

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1],

to Claimant [REDACTED 2],

to Claimant [REDACTED 3],

to Claimant [REDACTED 4],

to Claimant [REDACTED 5],

and to Claimant [REDACTED 6],  
all also acting on behalf of  
[REDACTED 7], [REDACTED 8], and [REDACTED 9],

all of the above being represented by  
Jost von Trott zu Solz

## **in re Accounts of David Ehrmann**

Claim Numbers: 400795/RS; 400775/RS;<sup>1</sup> 400744/RS;<sup>2</sup> 400856/RS;  
400864/RS;<sup>3</sup> 401596/RS; 400726/RS; 400720/RS

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”); [REDACTED 2] (“Claimant [REDACTED 2]”); [REDACTED 3] (“Claimant [REDACTED 3]”); [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”); [REDACTED 5], née [REDACTED] (“Claimant [REDACTED 5]”); and [REDACTED 6], née [REDACTED] (“Claimant [REDACTED 6]”), (together the “Claimants”) to the published accounts of David Ehrmann (the “Account Owner”), over which [REDACTED] (the “Power of

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<sup>1</sup> In a separate decision, the CRT treated Claimant [REDACTED 1]’s claim to the account of Josef Ehrlich. See *In re Account of Josef Ehrlich* (approved on 30 May 2007).

<sup>2</sup> Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted two additional claims which are registered under the claim numbers 217141 and 217142. In a separate decision, the CRT awarded the accounts of Hans Max Heimann and Fritz Heimann to Claimant [REDACTED 2]. See *In re Account of Hans Max Heimann and Fritz Heimann* (approved on 21 April 2003).

<sup>3</sup> In a separate decision, the CRT treated Claimant [REDACTED 3]’s claim to the account of Josef Ehrlich. See *In re Account Josef Ehrlich* (approved on 14 September 2007).

Attorney Holder”) held power of attorney, at the Basel 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.

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

The Claimants submitted virtually identical Claim Forms identifying the Account Owner as Abraham David Ehrmann, known as David Ehrmann, who was born on 3 July 1890 in Tarnów, Poland and was one of five siblings. According to the Claimants, David Ehrmann was the uncle of Claimant [REDACTED 1], Claimant [REDACTED 4], Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 2]; the uncle of represented party [REDACTED 9]’s deceased husband [REDACTED]; and the great-uncle of Claimant [REDACTED 3] and of represented parties [REDACTED 7] and [REDACTED 8].

The Claimants indicated that David Ehrmann, who was Jewish, left Poland with his family in 1908 and settled in Berlin, Germany. The Claimants stated that David Ehrmann married [REDACTED], née [REDACTED], who was commonly known as [REDACTED], in 1919 in Berlin. The Claimants indicated that David Ehrmann had two children with his wife [REDACTED], namely [REDACTED], who was born in 1920 in Berlin, and [REDACTED], who was born in 1927 in Berlin. According to the Claimants, David Ehrmann was an owner or part-owner of several businesses in the course of his life; they indicated that David and [REDACTED] jointly owned *Kostümrock-Fabrikation A.D. Ehrmann* (“A.D. Ehrmann”), a successful skirt and dress company which was based out of their large home at Kottbusser Ufer 42/43 in Berlin. The Claimants further stated that David Ehrmann lived in that home from 1920 to 1936, but that the success of *A.D. Ehrmann* also allowed the family to purchase several other properties in Berlin. The Claimants indicated that during this period, David Ehrmann was known to take business trips to Switzerland.

Among other testimonies, the Claimants submitted a lengthy narrative written by [REDACTED] in 1956 which was submitted to the United Restitution Organization. In that narrative, [REDACTED] indicated that *A.D. Ehrmann* continued to be a successful organization until 1934, at which point pressure from the Nazi regime on Jewish-owned businesses significantly affected the company. [REDACTED] indicated that the family did not believe that the business could continue to flourish, particularly since the Nazis pressured the company’s customers to take their business elsewhere. In her narrative, [REDACTED] further stated that, given the intolerable Nazi pressure on her family and its business, she decided to flee Germany with her children and to settle in Palestine (now, Israel). According to [REDACTED], in March 1934, she and her children took the train from Berlin to Naples, Italy, followed by a ship from Naples to Haifa. She indicated further that her husband remained in Berlin in an effort to continue to run the family business, and that for a short while, he was able to continue to send her money from the business, until the Nazis prevented the transfer of money from the company abroad.

