

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Accounts of Ludwig Grünwald and *Bankhaus Grünwald & Co.*

Claim Number: 213969/MBC; 601300/MBC¹

Award Amount: 2,996,930.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of Ludwig Grünwald and *Bankhaus Grünwald & Co.* This Award is to the accounts of Ludwig Grünwald (“Account Owner Ludwig Grünwald”) and *Bankhaus Grünwald & Co.* (“Account Owner *Bankhaus Grünwald & Co.*”) 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 claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

Account Owner Ludwig Grünwald

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) in October 1999, an Initial Questionnaire to the Court in 1999 and a Claim Form to the CRT identifying the Account Owner as his maternal grandfather, Ludwig Grünwald, who was born on 27 September 1873 in Temesvar, Austria-Hungary, and was married to [REDACTED], née

¹ The Claimant submitted a claim, numbered B-02024 on 12 October 1999 to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601300/MBC.

[REDACTED], on 31 May 1908 in Vienna. According to the Claimant, Ludwig and [REDACTED] Grünwald, who were Jewish, had two children: [REDACTED], who was born on 28 April 1912 and perished in the Majdanek concentration camp on 24 July 1942, and [REDACTED], the Claimant's mother, who was born on 30 June 1915.

According to the Claimant, his grandfather resided at Türkenstrasse 17 in Vienna and owned and managed his own bank called *Bankhaus Grünwald & Co.*, which was located at the same address. The Claimant indicated that his grandfather's last known address in Vienna was Mariahilferstrasse 39. The Claimant explained that his grandfather and grandmother were deported on 5 June 1942 to Izbica, where they perished. The Claimant stated that his mother was the only survivor of the Grünwald family. The Claimant explained that his mother was able to escape Vienna after the Nazi annexation of Austria in March 1938 (the "*Anschluss*"), and that she fled to South Africa. The Claimant stated that, after the Second World War, his mother tried to locate accounts belonging to her father, but she was unsuccessful in her attempts to locate any such accounts. The Claimant stated that his mother died on 24 August 1989 in South Africa.

In support of his claim for the account owned by Account Owner Ludwig Grünwald, the Claimant submitted a letter, dated 3 October 2001, from the Bank which identified an account card indicating a relationship between Ludwig Grünwald and the Bank. On 6 November 2001, the Bank forwarded to the HCPO a copy of the Bank's record, which indicates that Ludwig Grünwald held a demand deposit account and a custody account, numbered L50142, at the Zurich branch of the bank. The record also indicates that the custody account was closed on 10 December 1938 and that the demand deposit account was closed on 20 December 1938.

The Claimant also submitted a copy of his birth certificate and his grandfather's Austrian census records. The Claimant stated that he was born on 5 December 1953 in Johannesburg, South Africa. The Claimant is representing his sister, [REDACTED], née [REDACTED], who was born on 1 March 1951.

Account of *Bankhaus Grünwald & Co.*

The Claimant identified Account Owner *Bankhaus Grünwald & Co.* as the bank solely owned by his grandfather, Ludwig Grünwald. *Bankhaus Grünwald & Co.* was located at Türkenstrasse 17 in Vienna and was valued at 168,000.00 Reichsmarks as of 12 November 1938. The *Wiener Giro- und Cassen- Verein* liquidated the bank, and as of 16 August 1939 the bank was officially dissolved.

In support of his claim, the Claimant submitted a letter, dated 9 December 1938, from *Deutsche Bank*, which was addressed to *Bankhaus Grünwald & Co.* The letter indicates that on 6 December 1938, securities valued at 128,000.00 Reichsmarks (equivalent to 223,776.22 Swiss Francs) from a custody account at the Zurich branch of the Bank were transferred to *Deutsche Bank* and, by *Deutsche Bank* on the same day, to the custodial account of *Wiener*

Giro- und Cassen-Verein (kommissarische Verwalter), the temporary administrator of *Bankhaus Grünwald & Co.* The records show that the securities transferred were 7% *Dt. Reichsbahn Vorz. Aktien Zertifikate (Deutsche Reichsbahn Vorzugs Aktien Zertifikate)* worth 60,000.00 Reichsmarks, 4.5% *1936 Friedr. Krupp Obl. (Friedrich Krupp Obligationen)* worth 30,000.00 Reichsmarks, 5% *1936 Gelsenkirchener Bergwerks Obl. (Gelsenkirchener Bergwerks Obligationen)* worth 30,000.00 Reichsmarks, 4.5% *12. Frankfurter Hypoth. Bk. Goldpfdb. (Frankfurter Hypotheken Banken Goldpfandbriefe)* worth 3,000.00 Goldmarks, and 4.5% *3. dergl. Goldpfdb. (dergleiche ["the same type"] Goldpfandbriefe)* worth 5,000.00 Goldmarks.

