

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED]

and Claimant [REDACTED 2]

## **in re Accounts of Annemarie Gallia-Boschan**

Claim Numbers: 223755/MBC; 223759/MBC; <sup>1</sup> ENG-0384145<sup>2</sup>

Award Amount: 4,099,120.32 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the Account of Annemarie Gallia-Boschan and the claim of [REDACTED 2] (“Claimant [REDACTED]”) to the account of [REDACTED]. This Award is to the accounts of Annemarie Gallia-Boschan (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 Claimants**

Claimant [REDACTED 1] submitted two Claim Forms identifying the Account Owner as her great-uncle’s wife, Annemarie Gallia, née Boschan, who was born on 11 November 1904, and was married to [REDACTED], who was born on 20 September 1901. Claimant [REDACTED 1] stated that [REDACTED] was a medical doctor, and that [REDACTED] and Annemarie Gallia lived at Julienstrasse 7 in Vienna XVIII, Austria. According to Claimant [REDACTED 1], Annemarie and [REDACTED] Gallia did not have any children. Claimant [REDACTED 1]

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<sup>1</sup> Claimant [REDACTED 1] submitted additional claims to the accounts of [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 223756, 223757, and 223758, respectively. The CRT will treat the claims to these accounts in separate decisions.

<sup>2</sup> Claimant [REDACTED 2] did not submit a Claim Form to the Claims Resolution Tribunal (the “CRT”). However, in 1999 she did submit an Initial Questionnaire with the Court in the United States. The Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001).

stated that her relatives were Jewish, that [REDACTED] survived the Second World War, and that he later immigrated to the United States where he died in Sun City, Arizona. Claimant [REDACTED 1] stated that to the best of her knowledge, Annemarie Gallia perished in the Holocaust.

Claimant [REDACTED 1] explained that [REDACTED] was the brother of her paternal grandfather, [REDACTED], who was married to [REDACTED], née [REDACTED], and that up until his death, [REDACTED] was very close to his nephew, [REDACTED] (Claimant [REDACTED 1]'s father), who died on 23 January 1999, in Sun City. Claimant [REDACTED 1] stated that [REDACTED] had two siblings: [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 1] further stated that she was born on 2 August 1947 in New York, New York, the United States. Claimant [REDACTED 1] represents her mother, [REDACTED], née [REDACTED], who was born on 22 March 1909 in Vienna.

In support of her claim, Claimant [REDACTED 1] submitted her birth certificate, her father's death certificate, her father's last will and testament, Austrian census records that contain the declaration of assets owned by Annemarie Gallia, and two advertisements for the company *R. Marty Comp.*, founded in 1883 in Vienna.

Claimant [REDACTED 1] previously submitted Initial Questionnaires to the accounts of [REDACTED], [REDACTED] and [REDACTED]. In her Initial Questionnaires, Claimant [REDACTED 1] stated that they resided at Siegesplatz 19 in Aspern, Vienna, were very wealthy, and owned a cognac and beer factory called *R. Marty Comp.* in Vienna. Claimant [REDACTED 1] stated that [REDACTED] was taken to Dachau on *Kristallnacht* (the "Night of Broken Glass") and later to Buchenwald. Claimant [REDACTED 1] also stated that [REDACTED] was shot on *Kristallnacht*, and that the Nazis made headquarters out of their house and confiscated all their assets, including their house at Siegesplatz 19 in Aspern, Vienna, and their summerhouse, called "Ericka," on the River Danube.

Along with her Initial Questionnaires, Claimant [REDACTED 1] submitted photographs of the Gallia family and their property in Vienna, as well as a copy of a letter to the Austrian State Archives, dated 23 August 1999, requesting the files of her relatives, including that of her great-uncle [REDACTED], who was born on 20 September 1901.

Claimant [REDACTED 2] submitted an Initial Questionnaire with the Court on 4 October 1999, identifying her father as [REDACTED], who was born on 9 February 1911 in Aspern, Vienna, Austria, where he resided at Siegesplatz. Claimant [REDACTED 2] stated that her father's residence in Vienna was taken over by the Nazis, and that her father was deported to Dachau, where he was kept approximately one year, until he fled to England. He remained in England at Camp Kithener until 1940, when he obtained a visa to the United States, with the help of a [REDACTED] in New York City. Claimant [REDACTED 2] stated that her father died in Harrisburg, Pennsylvania. In her Initial Questionnaire, Claimant [REDACTED 2] stated Claimant [REDACTED 1] might have additional information to support her claim, and that they were presently awaiting information from the Austrian State Archives. Along with her Initial Questionnaire, Claimant [REDACTED 2] submitted her father's passport, dated 3 March 1938 in Vienna, and stamped with a "J" to indicate that he was Jewish, a photograph of her father in

Dachau in 1938 taken by the police, and her father's certificate of nationality. Claimant [REDACTED 2] stated that she was born on 10 April 1948.