According to information and documents provided by the Claimants, David Ehrmann remained in Berlin until July 1936, at which point he also fled Germany due to persecution by the Nazi regime. The information and documents submitted by the Claimants further indicate that in 1936, David Ehrmann sold *A.D. Ehrmann* at a loss, and fled to Copenhagen, Denmark, where he lived for a year. The Claimants stated that in Denmark, David Ehrmann was again subjected to anti-Jewish sentiment; in 1937, he was deported from that country. According to the Claimants, David Ehrmann decided to flee yet again, this time to Switzerland, where he lived until 1938, when he was deported from that country as well. According to information and documents submitted by the Claimants, in 1937 David Ehrmann officially divorced [REDACTED], who remained in Palestine. The Claimants stated further that, following his deportation from Switzerland, David Ehrmann fled to Nice, France, where, in July 1938, he married [REDACTED], née [REDACTED], who was Protestant. According to the Claimants, David Ehrmann's second marriage did not produce any children.

According to information and documents provided by the Claimants, following the Nazi invasion of France, David Ehrmann was again subjected to Nazi persecution. The Claimants stated that in 1941, following a threatening visit to his home by a Gestapo officer, David Ehrmann went into hiding in the *St. Barthelemy* clinic located near Nice. The Claimants indicated that after David Ehrmann had been in hiding in the clinic for over a month, the Nazis came to the clinic to arrest him, whereupon the Mother Superior of the clinic, in an effort to save David Ehrmann's life, told the Nazi officials that it was impossible for him to be removed from the clinic, as he was currently suffering from a gallbladder attack. According to the Claimants, following this episode David Ehrmann decided to spend nights, when the Nazis often conducted their raids, in a wood near Nice, followed by days in his home in Nice. According to information and documents provided by the Claimants, however, the Nazis chose the afternoon of 1 September 1941 to arrest David Ehrmann at his home in Nice. The Claimants stated that he was soon sent to the Camp du Vernet d'Ariège concentration camp in France. From there, the Claimants further stated, David Ehrmann was sent further to Drancy transport camp in France and on 12 August 1942, he was deported to Auschwitz. The Claimants indicated that David Ehrmann was declared dead as of 31 December 1945, but that in 1948, Nice city officials were able to confirm that David Ehrmann perished in Auschwitz on 18 August 1942.

The Claimants all submitted copies of:

- (1) [REDACTED]'s inheritance application, indicating that his father was Abraham David Ehrmann who was born on 3 July 1890 in Tarnów, who perished as a result of Nazi persecution and that his date of death was deemed to be 31 December 1945;
- (2) an inheritance document, dated 22 October 1957 and issued by the District Court of Charlottenburg, Germany, indicating that Abraham David Ehrmann, who had lived in Berlin, and who was declared dead as of 31 December 1945, left his estate in equal parts to his two sons, [REDACTED] and [REDACTED];
- (3) an inheritance document, dated 25 June 1958 and issued by the District Court of Haifa, Israel, indicating that the sole heir of [REDACTED] and [REDACTED], both of whom died in March 1958, was [REDACTED];

(4) an undated inheritance document issued by the District Court of Haifa, relating to the estate of [REDACTED] (sic), who died in 1983 in Israel, indicating that the following heirs were to receive a one-eighth share of his estate: [REDACTED 6], [REDACTED], the Estate of [REDACTED], [REDACTED 1], [REDACTED 5], and [REDACTED 4]; and that the Estate of [REDACTED] (sic) was to receive a two-eighth share of his estate;

(5) a divorce certificate, indicating that Abraham David Ehrman (sic), born on 3 July 1890 and resident of Berlin and [REDACTED] (sic) were officially divorced on 26 February 1937;

(6) [REDACTED]'s death certificate, indicating that she died on 25 April 1962, and that she was the widow of Abraham David Ehrmann;

(7) the marriage certificate of Abraham David Ehrman (sic) and [REDACTED], indicating that the groom was born on 3 July 1890 in Tarnów, Poland, and that the couple was married on 11 July 1938;

(8) a one-page biography of the life of David Ehrmann written and signed by [REDACTED] in 1954;

(9) a three-page testimony, which was submitted to the United Restitution Organization, written and signed in 1956 by [REDACTED] and described in detail above;

(10) a one-page testimony of the life of Dawid [sic] Ehrmann, which was submitted to the United Restitution Organization, written and signed in 1957 by [REDACTED];

(11) an extract from the Nice Archives indicating that Abraham David Ehrmann, who was born in Tarnów, on 3 July 1890, and who had last lived in Nice, France, perished on 18 August 1942 in Auschwitz;

(12) a Certificate of Incarceration, dated 1 February 1954, issued by the Allied High Commission for Germany International Tracing Service, indicating that according to transport lists of the Drancy transport camp, Abraham David Ehrmann, who was born on 3 July 1890 in Tarnów, had entered the Drancy transport camp; that the reason for his incarceration was stated to be that he was Jewish; and that he was transferred to Auschwitz concentration camp on 12 August 1942; and

(13) a decision issued by the District Court of Charlottenburg on 2 May 1953, indicating that Abraham David Ehrmann, Berlin businessman, was declared dead as of 31 December 1945.

