

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Lotte Dobrin

Claim Number: 711064/HS¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Lotte Dobrin (the “Account Owner”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney at the Zurich branch of [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 an Initial Questionnaire (“IQ”) in 1999 and an ATAG Ernst & Young claim form in 1998 identifying the Account Owner as his grandmother, Lotte Dobrin, and the Power of Attorney Holder as his grandfather, [REDACTED], both of whom were born in approximately 1880 in Berlin, Germany. In a telephone conversation with the CRT on 20 October 2004, the Claimant stated that his grandparents had three children: [REDACTED], who was born in approximately 1911; [REDACTED] (the Claimant’s father), who was born on 25 March 1913 in Berlin; and [REDACTED], who was born in approximately 1915. The Claimant indicated that his grandparents, who were Jewish, resided on Haberlandstrasse in Berlin before the Second World War. According to the Claimant, his grandfather’s family owned a large chain of coffeehouses in Berlin, including *Café Dobrin*. The Claimant indicated that his grandmother was a housewife and that in addition to the café business, his grandfather worked as a general merchant which necessitated frequent travel around Europe, including Switzerland. The

¹ Claimant [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB-0006086, 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 IQs 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 711064.

Claimant indicated that his father, Rudolf, emigrated to Palestine and that his grandmother visited his father there in approximately 1936, but that she returned to Germany. The Claimant stated that his father lost contact with his entire family after this and assumed that his grandparents perished in the Holocaust. The Claimant further indicated that his father passed away in 1986 in Berlin. Finally, the Claimant indicated that as far as he is aware, he and his brother, represented party [REDACTED 2], are the only living descendants of their grandparents.

The Claimant submitted his own birth certificate, dated in 1943 in Tel Aviv, Palestine, indicating that he is the child of [REDACTED]; [REDACTED]'s German naturalization certificate, dated in Berlin in 1956, indicating that he was born in Berlin in 1913, and that the Claimant and represented party [REDACTED 2] are his children; forms related to a claim with a restitution office in Berlin, dated in 1958, filed by the Claimant and indicating that because of German racism, his father, [REDACTED], emigrated from Berlin to Palestine in 1933; and [REDACTED]'s death certificate, dated in 1986 in Berlin, indicating that he was born in Berlin in 1913.

The Claimant indicated that he was born on 27 February 1943 in Tel Aviv. The Claimant represents his brother, [REDACTED 2], who was born on 10 May 1951 in Tel Aviv.

Information Available in the Bank's Records

The Bank's records consist of a spousal consent form, a customer card, a deposit receipt, a power of attorney form, and a printout from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Lotte Dobrin and the Power of Attorney Holder was her husband, [REDACTED], both of whom resided at Rosenheimerstrasse 24 in Berlin W. 30, Germany. On 1 November 1930, according to these records, the Power of Attorney Holder signed a bank form permitting his wife, the Account Owner, to open an account at the Zurich branch of Bank.

The Bank's records indicate that the Account Owner held a demand deposit account, which was closed on 30 January 1934. The Bank's records do not indicate the value of the account on the date of its closure. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandparents' names and city and country of residence match the published names and city and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant also identified the marital relationship between the Account Owner and the Power of Attorney Holder, which

matches unpublished information in the Bank's records. The CRT notes that the Claimant filed an IQ with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to an account owned by his grandparents, Lotte and [REDACTED] Dobrin, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons (ICEP) to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant based his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.² Additionally, the CRT notes that the other claims to this account were disconfirmed because those claimants incorrectly identified Dobrin as the Account Owner's maiden name, or failed to identify both the Account Owner and the Power of Attorney Holder.

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 Account Owner was Jewish, and that both the Account Owner and her husband, the Power of Attorney Holder, perished in the Holocaust. Additionally, the Claimant provided a document showing that the Account Owner's son left Berlin on account of German racism.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he and represented party [REDACTED 2] are related to the Account Owner by submitting specific information, demonstrating that the Account Owner is the grandfather of the Claimant and the represented party. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; and that the Claimant filed an IQ and an ATAG Ernst & Young claim form identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. Additionally, the Claimant submitted his birth certificate, [REDACTED]'s German naturalization certificate, a claim with a restitution office in Berlin, and [REDACTED]'s death certificate, providing independent verification that his paternal relatives had the same surname and resided in the same city as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner.

² The CRT notes that the Claimant listed a street address for his grandparents that is different from the street address for the Account Owner and the Power of Attorney Holder found in the Bank's records. However, the CRT determines that this difference is not substantial, considering that the Claimant, who was born in 1943, never met his grandparents or lived in Berlin before the Second World War; that the information provided by the Claimant indicates that his grandparents had several business addresses; and that the Claimant identified the Account Owner's and Power of Attorney Holder's names, city of residence, and marital relationship more than two years before their names and city of residence appeared in 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 Issue of Who Received the Proceeds

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 taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that there is no evidence that the Account Owner fled Germany prior to 1934, and would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to her or to the Power of Attorney Holder; that the Account Owner's heirs would not have been able to obtain information about her 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' heirs because of the banks' concern regarding double liability; and given the application of Presumptions (a), (h), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), and Appendix C,³ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, 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 and represented party [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that he and represented party [REDACTED 2] are the grandchildren of the Account Owner, and that relationship justifies an award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a demand deposit 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 investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 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 26,750.00.

Division of the Award

According to Article 23(1)(c), if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, as the grandchildren of the Account Owner, the

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

Claimant and represented party [REDACTED 2] are each entitled to one-half 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
10 December 2004