

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Dr. Leopold Goldschmidt**

Claim Number: 401579/SI<sup>1</sup>

Award Amount: 80,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Dr. Leopold Goldschmidt (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>2</sup>

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 in 2005 identifying the Account Owner as her father, Dr. Leopold Goldschmidt, who was born on 12 March 1895 in Szeged, Hungary, and was married to [REDACTED], née [REDACTED], in April 1927 in Arad, Romania. The Claimant indicated that her father, who was Jewish, resided in Arad. The Claimant further indicated that her father was a pediatrician, and that he was forced to flee Romania for Palestine in 1941, after having been persecuted by the Nazi-allied government. The Claimant indicated that her father died on 8 February 1991 in Tel Aviv, Israel.

In support of her claim, the Claimant submitted documents,<sup>3</sup> including her father’s Israeli passport, indicating that Leopold Goldschmidt was born on 12 March 1895 in Hungary; a document relating to Leopold Goldschmidt’s immigration application, indicating that Dr. Leopold Goldschmidt, a physician and Romanian national, was married to [REDACTED], and

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<sup>1</sup> The Claimant submitted an additional claim, which is registered under the Claim Number 401587. The CRT will treat this claim in a separate determination.

<sup>2</sup> The CRT notes that the Account Owner’s name appeared on the January 2005 published list of accounts.

<sup>3</sup> The CRT notes that the Claimant provided documents in which her first name is alternatively identified as [REDACTED], [REDACTED] or [REDACTED], and her mother’s name is alternatively identified as [REDACTED], [REDACTED], or [REDACTED] or [REDACTED]. The CRT further notes that these names are sufficiently similar to render it plausible that they refer to the same people.

that their daughter's name is [REDACTED]; and the Claimant's birth certificate, indicating that [REDACTED] was born to Dr. Leopold Goldschmidt and [REDACTED]. The Claimant indicated that she was born on 8 January 1928 in Arad.

### **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Leopold Goldschmidt, who resided in Arad, Romania. The Bank's record indicates that the Account Owner held three demand deposit accounts. The Bank's record further indicates that the first account was closed on 20 December 1947, and that the second account was closed on 31 January 1959. The Bank's record does not show if and when the third demand deposit account was closed. The amounts in the accounts on the dates of their closures are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts 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 father's name matches the published name of the Account Owner. The Claimant identified the Account Owner's title, city and country of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including a document relating to Leopold Goldschmidt's immigration application, indicating that Dr. Leopold Goldschmidt, a physician, was a Romanian national, and the Claimant's birth certificate, indicating that she was born to Dr. Leopold Goldschmidt and [REDACTED] in Arad, Romania, providing independent verification that the person who is claimed to be the Account Owner had the same name, title, and resided in the same city recorded in the Bank's record as the name, title and city of residence of the Account Owner. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different cities and countries of residence than the city and country of residence of the Account Owner.

#### 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 he fled from Romania to Palestine in 1941.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's

father. These documents include a document relating to Leopold Goldschmidt's immigration application, indicating that Dr. Leopold Goldschmidt was married to [REDACTED], and that their daughter's name is [REDACTED]; and the Claimant's birth certificate, indicating that [REDACTED] was born to Dr. Leopold Goldschmidt and [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Given that the Account Owner was forced to flee Romania in 1941, and that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his 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 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 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 her father, 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 accounts.

### Amount of the Award

In this case, the Account Owner held three demand deposit accounts. 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 Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). Thus, the total 1945 average value of the accounts at issue is SF 6,240.00. 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 a total award amount of SF 80,250.00.

### **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 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  
29 March 2006