Claimant [REDACTED 1] indicated that he was born on 21 February 1922 in Berlin; Claimant [REDACTED 2] indicated that he was born on 16 April 1942 in Illinois, the United States; Claimant [REDACTED 3] indicated that he was born on 24 October 1943; Claimant [REDACTED 4] indicated that she was born on 11 August 1925 in Berlin; Claimant [REDACTED 5] indicated that she was born on 2 April 1920 in Berlin; and Claimant [REDACTED 6] indicated that she was born in 1914 in Germany. The Claimants are also

acting on behalf of [REDACTED 7], who was born on 9 March 1949; [REDACTED 8], who was born on 11 March 1952; and [REDACTED 9], who was born on 18 August 1924.

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

The Bank's record consists of a printout from the Bank's database of closed accounts. According to this record, the Account Owner was David Ehrmann, who resided in Berlin, and the Power of Attorney Holder was Hanna [sic] Ehrmann. The Bank's record indicates that the Account Owner held one custody account and one demand deposit account.

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 these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a power of attorney form, a hold-mail form, and a card indicating the Account Owner's acknowledgement of the Bank's regulations regarding custody accounts. These documents indicate that the Power of Attorney Holder was in fact [REDACTED], and not Hanna Ehrmann, and that David and [REDACTED] resided at Kottbusen Ufer 42/43, Berlin SO 36, Germany. These records further indicate that David Ehrmann requested on 25 January 1932 that the Bank hold all correspondence related to the accounts; and that David Ehrmann went to Basel, Switzerland to sign these Bank documents on that date.

The Bank's records do not show when the accounts at issue were closed, nor do these records indicate the value of these accounts.

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") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945.

There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

### **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 eight claims of the Claimants in one proceeding.

### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' relative's name matches the published name of the Account Owner.<sup>4</sup> The Claimants identified the Account Owner's exact street address, city and country of residence, and spouse's name, all of which match unpublished information about the Account Owner contained in the Bank's records.

In support of their claims, the Claimants submitted documents, including an inheritance document relating to the estate of Abraham David Ehrmann; marriage, divorce and death certificates; testimonies or biographies submitted by various family members of Abraham David Ehrmann; an extract from the Nice Archive; a Certificate of Incarceration and a decision issued by the District Court of Charlottenberg, all providing independent verification that the person who is claimed to be the Account Owner had the same name and resided at the same address and in the same city recorded in the Bank's records as the name, street address, and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by [REDACTED], Abraham David Ehrmann's wife, in 1957, which indicates that Abraham David Ehrmann was born in 1890 in Tarnów, Poland, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to these accounts.

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

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that, as a result of Nazi persecution, including the forced sale of his business, he fled Germany for various countries, in which he at times was forced to live in hiding, before he ultimately perished in Auschwitz.

The Claimant also submitted an extract from the Nice Archives indicating that Abraham David Ehrmann perished on 18 August 1942 in Auschwitz; and a Certificate of Incarceration indicating that Abraham David Ehrmann had been incarcerated at the Drancy transit camp due to fact that he was Jewish, and that he was transferred to Auschwitz on 12 August 1942.

As noted above, a person named Abraham David Ehrmann was included in the CRT's database of victims.

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<sup>4</sup> The CRT notes that, according to most of the documents submitted by the Claimants, their relative's name was Abraham David Ehrmann whereas the Bank's records indicate that the Account Owner's name was David Ehrmann. However, the CRT notes that the Claimants stated that their relative was known as David Ehrmann, which is supported by the fact that 1954 biography by [REDACTED] and the 1957 testimony submitted to the United Restitution Organization by [REDACTED] both refer to David (or Dawid, a variation of the name David) Ehrmann. Accordingly, the CRT considers it plausible that the Claimants' relative used his middle name David to open the account.

### The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information, demonstrating that the Account Owner was their relative. The Claimants have plausibly demonstrated that the Account Owner was the uncle of Claimant [REDACTED 1], Claimant [REDACTED 4], Claimant [REDACTED 5], Claimant [REDACTED 6], Claimant [REDACTED 2] and [REDACTED] (the late husband of represented party [REDACTED 9]); and the great-uncle of Claimant [REDACTED 3] and of represented parties [REDACTED 7] and [REDACTED 8].

The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's records; and that the Claimants also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimants submitted copies of testamentary documents belonging to the Account Owner and his heirs as well as the Account Owner's marriage, divorce and incarceration certificates and a decision issued by the District Court of Charlottenburg relating to the Account Owner's deemed date of death. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

The CRT notes that the Claimants indicated that they have another surviving relative, but that because he or she is not represented in the Claimants' claims, the CRT will not treat his or her potential entitlement to the Account Owner's accounts in this decision.

