

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] Dr. [REDACTED 2],
and Dr. [REDACTED 3],
all represented by Paolo Gnignati

in re Account of David Geschmay

Claim Numbers: 219614/UM; 219615/UM; 219616/UM

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] née [REDACTED], (“Claimant [REDACTED 1]”), Dr. [REDACTED 2], née [REDACTED], (“Claimant Mevorach”), and Dr. [REDACTED 3], née [REDACTED], (“Claimant Levi”) (together the “Claimants”) to the published account of David Geschmay (the “Account Owner”) at the Zurich 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 three Claim Forms stating that they are siblings and identifying the Account Owner as their paternal grandfather, David Geschmay, who was born on 30 December 1859 in Ronsperg, Bohemia, Czechoslovakia (now Pobežovice, the Czech Republic), and who was married to [REDACTED], née [REDACTED], on 20 November 1888 in Mergentheim, Germany. The Claimants stated that their grandfather, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED], and that he held both Czechoslovakian and German citizenships. In addition, the Claimants stated that their grandfather and his wife had four children, all of whom were born in Windsheim, Germany: [REDACTED], née [REDACTED], born on 26 June 1890; [REDACTED], née [REDACTED], born on 31 August 1891; [REDACTED], née [REDACTED], born on 14 August 1893; and [REDACTED] the Claimants’ father, born on 29 April 1900. The Claimants indicated that their grandfather resided at Metzgerstrasse 16 in Göppingen, Germany from 1910 to 1942. The Claimants further indicated that their grandfather manufactured felts for paper machines, and that he was the owner of a company called *Württembergische Filztuchfabrik D. Geschmay* in Göppingen. Moreover, the Claimants stated that [REDACTED], née [REDACTED], was killed by euthanasia by the Nazis in a German hospital in 1934. The Claimants further stated that [REDACTED], née

[REDACTED], died in 1935. In addition, the Claimants stated that their grandfather was deported to Theresienstadt in 1942, where he perished on 4 September 1942. The Claimants further stated that their grandmother was deported to Auschwitz, where she perished on an unknown date. Finally, the Claimants indicated that their father, [REDACTED], died on 3 May 1991 in Spinea, Venice, Italy.

The Claimants submitted copies of their own birth certificates, identifying their father as [REDACTED], as well as their father's birth certificate, identifying his father as David Geschmay. In addition, the Claimants submitted their father's inheritance certificate, identifying the three Claimants as his sole legal heirs. The Claimants also submitted printouts from the Hall of Names database, demonstrating that the database includes their grandparents' names based on Claimant [REDACTED 2]'s 1985 testimony. Furthermore, the Claimants submitted a document containing the letterhead of the *Württembergische Filztuchfabrik D. Geschmay* and a truncated note, which is dated 20 December 1938 and addressed to the Claimants' parents and the Claimants themselves. Finally, the Claimants also submitted a certificate from the Council of Jewish Communities in Prague, Czechoslovakia (now the Czech Republic), indicating that their grandfather was born in Ronsperg and that he died in Theresienstadt on 4 September 1942. Claimant [REDACTED 2] stated that she was born on 3 February 1931 in Göppingen; Claimant [REDACTED 1] stated that she was born on 17 September 1935 in Cannstadt, Germany; and Claimant [REDACTED 3] stated that she was born on 18 November 1937 in Venice.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was David Geschmay, who resided in Ronsperg, Czechoslovakia.¹ The Bank's record indicates that the Account Owner held one safe deposit box, numbered S 851, which was opened on 4 December 1933 and closed on 8 December 1934. The content of the safe deposit box is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the safe deposit box and received the proceeds themselves.

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 three claims of the Claimants in one proceeding.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), David Geschmay's residence is specified as Germany. However, the CRT notes that the Bank's record identifies the Account Owner's residence as Ronsperg, which was located in Czechoslovakia at the time the account was opened.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' paternal grandfather's name matches the published name of the Account Owner. The Claimants identified the Account Owner's birthplace as Ronsperg, Bohemia, Czechoslovakia, which matches unpublished information about the Account Owner's place of residence contained in the Bank's record. The CRT notes that it is plausible that the Account Owner indicated his birthplace as his place of residence when opening the account. In support of their claims, the Claimants submitted documents, including copies of their own birth certificates, identifying their father as [REDACTED]; their father's birth certificate, identifying his father as David Geschmay; and a certificate from the Council of Jewish Communities in Prague, Czechoslovakia (now the Czech Republic), stating that the Claimants' grandfather was born in Ronsperg. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. Moreover, the documents establish a strong connection to the place of residence specified by the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named David Geschmay, and indicates that his date of birth was 30 December 1859 and place of birth was Ronsperg, 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 the name David Geschmay appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably those of victims of Nazi persecution. Furthermore, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

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 he was deported to Theresienstadt, where he perished in 1942. Moreover, the Claimants indicated that one of the Account Owner's daughters, [REDACTED], née [REDACTED], was killed by euthanasia by the Nazis in 1934. The Claimants also submitted a certificate from the Council of Jewish Communities in Prague, Czechoslovakia (now the Czech Republic), stating that the Account Owner perished in Theresienstadt in 1942. As noted above, a person named David Geschmay was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimants' paternal grandfather. These documents include copies of their birth certificates, identifying their father as [REDACTED], as well as their father's birth certificate, identifying his father as David Geschmay; printouts from the Hall of Names database, demonstrating that it

includes their grandfather's name based on Claimant Mevorach's 1985 testimony; a document containing the letterhead of the *Württembergische Filztuchfabrik D. Geschmay* and a truncated note, which is addressed to the Claimants' parents and to the Claimants themselves. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that upon coming to power in 1933 the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner held German as well as Czech citizenship and resided in Germany; that he would not have been able to repatriate his account to Germany without losing ultimate control over the proceeds; that there is no record of the payment of the Account Owner's account to him; and given the application of Presumptions (a) and (j), as provided in Article 28 of the Rules and Appendix C,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 the Account Owner was their paternal grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one safe deposit box. 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 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 15,500.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, all of the Claimants are siblings, and they

² Appendix C appears on the CRT II website -- www.crt-ii.org.

are the granddaughters of the Account Owner. Accordingly, each Claimant is entitled to one-third 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