

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant Rosa Feran
represented by Paul Kertesz

and to Claimant Francisc Friedman¹

in re Account of Martin Friedmann and Rozalia Friedmann

Claim Numbers: 205872/MBC; 216883/MBC; 216913/MBC

Original Award Amount: 25,680.00 Swiss Francs

Award Amendment Amount: 13,375.00 Swiss Francs

This Certified Award Amendment is based upon the claims of Rosa Feran, née Mayer, (“Claimant Feran”), and the claim of Francisc Friedman (“Claimant Friedman”) (together the “Claimants”) to the published account of Martin Friedmann (“Account Owner Martin Friedmann”) and Rozalia Friedmann (“Account Owner Rozalia Friedmann”) (together the “Account Owners”) at the Zurich branch of [REDACTED] (the “Bank”).

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

Procedural History

On 2 January 2003, the Court approved an Award to Claimant Friedman for the Account Owners’ account (the “January 2003 Award”). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant Feran. Subsequent review of Claimant Feran’s claim indicates that she is entitled to share in the original award amount, as detailed below.

The January 2003 Award

In the January 2003 Award, the CRT determined that the Account Owners owned one demand deposit account. The CRT further determined that Claimant Friedman plausibly identified the

¹ On 2 January 2003, the Court approved an award to Claimant Francisc Friedman (“Claimant Friedman”) for the account of Martin Friedmann and Rozalia Friedmann (the “January 2003 Award”), which is the subject of this Award Amendment.

Account Owners, that he plausibly demonstrated that he is related to the Account Owners, and that he made a plausible showing that the Account Owners were Victims of Nazi Persecution. Additionally, the CRT determined that it is plausible that the Account Owners did not receive the proceeds of their demand deposit account. The CRT noted that the Bank's records indicated the value of the accounts, but pursuant to Article 29 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), because the account values were below the average value of the same or a similar type of account in 1945, the CRT determined that the value of the account was 2,140.00 Swiss Francs ("SF"), and that the January 2003 Award amount was SF 25,680.00. Finally, the CRT determined that Claimant Friedman was entitled to the entire award amount.

Information Provided by Claimant Feran

Claimant Feran submitted two Claim Forms identifying the Account Owners as her late husband, Martin Feran, formerly known as Martin Friedman, and herself, Rosa Feran, formerly known as Rosa Friedmann, née Mayer. Claimant Feran indicated that her late husband was born on 21 July 1901 in Pecica, Yugoslavia, and was married to Claimant Feran on 1 June 1937 in Timisoara, Romania. Claimant Feran further indicated that she and her husband, who are both Jewish, resided from 1938 onwards at Elefterie 14 in Bucharest, Romania. Claimant Feran explained that she had personal knowledge that her husband owned a bank account in Switzerland, and that he frequently transferred money to this account. According to Claimant Feran, all of their possessions and assets were confiscated during the Second World War, and they were deprived of all their civil rights. Claimant Feran further explained that from August 1941, her husband was taken to a forced labor camp. Claimant Feran stated in a telephone call with the CRT on 23 May 2003 that her husband, who survived the Second World War, changed his last name to Feran in 1948. Finally, Claimant Feran stated that her husband died on 8 June 1969 in Petah Tivka, Israel. Claimant Feran submitted her birth certificate; her marriage certificate, which indicates that her full first name is Rozalia, and that she was born and married in Timisoara to Martin Friedman; and her husband's name change certificate, which indicates that he was born Martin Friedman in Pecica. Claimant Feran indicated that she was born on 10 September 1918 in Timisoara.

Information Available in the Bank's Record

As detailed in the January 2003 Award, the Bank's records indicate the name and country of residence of the Account Owners. The record indicates that the Account Owners held one demand deposit account, which was closed to fees by the Bank in 1964.

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 three claims of the Claimants in one proceeding.