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

The bank records consist of a bank customer card, a signature sample card, and a printout from the Bank's database. These records indicate that the Account Owner was *Frau* (Mrs.) Annemarie Gallia-Boschan who resided at Julienstrasse 7 in Vienna XVIII. According to these records, the Account Owner held a custody account, numbered 31350, and two demand deposit accounts: one in Swiss Francs numbered 16705, and one in United States Dollars numbered 20951. The demand deposit accounts were closed on 22 October 1938, and on 14 December 1938, both unknown by whom. According to the printout, the balance of the demand deposit account held in Swiss Francs was 627.00 Swiss Francs as of 31 December 1937, but the balances on the dates of closure of the accounts are not known.

The bank records do not show when the custody account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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 the custody 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, and that the accounts were "potentially paid to an unauthorized party in Vienna."

There is no evidence in the bank records that the Account Owner or her heirs closed the accounts 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 Annemarie Gallia, numbered 33464.

According to these records, Annemarie Gallia, who was Jewish, was born on 11 November 1904, and lived at Julienstrasse 5-7 in Vienna XVIII. These records indicate that Annemarie Gallia was married to [REDACTED], who was born on 20 September 1901, and that she owned her home and real estate at Vorlaufstrasse 1 in Vienna I and at Lerchenfelderstrasse 135/137 in Vienna VII, which was valued at 399,938.00 Reichsmarks (1938 value). On 27 April 1938, Annemarie Gallia declared that she owned securities at the Bank valued at 193,826.00 Reichsmarks.

In a letter to the Vienna Asset Office, dated 15 August 1939, Annemarie Gallia stated that, but for certain exceptions, which she listed, she had sold all of the foreign securities valued at

193,826.00 Reichsmarks formerly held at the Bank, “in part voluntarily in the ‘Special Securities Sale’, and in part under the orders of the Asset Office in Vienna.” In her letter, Annemarie Gallia stated that the value of the assets listed as exceptions has, “per the orders of the Foreign Currency Office (*Devisenstelle*) in Vienna, been transferred to the account of the *Länderbank Wien* at the [REDACTED] in Zurich.” Furthermore, Annemarie Gallia indicated that she held additional assets at the Bank, and that the value of these assets amounted to 1,467.50 Swiss Francs.

In her letter to the Vienna Asset Office, Annemarie Gallia valued her total wealth at 1,266,436.06 Reichsmarks. She indicated that, according to the change of assets form submitted by her husband, [REDACTED], her husband’s assets totaled 54,938.74 Reichsmarks. The total value of both her own, and her husband’s assets was 1,321,374.80 Reichsmarks. Annemarie Gallia indicated that she and her husband were obliged to pay a so-called “flight tax” (*Reichsfluchtsteuer*) of 393,911.00 Reichsmarks.

In the records of the Austrian State Archives, there are also documents concerning the assets of [REDACTED], numbered 14462; [REDACTED], numbered 14464; and [REDACTED], numbered 14465. These records show that all three resided at Siegesplatz 19 in Aspern, Vienna XXI (which residence was owned by [REDACTED] and valued at 40,000.00 Reichsmarks in 1938); that [REDACTED], who owned, among other assets, a summerhouse in Stadlau XXI in Donaueim, valued at 4,000.00 Reichsmarks in 1938; and that [REDACTED] was interned in Dachau at the time the forms were signed on 27 June 1938. These records also show that [REDACTED] owned foreign securities that were confiscated by the Nazis. There is no indication in these records as to where his securities were held and these records make no mention of assets held in a Swiss bank account.

## **The CRT’s Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 claims of the Claimants in one proceeding.

### Identification of the Account Owner

Claimant [REDACTED 1] has plausibly identified the Account Owner. Her relative’s name matches the published name of the Account Owner. Claimant [REDACTED 1] identified her relative’s address as Julienstrasse 7 in Vienna XVIII, which precisely matches unpublished information about the Account Owner contained in the bank records. The signature of the Account Owner in the Austrian census records provided by the Claimant also matches the Account Owner’s signature in the bank records. In support of her claim, Claimant [REDACTED 1] submitted documents, including Austrian census records, demonstrating that the Claimants’ relative owned two accounts at the Bank.

