

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED], [REDACTED] and [REDACTED]

in re Accounts of Gustav Droller and Rosa Droller

Claim Number: 210169/PY

Award Amount: 323,880.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Gustav Droller. This Award is to the account of Gustav Droller and Rosa Droller (the “Account Owners”) at 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 Owners as her paternal grandparents, Gustav Droller, who was born on 8 July 1876 in Kleinsteinach, Germany, and Rosa Droller, née May, who was born on 4 February 1881, and who were married on 2 September 1909 in Camberg im Taunus, Germany. The Claimant stated that her grandparents, who were Jewish, resided between 1925 and 1937 at Scheffelstrasse 11 in Frankfurt am Main, Germany. She further stated that her grandfather was a textile merchant and a partner in the firm of *L. Bauer* located at Kaiserstrasse 70 in Frankfurt, until its liquidation in 1933. The Claimant stated that Gustav and Rosa Droller had two children: [REDACTED], née [REDACTED], and [REDACTED], the Claimant’s father. According to the Claimant, in 1933 her grandparents’ children went to Paris, France, shortly after the Nazis came to power, and her grandmother, Rosa Droller, died in Paris in 1935 while visiting her children. The Claimant added that in July 1937, Gustav Droller paid 113,000.00 Reichsmarks in *Reichsfluchtsteuer* (“flight taxes”) to the Nazi authorities in order to gain permission to leave Germany, and shortly thereafter moved to Amsterdam, the Netherlands. The Claimant stated that her grandfather was deported in 1944 to the Bergen-Belsen concentration camp, where he later perished on 29 October 1944. The Claimant submitted the birth certificates of her father, [REDACTED], and of her aunt, [REDACTED], née [REDACTED], as well as their respective death certificates. In addition, the Claimant also submitted the joint will of her grandparents, in which their Estate was to be divided equally between their two children, [REDACTED] and [REDACTED]. The Claimant

also submitted a letter from her grandfather, dated 13 July 1937, to the *Deutsche Effecten Und Wechsel Bank* in Frankfurt am Main, in which he directed 113,000.00 Reichsmarks from his account there to be used for payment of his flight taxes. Finally, the Claimant submitted a letter from Yad Vashem, dated 6 March 2001, confirming that Gustav Droller of Frankfurt am Main was a victim of the Holocaust.

The Claimant stated that she was born on 29 October 1946 in Buenos Aires, Argentina. The Claimant is representing [REDACTED], née [REDACTED], her mother, who was born on 20 February 1923 in Hamburg, Germany. She is also representing [REDACTED] and [REDACTED], her brothers, both born in Buenos Aires on 20 May 1949 and 1 June 1952, respectively. The Claimant is also representing her cousin, [REDACTED], the daughter of [REDACTED], who was born on 28 March 1946 in Paris.

[REDACTED], one of the represented parties, previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Gustav Droller of Frankfurt am Main.

Information Available in the Bank Records

The bank records consist of two account registry cards. According to these records, the joint Account Owners were Gustav Droller and *Frau* (Mrs.) Rosa Droller, née May, who resided in Frankfurt am Main, Germany. The bank records indicate that the Account Owners held a custody account opened on 10 June 1931, numbered L5629, as well as one demand deposit account and one account of unknown type, which were opened on 16 August 1931 and 15 January 1931, respectively. The bank records also indicate that Gustav Droller individually owned two accounts of unknown type which were opened on unknown dates.

The demand deposit account and the jointly owned account of unknown type were closed on 19 June 1934 and 6 June 1933 respectively, while the custody account, numbered L5629, was closed on 4 June 1934. The two accounts of unknown type owned by Gustav Droller were closed on 5 June 1938 and 1 July 1938, respectively. The amount in the accounts on the dates of their closure is unknown. The bank records do not show to whom they were paid, nor do these records indicate the value of these accounts. There is no evidence in the bank records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. Her grandfather's name and country of residence match the published name and country of residence of one of the Account Owners, while her grandmother's name, including her maiden name, matches the unpublished name of the other Account Owner. The Claimant identified her grandparents' city of residence in Germany, which matches unpublished information about the Account Owners contained in the

bank records. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Gustav Droller, and indicates that he resided in Frankfurt am Main, and that he was 68 years old at the time of his death, which matches the information about one of the Account Owners provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that [REDACTED], one of the represented parties, filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Gustav Droller, 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 [REDACTED] has based her present 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that [REDACTED] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by [REDACTED]. The CRT notes that there are no other claims to this account.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that one of the Account Owners was a Victim of Nazi Persecution. The Claimant stated that one of the Account Owners was Jewish, and that he was deported to the Bergen-Belsen concentration camp in 1944, where he later perished. As noted above, a person named Gustav Droller appears in the CRT database of victims of Nazi persecution.

The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting [REDACTED]’s birth certificate, indicating that his parents were Gustav and Rosa Droller, née May, and the Claimant’s own birth certificate, indicating that her father was [REDACTED].

According to the principles of distribution set forth in Article 23 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), an Award will provide for an equal division among the children of the Account Owner or their descendants who have submitted claims to the account. The Claimant is representing her brothers and her cousin, as well as her own mother, in these proceedings. As the Claimant, the Claimant’s brothers and her cousin are direct descendants of the Account Owners, they are better entitled under the Rules to the Award than the Claimant’s mother, who is only related to the Account Owners by marriage.

The Issue of Who Received the Proceeds

Given that the Account Owners remained domiciled in Germany until Rosa Droller's death in 1935 and Gustav Droller's death in a concentration camp in 1944, that their business was confiscated in 1933, that they paid flight taxes in 1937, and given the Nazi campaign to confiscate the domestic and foreign assets of its Jewish nationals and the application of Presumptions (a), (h) and (j) as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners 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. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were her grandparents, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held a demand deposit account, a custody account and three accounts of unknown type. 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 present 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 an account of unknown type was 3,950.00 Swiss Francs, the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. The total 1945 value is therefore 26,990.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 323,880.00 Swiss Francs.

Division of the Award

According to Article 23 of the Rules, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. As indicated above, the Claimant and her brothers, as well as the Claimant's cousin, are better entitled under the Rules to the award than the Claimant's mother, [REDACTED], who is related to the Account Owners by marriage. As such, the Claimant's cousin, [REDACTED], who is the daughter of [REDACTED], is entitled to one-half (1/2) of any payment made to the Claimant. The other half of the Award is to be shared equally among the Claimant and her two brothers, [REDACTED] and [REDACTED], who are all children of the Account Owners' other child, [REDACTED]. The Claimant's brothers are therefore entitled to one-sixth (1/6) of any payment made to the Claimant.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
April 24, 2003