Claimant Feran's Identification of the Account Owners

Claimant Feran's name and Claimant Feran's husband's name matches the published name of the Account Owner.² The country of residence of Claimant Feran and her husband matches the published country of residence of the Account Owners. In support of her claim, Claimant Feran submitted numerous documents, including her birth and marriage certificates, as well as her husband's name change certificate, indicating that she and her husband, who changed his name from Martin Friedman to Martin Feran, resided in Romania, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same country recorded in the Bank's records as the names and country of residence of the Account Owners.

The CRT notes that Claimant Friedman's relatives and Claimant Feran and Claimant Feran's husband are not the same person. However, given that the Claimants have identified all published information about the Account Owners that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account were disconfirmed because those claimants provided different countries of residence than that of the Account Owners, or because they only identified one of the two Account Owners, the CRT finds that Claimant Friedman and Claimant Feran have each plausibly identified the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

Claimant Feran has made a plausible showing that the Account Owners were Victims of Nazi Persecution. Claimant Feran stated that she and her husband were Jewish, that all their possessions were confiscated, that they were deprived of their civil rights, and that Account Owner Martin Friedmann was taken to a forced labor camp.

Claimant Feran's Relationships to the Account Owner

Claimant Feran has plausibly demonstrated that she is Account Owner Rozalia Friedmann and that she is related to Account Owner Martin Friedmann by submitting her marriage certificate.

The Issue of Who Received the Proceeds

As detailed in the January 2003 Award, the CRT has concluded that the account's proceeds were not paid to the Account Owners or their heirs.

² The CRT notes that Claimant Feran and her husband's former surnames were spelled "Friedman," while the Bank's record indicates that the Account Owners' surnames were spelled "Friedmann." The CRT concludes that this minor discrepancy does not adversely affect Claimant Feran's identification of the Account Owners.

Basis for the Award Amendment

The CRT has determined that an Award may be made in favor Claimant Feran. First, Claimant Feran's claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant Feran has plausibly demonstrated that she is Account Owner Rozalia Friedmann, and that Account Owner Martin Friedmann was her spouse, and those relationships justify an Award. Third, the CRT determined in the January 2003 Award that neither the Account Owners nor their heirs received the proceeds of the account.

Amount of the January 2003 Award

As detailed in the January 2003 Award, the Account Owners held one demand deposit account. Pursuant to Article 29 of the Rules, when the value of an account is less than the average value of the same or similar type of account, 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 upon the investigation conducted by the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), in 1945 the average value of a demand deposit account was SF 2,140.00.

According to Article 31 of the Rules, account values are multiplied by an adjustment factor to bring award amounts up to current value. At the time of the January 2003 Award, the adjustment factor was 12, and the resulting award amount was SF 25,680.00.

Since the January 2003 Award, the adjustment factor has been raised to 12.5.

New Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant Friedman and Claimant Feran are each entitled to one-half of the award amount.

Amount and Division of the Award Amendment

The CRT recognizes that Article 31(1) of the Rules adjusts account values based upon the length of time that has passed since 1945 and the awarding of the account. In this case, even though Claimant Friedman was awarded in January 2003, Claimant Feran, who is the subject of this award amendment, was not. Therefore, the CRT finds that the adjustment factor of 12.5, not 12, is the more appropriate factor to bring the value of her share of the awarded account to current value.

Recognizing that three years have passed since the January 2003 Award, and that there is no indication that Claimant Friedman was aware that another equally entitled person had filed a claim, the CRT determines that Claimant Feran is entitled to a payment from the Settlement Fund equaling her share of the award amount. As noted above, the total 1945 value of the Account Owners' account was SF 2,140.00. Claimant Feran is entitled to one-half of this amount, or SF 1,070.00. 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 an Award Amendment amount of SF 13,375.00.

Claimant Feran is entitled to the full amount of the Award Amendment.

Scope of the Award Amendment

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 Amendment

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

Claims Resolution Tribunal
7 June 2006