### The Issue of Who Received the Proceeds

Given that the Account Owner perished in Auschwitz in 1942; that there is no record of the payment of the Account Owner's accounts to him, nor any record of a date of closure of the accounts; that the Account Owner's heirs would not have been able to obtain information about his accounts 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) 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 Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant

[REDACTED 5], Claimant [REDACTED 6], represented parties [REDACTED 7] and [REDACTED 8]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants mentioned above have plausibly demonstrated that the Account Owner was the uncle of Claimant [REDACTED 1], Claimant [REDACTED 4], Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 2]; and the great-uncle of Claimant [REDACTED 3] and of represented parties [REDACTED 7] and [REDACTED 8], and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, or their heirs received the proceeds of the claimed accounts.

Further, the CRT notes that the above-mentioned claimants, as the Account Owner's nephews, nieces or great-nephews, have a better entitlement to the account than represented party [REDACTED 9], whose husband, [REDACTED], was the Account Owner's nephew, and who is therefore related to the Account Owner only by marriage.

#### Amount of the Award

In this case, the Account Owner held one custody account and one 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"), and the average value of a demand deposit account was SF 2,140.00. Thus, the combined 1945 average value for the two accounts at issue is SF 15,140.00. 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 189,250.00.

#### Division of the Award

According to Article 23(2)(b) of the Rules, if none of the named beneficiaries named in the Account Owner's will or other inheritance documents has filed a claim, the CRT shall make an award to any claimant who has submitted an unbroken chain of wills or other inheritance documents pertaining to the Account Owner. In this case, the Claimants have submitted: (1) an inheritance document pertaining to the Account Owner, indicating that the Account Owner left his estate in equal parts to his two sons, [REDACTED] and [REDACTED]; (2) an inheritance document pertaining to [REDACTED] and [REDACTED], indicating that their sole heir was [REDACTED]; and (3) an inheritance document pertaining to [REDACTED] indicating that the following persons are entitled to a one-eighth share of his estate: [REDACTED 6] (Claimant [REDACTED 6]); [REDACTED]; the Estate of [REDACTED]; [REDACTED 1] (Claimant [REDACTED 1]); [REDACTED 5] (Claimant [REDACTED 5]); [REDACTED 4] (Claimant [REDACTED 4]); and that the Estate of [REDACTED] was entitled to a two-eighths share of his estate. Hence, in accordance with the unbroken chain of inheritance documents, Claimant [REDACTED 6], Claimant [REDACTED 1], Claimant [REDACTED 5] and Claimant [REDACTED 4] are each entitled to a one-eighth share of the Award amount.

The CRT notes that the deceased [REDACTED], [REDACTED] and the Estate of [REDACTED], who are all mentioned in the inheritance document pertaining to [REDACTED], did not file claims to this account. However, their spouses and/or descendants, who are not mentioned in [REDACTED]’s inheritance document, did so. According to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. The CRT finds that it is consistent with the principles of fairness and equity that the spouse and/or descendants of [REDACTED], [REDACTED] and the Estate of [REDACTED], each receive the share that their respective relative would have received according to the inheritance document pertaining to [REDACTED]. Accordingly, Claimant [REDACTED 3], who is [REDACTED]’s son, is entitled to a one-eighth share of the award amount and [REDACTED 2], who is [REDACTED]’s son, is entitled to a two-eighth share of the award amount.

With respect to the one-eighth share of the account to which the deceased [REDACTED] would have been entitled, the CRT notes that [REDACTED]’s widow, [REDACTED 9], who is the wife of the Account Owner’s nephew, and her two sons, [REDACTED 8] and [REDACTED 7], who are the Account Owner’s great-nephews, are all represented parties in this case. As stated above, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain and the CRT proposes to do so in this case. 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. Accordingly, represented parties, [REDACTED 8] and [REDACTED 7], are entitled to share this one-eighth portion of the award and are therefore entitled to one-sixteenth each of the total Award amount. As mentioned above, [REDACTED 9] is not entitled to share in the Award.

The Award distribution is set forth in Table 1 below.

**Table 1. Distribution of Award Amount by Party.**

<b>Name of Party</b>	<b>Distribution</b>	<b>Amount (SF)</b>
Claimant [REDACTED 6]	One-eighth	23,656.25
Claimant [REDACTED 1]	One-eighth	23,656.25
Claimant [REDACTED 5]	One-eighth	23,656.25
Claimant [REDACTED 4]	One-eighth	23,656.25
Claimant [REDACTED 3]	One-eighth	23,656.25
Claimant [REDACTED 2]	Two-eighths	47,312.50
Represented Party [REDACTED 9]	0	0.00
Represented Party [REDACTED 8]	One-sixteenth	11,828.13
Represented Party [REDACTED 7]	One-sixteenth	11,828.13
<b>Total</b>		<b>189,250.00</b>

**Scope of the Award**

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**

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

Claims Resolution Tribunal  
25 November 2008