Information Available in the Bank's Record

Account Owner Ludwig Grünwald

The Bank's record consists of a customer card and is identical to the record that was forwarded by the Bank to the HCPO on 6 November 2001. According to this record, the Account Owner was Ludwig Grünwald, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a custody account, which was numbered L50142, and a demand deposit account. The opening dates of the accounts are illegible.

The Bank's record indicates that the custody account was closed on 10 December 1938 and that the demand deposit account was closed on 20 December 1938. The amounts in the accounts on their dates of closure 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.

Account Owner *Bankhaus Grünwald & Co.*

The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report to the CRT an account held by *Bankhaus Grünwald & Co.* However, the Claimant submitted correspondence from *Deutsche Bank* to *Bankhaus Grünwald & Co.* which indicated that on 6 December 1938 securities valued at 128,000.00 Reichsmarks held in a custody account at the Zurich branch of the Bank were transferred to the Nazi-controlled *Deutsche Bank*.

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 Ludwig Grünwald. These documents indicate that Ludwig Grünwald was born on

27 September 1873 and was married to [REDACTED], née [REDACTED]. According to these records, which are dated 15 July 1938 and numbered 20177, Ludwig Grünwald lived at Türkenstrasse 17 in Vienna and owned the bank *Bankhaus Grünwald & Co.*, which was worth approximately 200,000.00 Reichsmarks in 1938 (equivalent to 350,960.00 Swiss Francs). The records indicate that, as of 27 April 1938, Ludwig Grünwald owned assets (including *Bankhaus Grünwald & Co.*) totaling 328,429.00 Reichsmarks, and that [REDACTED] owned assets totaling 285,338.00 Reichsmarks. The records indicate that in December 1938 Ludwig Grünwald reported a change in his assets. According to these records, as of 12 November 1938, Ludwig Grünwald's assets had decreased in value to 290,313.34 Reichsmarks. In his December 1938 submission reporting the change in the amount of his assets, Ludwig Grünwald included a list of securities that he owned.

The records indicate that Ludwig Grünwald also reported assets in the amount of 1,400.00 Swiss Francs, 2,000.00 French Francs and 11.00 United States Dollars that he held at unnamed foreign banks ("*Bankguthaben bei ausländischen Banken*").

The census records also contain correspondence between the central Agency for the Registration of Jewish Assets ("*Vermögensverkehrsstelle*") (the "Registration Agency") and Ludwig Grünwald, as well as correspondence between the Registration Agency and *Bankhaus Grünwald & Co.* The census records also include a balance sheet for *Bankhaus Grünwald & Co.* as of 27 April 1938. This balance sheet indicates that, as of that date, *Bankhaus Grünwald & Co.* owned securities valued at 254,420.95 Reichsmarks. The records do not indicate, however, where these securities were held.

The Austrian State Archives also contain documents relating to the assets of [REDACTED]. These documents indicate that [REDACTED] was born on 6 October 1886 and was married to Ludwig Grünwald. According to these records, which are dated 15 July 1938 and numbered 20178, [REDACTED] lived at Türkenstrasse 17 in Vienna. The records indicate that [REDACTED] owned monetary assets valued at 2,633.51 Reichsmarks, as well as assets in the form of artworks, jewelry and collectors' items valued at 8,000.00 Reichsmarks. The records also indicate that [REDACTED] owned securities valued at 58,938.00 Reichsmarks and real estate with an estimated worth of 215,766.00 Reichsmarks. As of 27 April 1938, the total value of the assets declared by [REDACTED] was 285,337.51 Reichsmarks. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owners

Account of Ludwig Grünwald

The Claimant has plausibly identified Account Owner Ludwig Grünwald. His grandfather's

name and city of residence match the published name and unpublished city of residence of the Account Owner identified in the Bank's record.

The CRT notes that the Bank forwarded a copy of its record of the accounts belonging to Ludwig Grünwald to the HCPO pursuant to their inquiry on behalf of the Claimant. This indicates that the Bank had reason to believe that the Claimant was the Account Owner's heir.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an HCPO claim form in 1999, asserting his entitlement to a Swiss bank account owned by Ludwig Grünwald, 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"). This indicates that the Claimant has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Moreover, the CRT notes that a database published by the *Dokumentationsarchiv des österreichischen Widerstandes* containing the names of Austrian victims of Nazi persecution includes a person named Ludwig Grünwald, and indicates that his date of birth was 27 September 1873 and that he was deported to Izbica on 5 June 1942, which matches the information about Account Owner Ludwig Grünwald provided by the Claimant.

