share of the April 2004 Award amount to which they were entitled, and represented parties [REDACTED 2], [REDACTED 3], [REDACTED 4], and [REDACTED 5] received more than the share of the April 2004 Award amount to which they were entitled. The CRT therefore determines that the division of the Award Amendment will be adjusted accordingly. As a result, Claimant [REDACTED 1] and represented party [REDACTED 6] are each entitled to one-fourth of the Award Amendment amount plus one-twelfth of the April 2004 Award amount, and represented parties [REDACTED 2], [REDACTED 3], [REDACTED 4], and [REDACTED 5] are each entitled to one-eighth of the Award Amendment amount minus one-twenty-fourth (1/24) of the April 2004 Award amount.

#### **Scope of the Award Amendment**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 Amendment**

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

Claims Resolution Tribunal  
18 April 2006