

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Max Cahn
represented by [REDACTED]

in re Account of Max Cahn

Claim Number: 501005/AX/AC

Award Amount: 27,050.00 Swiss Francs

This Certified Award is based upon the claim of Max Cahn (the “Claimant”) to the account of Redacted.¹ This Award is to the published account of Max Cahn (the “Account Owner”) at the Geneva 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 himself as the Account Owner. The Claimant indicated that he was born on 5 June 1922 in Cologne, Germany, and that his parents were [REDACTED] and [REDACTED]. The Claimant indicated that before the Second World War, he and his family, who were all Jewish, lived in Bonn, Germany and Bornheim, Germany, where his father owned a railroad and had a business trading in vegetables. In a telephone conversation with the CRT on 6 September 2005, the Claimant further indicated that his immediate family fled Germany to Colombia in 1938, but that he had other relatives, including his maternal uncle, [REDACTED], who perished in the Holocaust. In support of his claim, the Claimant submitted a copy of his New York State driver’s license, indicating that his name is Max Cahn, and a copy of an application he filed in 1996 with the Contact Office for the Search of Dormant Account Administered by Swiss Banks, requesting a search for accounts held by [REDACTED], and indicating that he paid a search fee of 300.00 Swiss Francs (“SF”).

The Claimant previously submitted two Initial Questionnaires to the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED].²

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

² As noted above, the CRT will treat the claim to this account in a separate determination.

Information Available in the Bank's Record

The Bank's record consists of a list of suspended accounts. According to this record, the Account Owner was Max Cahn. The Bank's record does not contain any information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held one demand deposit account. According to the Bank's record, the account was considered dormant by the Bank and was transferred to a suspense account on 31 December 1943. The amount in the account on the date of the transfer was SF 1.90. The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant'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. The CRT also notes that the Claimant was still young when his family fled to Colombia, and that he therefore may not have known about accounts opened by his family in his name. The CRT notes that the name Max Cahn appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List"). In support of his claim, the Claimant submitted documents, including his New York State driver's license, indicating that his name is Max Cahn, providing independent verification that the person who is claimed to be the Account Owner has the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different surname spelling than that used by the Account Owner. Taking all 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 he is Jewish, and that he fled with his family from Germany to Colombia in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific information and documents. These documents include his New York State driver's license, indicating that his name is Max Cahn. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the Bank's suspense account, where it remains.

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 (the “Rules”). Second, the Claimant has plausibly demonstrated that he is the Account Owner, and that 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 demand deposit account. The Bank’s records indicate that the value of the account as of 31 December 1943 was SF 1.90. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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, for an award amount of SF 26,750.00.

The CRT also notes that the Claimant paid a search fee of SF 300.00 in 1996, when he requested that the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks search for accounts held by his uncle, [REDACTED]. This search fee is added to the amount being awarded to the Claimant, for a total award amount of SF 27,050.00.

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