Finally, the CRT notes that there were two other claims to these accounts. One claim was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. The other claimant submitted an Initial Questionnaire to the Court in 1999. However, in that Initial Questionnaire, that claimant did not identify Ludwig Grünwald as the person in whose name assets were deposited. That claimant identified Ludwig Grünwald in her claim form, after the publication in February 2001 of the ICEP List.

Account Owner *Bankhaus Grünwald & Co.*

The Claimant has plausibly identified Account Owner *Bankhaus Grünwald & Co.* The Claimant's grandfather's bank matches the unpublished name of the Account Owner contained in the letter from *Deutsche Bank*. The Claimant identified his grandfather's company name, place of operation and company address, which match unpublished information about Account Owner *Bankhaus Grünwald & Co.* According to the *Zentralgewerberegister* (Central Business Register) of the City of Vienna, the official name of the bank owned by Ludwig Grünwald was *Grünwald & Co.*² The letter from *Deutsche Bank* to *Bankhaus Grünwald &*

² Peter Melichar, *Neuordnung im Bankwesen. Die NS-Maßnahmen und die Problematik der Restitution* written, 2002 at 262. The report is available at <http://www.historikerkommission.gv.at>.

Co. indicates that *Bankhaus Grünwald & Co.* maintained an account at the same branch of the Bank where Account Owner Ludwig Grünwald held accounts that were identified during the ICEP Investigation.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Ludwig Grünwald was a Victim of Nazi Persecution. The Claimant stated that his grandfather was Jewish, and that he lived in Austria until he and his wife and child were deported and later killed by the Nazis in concentration camps. Moreover, as noted above, a person named Ludwig Grünwald is listed in a database published by the *Dokumentationsarchiv des österreichischen Widerstandes* containing the names of Austrian victims of Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he and his sister are related to Account Owner Ludwig Grünwald by submitting documents, including his and his sister's birth certificates, his mother's birth certificate and his grandparent's marriage certificate, demonstrating that he and his sister are the grandchildren of Ludwig Grünwald. There is no information to indicate that Account Owner Ludwig Grünwald has any other heirs. As Ludwig Grünwald was the sole owner of *Bankhaus Grünwald & Co.*, his two grandchildren are the sole successors in interest to the assets owned by *Bankhaus Grünwald & Co.*

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who were Jewish reported their assets in the 1938 census, and, within the same year, their accounts were closed unknown to whom or were transferred to Nazi-controlled banks.

With respect to the custody account and demand deposit account owned by Ludwig Grünwald closed in 1938, given that the CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis, and given the application of Presumptions (a)(ii), (f), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner Ludwig Grünwald or his heirs.

With regard to the custody account owned by *Bankhaus Grünwald & Co.*, given that the letter addressed to the *Bankhaus Grünwald & Co.* in 1938 from *Deutsche Bank* confirms securities in the account were transferred to *Deutsche Bank* on 6 December 1938, the CRT concludes that it is plausible that the account proceeds were not paid to *Bankhaus Grünwald & Co.* or its beneficial owners.

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 Account Owner Ludwig Grünwald was his grandfather, and that his grandfather was the sole owner of *Bankhaus Grünwald & Co.*, and these relationships justify an Award. Finally, the CRT has determined that neither of Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Ludwig Grünwald owned a demand deposit account and a custody account. With regard to the demand deposit account, the Austrian census records indicate that Account Owner Ludwig Grünwald held assets in the amount of 1,400.00 Swiss Francs, 2,000.00 French Francs and 11.00 United States dollars at unnamed foreign banks. As noted above, the records do not indicate which, if any, of these reported assets were held in the Account Owner Ludwig Grünwald's demand deposit account at the Bank, which was closed on 20 December 1938. Accordingly, and 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 a demand deposit account was 2,140.00 Swiss Francs. 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 amount of 26,750.00 Swiss Francs for this account.

With regard to the custody account owned by Ludwig Grünwald, account L50142, the Bank's record shows that the account was closed on 10 December 1938, but there is no indication as to the value of this account. Accordingly and 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The present 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 162,500.00 Swiss Francs.

With regard to the custody account owned by *Bankhaus Grünwald & Co.*, the letter addressed to the Account Owner *Bankhaus Grünwald & Co.* in 1938 indicates that on 6 December 1938, securities valued at 128,000.00 Reichsmarks (equivalent to 224,614.40 Swiss Francs) from that account were transferred to *Deutsche Bank*. 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 amount of 2,807,680.80 Swiss Francs for this account.

Accordingly, the total award amount is 2,996,930.00 Swiss Francs.

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. Accordingly, as the Claimant and his sister are the grandchildren of the Account Owner, they are each entitled to one-half (1/2) of the total award amount.

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
31 December 2003