

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹

in re Account of Lucie Friedländer

Claim Number: 220323/AX²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the "Claimant") to the published account of Lucie Friedländer (the "Account Owner"), over which [REDACTED] held power of attorney (the "Power of Attorney Holder"), at the Zurich branch of the [REDACTED] (the "Bank").

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his cousin, Lucie Friedländer, who was born on 25 May 1867 in Kosice, Czechoslovakia, and was married to [REDACTED]. The Claimant indicated that Lucie Friedländer had three children: [REDACTED], [REDACTED], and [REDACTED]. The Claimant further indicated that his relatives, who were Jewish, resided at Heinrichsgasse 2, in Vienna I, Austria. The Claimant indicated that he does not know the exact circumstances of his relatives during the Second World War, but presumes that their family perished in concentration camps. In support of his claim, the Claimant submitted Jewish registration records from Vienna, indicating that Lucie and [REDACTED] Friedländer lived at Heinrichsgasse 2, in Vienna I, and that they had three children, including [REDACTED]; the marriage certificate of his grandmother, indicating that her name is [REDACTED]; the Claimant's identity card; the birth and marriage certificates of the Claimant's mother, indicating that her mother was [REDACTED]; and a request from the

¹ In a telephone conversation with the Claimant's son, [REDACTED], on 27 February 2002, the CRT was informed that the Claimant passed away on 18 October 2001. The Claimant's son submitted a copy of his father's death certificate.

² The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 220321 and 220322. The CRT has awarded the account of [REDACTED] to the Estate of the Claimant. See *In Re Account of [REDACTED]* (approved on 31 December 2003). This CRT will treat the claim to the account of [REDACTED] in a separate decision.

Claimant's mother to the Hungarian authorities requesting a copy of the birth certificate of her relative, [REDACTED]. The Claimant indicated that he was born on 4 April 1921 in Budapest, Hungary.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form and printouts from the Bank's database. According to these records, the Account Owner was Lucie Friedländer, and the Power of Attorney Holder was [REDACTED]. The Bank's records indicate that the Account Owner and the Power of Attorney Holder resided at Heinrichsgasse 2, Vienna I, Austria. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records indicate that the account was opened on or before 14 November 1927, the date on which the power of attorney form was signed. 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 this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account 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 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 cousin's name and city and country of residence match the published name and city and country of residence of the Account Owner. The name of the Claimant's cousin's daughter matches the published name of the Power of Attorney Holder. The Claimant identified the Account Owner and the Power of Attorney's street address, which matches the address of the Account Owner and the Power of Attorney Holder contained in the Bank's records. In support of his claim, the Claimant submitted documents, including Jewish registration records from Vienna, indicating that Lucie and [REDACTED] Friedländer lived at Heinrichsgasse 2, in Vienna I, and that they had three children, including [REDACTED], providing independent verification that the persons who are claimed to be the Account Owner and the Power of Attorney Holder had the same names and resided at the same address recorded in the Bank's records as the names and address of the Account Owner and Power of Attorney Holder.

The CRT notes that there are no other claims to this account.

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 perished in the Holocaust.

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. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT further notes that the Claimant submitted a copy of the marriage certificate of his grandmother, indicating that her name was [REDACTED]; the birth and marriage certificates of the Claimant's mother, indicating that her mother was [REDACTED]; and a request from the Claimant's mother to the Hungarian authorities requesting a copy of the birth certificate of her relative, [REDACTED], which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner, 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. There is no information to indicate that the Account Owner had other surviving heirs at the time the Claimant submitted his claim.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in the Holocaust; 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 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) 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. 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, 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 account 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 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 49,375.00.

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
18 November 2004