

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of *Firma Frau Gisela Huth*

Claim Number: 220661/AH

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of *Firma Frau Gisela Huth* (the “Account Owner”) 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 Owner, *Firma Frau Gisela Huth*, as the name of her maternal great-grandmother’s company. The Claimant stated that Gisela Huth, who was Jewish, was married to [REDACTED], lived in Vienna, Austria, and started her own clothing manufacturing business called *Gisela Huth*, located at Tuchlaubenhof 1 in Vienna. The Claimant indicated that on 22 August 1920, in Vienna, Gisela and [REDACTED]’s daughter, [REDACTED], was married to [REDACTED], who was born on 17 May 1897 in Vienna, and resided in Chimanistrasse 25, Vienna 19. The Claimant further indicated that after her great-grandmother died on 1 May 1927, [REDACTED] and [REDACTED] inherited the business *Gisela Huth*, which they continued to operate until 1938, when their home and business were confiscated and the couple, who were both Jewish, fled Austria to Argentina, and from there moved in 1944 to the United States. The Claimant indicated that [REDACTED] died in 1952, [REDACTED] died on 5 September 1981, and their daughter [REDACTED], the Claimant’s mother, died on 14 October 2000, all in California. The Claimant submitted various documents in support of her claim, including the obituary of Gisela Huth, the business card of the business *Gisela Huth*, the marriage certificate of [REDACTED] and [REDACTED], indicating Gisela Huth’s name, their death certificates and wills naming the Claimant’s mother as their heir, her mother’s birth, marriage, and death certificates, and her mother’s trust and will. The Claimant indicated that she was born on 30 December 1952, in Santa Monica, California, the United States.

Information Available in the Bank's Record

The Bank's record consists of a bank customer card and printouts from the Bank's database. According to this record, the Account Owner was a business entity named *Firma Frau Gisela Huth* of Vienna, Austria. The Bank's record indicates that the Account Owner held one demand deposit account that was closed on 10 August 1938. The amount in the account on the date of its closure is unknown, and the Bank's record does not show to whom it was paid. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of [REDACTED], signed on 16 July 1938 in Vienna. These documents, numbered 11737, indicate that [REDACTED] was born on 16 December 1901, that she was married to [REDACTED], that her occupation was "firm owner," that she was a partner in company, and that she was living in Chimanistrasse 25/14 in Vienna XIX, Austria. These records also show that [REDACTED] registered with the Nazi authorities that she owned one-half of the women's clothing manufacturing and export business *Gisela Huth*, located at Seitzergasse 6, Vienna I, worth 40,720.00 Reichmarks, and some items made of precious metals worth 2,300.00 Reichmarks.

The CRT's Analysis

Identification of the Account Owner

The Claimant has identified the Account Owner. Her great-grandmother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified her great-grandmother's unpublished city of residence as indicated in the Bank's record. Additionally, the Claimant identified the Account Owner as a company and identified the company name, all of which matches unpublished information contained in the Bank's record.

In support of her claim, the Claimant submitted various documents including the obituary of Gisela Huth; the business card of the business *Gisela Huth*; the marriage certificate of [REDACTED] and [REDACTED], indicating that Gisela Huth was [REDACTED]'s mother; their death certificates and wills, naming the Claimant's mother as their heir; her mother's birth, marriage, and death certificates, and her trust and her will. The CRT notes that the Austrian State Archives records match and support the information provided by the Claimant and indicated in the Bank's records. The CRT notes that the other claim to this account was disconfirmed because that claimant did not identify the Account Owner as a company while the Claimant made that identification.

Status of the Owner of *Firma Frau Gisela Huth* as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the owner of *Firma Frau Gisela Huth* was a Victim of Nazi Persecution. The Claimant stated that the original owner of the business, Gisela Huth, and the inheritors of the business, [REDACTED] and [REDACTED], were Jewish. The Claimant also stated that the assets of the business and [REDACTED] and [REDACTED]'s personal assets were confiscated by the Nazis, and that they fled Austria in 1938 to escape persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the owners of the Account Owner by submitting evidence demonstrating that she is the granddaughter of [REDACTED] and [REDACTED] and the great-granddaughter of Gisela Huth. There is no information to indicate that the owners of the Account Owner have other surviving heirs.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census and, subsequently, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the CRT's precedent indicates that is plausible in such situations that the account proceeds in this case were paid to the Nazis, 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), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, its owners, or her heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in determining whether or not Account Owners or their heirs received the proceeds of the 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 owned by her great-grandmother and subsequently her grandparents, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that the Account Owner or its owners did not receive the proceeds of the claimed account.

Amount of the Award

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

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
July 15, 2003