The CRT notes that Claimant [REDACTED 1] filed Initial Questionnaires with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED], [REDACTED] and [REDACTED]. Along with the Initial Questionnaire regarding [REDACTED], Claimant [REDACTED 1] submitted a letter to the Austrian State Archives requesting the files of her relatives, among them those of her great-uncle, [REDACTED], born on 20 September 1901. This was prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”) and matches the information contained in the Austrian State Archives regarding Annemarie Gallia’s spouse. This indicates that Claimant [REDACTED 1] has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List.

Claimant [REDACTED 1] has also identified Claimant [REDACTED 2] as a relative of the Account Owner, by identifying her as the daughter of [REDACTED], a nephew by marriage of Annemarie Gallia. Claimant [REDACTED 2] submitted an Initial Questionnaire identifying her father as [REDACTED] and referring to Claimant [REDACTED 1]'s claim.

#### 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. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that she perished in the Holocaust.

#### The Claimants’ Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical and family information demonstrating that the Account Owner was her great-uncle’s wife. Claimant [REDACTED 1] represents her mother, [REDACTED], who is the wife of the nephew of the Account Owner’s husband. Claimant [REDACTED 1] also submitted a family tree to the CRT, in which she included the names of her sister [REDACTED], née [REDACTED], and her cousins [REDACTED], née [REDACTED] (Claimant [REDACTED 2]), [REDACTED], née [REDACTED], (daughters of [REDACTED] and [REDACTED]), and her cousin [REDACTED] (son of [REDACTED], née [REDACTED], and [REDACTED]). Claimant [REDACTED 2] submitted an Initial Questionnaire identifying her father as [REDACTED] and referencing the claim of Claimant [REDACTED 1]. Based on this information, the CRT concludes that Claimant [REDACTED 2] has also identified herself as a relative of the Account Owner by plausibly demonstrating that her father was [REDACTED]. Therefore, she is a great-niece of the Account Owner’s husband, [REDACTED]. Aside from Claimant [REDACTED 1] and Claimant [REDACTED 2], none of the other individuals mentioned above has submitted Claim Forms to the CRT or Initial Questionnaires to the Court.

### The Issue of Who Received the Proceeds

In this case, the Austrian census records indicate that the Account Owner owned securities valued at 193,826.00 Reichsmarks at the Bank. These records indicate further that she liquidated the custody account and some securities were sold. The proceeds of the sales were transferred to the Nazi-controlled *Länderbank Wien* in Vienna, and the remaining securities were transferred to the account of *Länderbank Wien* at the [REDACTED]. There were also other assets declared in the Austrian census records, valued at 1,467.50 Swiss Francs. This case is 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 it is plausible in such situations that the account proceeds were paid to Nazis; given the application of Presumptions (a), (d), (h) and (j) as provided in Article 28 of the Rules (see Appendix A) to the demand deposit accounts; and given the application of Presumptions (d), (h) and (j) to the custody account, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that they are related to the Account Owner, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held two demand deposit accounts and one custody account. The Austrian State Archives records indicate that the value of the custody account as of 27 April 1938 was 193,826.00 Reichsmarks, which is the equivalent of 340,125.86 Swiss Francs,<sup>3</sup> and that the balance of one or more demand deposit accounts as of 15 August 1939 was 1,467.50 Swiss Francs. Because of the credibility of Austrian census records as admissions against interest, the CRT will treat these values as the values of the custody account and the demand deposit accounts, for which values were not indicated in the bank records. Thus, the total value of the accounts held by the Account Owner amounted to 341,593.36 Swiss Francs. The present value of the amount of the award is determined by multiplying the historic values by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 4,099,120.32 Swiss Francs.

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<sup>3</sup> The CRT has used the official exchange rate for that time period of 1.7548 Reichsmarks per Swiss Franc to calculate the account values in Swiss Francs.

### Division of the Award

Pursuant to Article 23(1)(g) of the Rules, if none of the people entitled to an award pursuant to Article 23(1)(a-f) has submitted a claim, the award shall be made to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. In the present case, the Claimants are the great-nieces of the Account Owner's husband [REDACTED]. Claimant [REDACTED 1] also represents her mother, [REDACTED], who is the wife of [REDACTED], the Account Owner's nephew by marriage. None of these individuals is related to the Account Owner by blood; they are all related to the Account Owner only by marriage. However, they are also the only individuals to have made a claim to the Account Owner's account. Under the principles of fairness and equity, the CRT has determined that one-half (50%) of the Award shall be shared equally between Claimant [REDACTED 1] and her mother, [REDACTED], so that they will each receive one-quarter of the total award amount. Claimant [REDACTED 2] shall receive the other half (50%) of the total award amount.

### **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  
April 24, 2003