

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Maria Luise Ebenspanger**

Claim Number: 213479/CN

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].<sup>1</sup> This Award is to the unpublished account of Maria Luise Ebenspanger (the “Account Owner”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch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 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 Owner as his maternal cousin, [REDACTED], née [REDACTED], who was born on 18 August 1910 in Ljubljana, Yugoslavia (now Slovenia). The Claimant indicated that his cousin and her parents, [REDACTED] and [REDACTED], née [REDACTED] (the sister of the Claimant's mother, [REDACTED], née [REDACTED]), who were Jewish, resided in Ljubljana until 1941, when Yugoslavia was invaded by Nazi Germany. The Claimant indicated that his uncle was then deported to Mauthausen, where he perished. The Claimant indicated that his cousin died in 1961, that his aunt died in 1972, both in Ljubljana, and that he is his cousin's only surviving relative.

The Claimant submitted documents in support of his claim, including copies of: (1) a letter from the Austrian Interior Ministry, indicating that [REDACTED] was Jewish, that he was from Ljubljana, and that he was a prisoner in Mauthausen, where he died on 18 March 1945; and (2) a letter from the Austrian Consulate in Ljubljana, indicating that [REDACTED] and [REDACTED], née [REDACTED], who resided in Ljubljana, were married on 8 August 1908. The Claimant indicated that he was born on 9 October 1921 in Linz, Austria.

---

<sup>1</sup> The CRT will treat the claim to this account in a separate determination.

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

### **Information Available in the Bank's Record**

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) reported that [REDACTED] held power of attorney over the account of *Carl Persch G.m.b.H.*<sup>2</sup>

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT requested the voluntary assistance of the Bank to obtain additional information about [REDACTED] (“Voluntary Assistance”). The Bank provided the CRT with additional documents. These documents include a power of attorney form, dated 12 July 1931, and indicate that [REDACTED] also held power of attorney over an account of Maria Luise Ebenspanger.

This document indicates that Account Owner was Maria Luise Ebenspanger, who resided in Ljubljana, Yugoslavia, and that the Power of Attorney Holder was *Herr* (Mr.) [REDACTED], who was the owner of a company called *Firma A. Ebenspanger* in Ljubljana. The Bank's record indicates that the Account Owner held a custody account.<sup>3</sup> This record includes signature samples for the Account Owner and the Power of Attorney Holder. The Bank's record does not contain any information regarding the disposition of the account, nor does it indicate its value. There is no evidence in the Bank's record 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's cousin's name and city and country of residence match the unpublished name, city and country of residence of the Account Owner.<sup>4</sup> Additionally, the Claimant's uncle's name and city and country of residence match the unpublished name, city and country of residence of the Power of Attorney Holder.

---

<sup>2</sup> The CRT will treat the claim to this account in a separate determination.

<sup>3</sup> The Bank's record contains a power of attorney form that references a “*Titeldepot*,” which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that the Account Owner held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that she held such an account.

<sup>4</sup> The CRT notes that the Bank's record lists the Account Owner's first and middle names as “Maria Louise,” whereas the Claimant indicated that his cousin's first and middle names were “[REDACTED].” The CRT notes that the names provided by the Claimant are variations of the names contained in the Bank's record, and concludes that these variations do not materially affect the Claimant's identification of the Account Owner.

In support of his claim, the Claimant submitted documents, including a letter from the Austrian Interior Ministry, and a letter from the Austrian Consulate in Ljubljana, providing independent verification that the person who is claimed to be the Power of Attorney Holder had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Power of Attorney Holder. The CRT notes that there are no other claims to this account. Taking all of 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 the Account Owner was Jewish, and that she resided in Ljubljana until 1941, when Yugoslavia was invaded by Nazi Germany, at which time her father, the Power of Attorney Holder, was deported to Mauthausen, where he perished.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's cousin. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted copies of letters from the Austrian Interior Ministry and the Austrian Consulate regarding [REDACTED], which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Ljubljana. 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, as he has asserted in his Claim Form.

#### The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-controlled Yugoslavia; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Power of Attorney Holder perished in Mauthausen; that the Account Owner and her heirs resided in Communist Yugoslavia after the Second World War; that the Account Owner and her 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 because of the banks' concern regarding double liability; and given the application of Presumptions (h), (i), 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, 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. 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 Owner was his cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor 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 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 custody account was 13,000.00 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 162,500.00.

### **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  
23 June 2006