

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Olga Liana Gross
represented by Yosef Gross and Shai Gross

in re Accounts of Paul Hollander and *Firma Hollander A.G.*

Claim Number: 001997/MBC

Award Amount: 606,360.88 Swiss Francs

This Certified Award is based upon the claim of Olga Liana Gross, née Hollander (the “Claimant”) to the accounts of Artur Hollander, Paul Hollander and Samuel Hollander.¹ This Award is to the unpublished account of Paul Hollander (“Account Owner Paul Hollander”) at the London branch of the [REDACTED] (“Bank I”) and to the unpublished account of *Firma Hollander A.G.* (“Account Owner *Firma Hollander*”) at the Zurich branch of the [REDACTED] (“Bank II”) (together the “Banks”).

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

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Paul Hollander as her paternal uncle, Paul (Pavle) Hollander, and Account Owner *Firma Hollander* as *Firma Hollander A.G.*, a blanket factory located in Subotica, Yugoslavia (today Serbia) that was owned by her uncle and his father, Samuel (Shalom) Hollander. The Claimant stated that her grandfather Samuel Hollander was born in Subotica and was married to Helena Hollander, née Rosensbaum. The Claimant explained that her grandparents, who were Jewish, resided in Subotica and had four children: Paul, Artur (the Claimant’s father), Olga, and Liana. According to the Claimant, her uncle Paul was born on 19 August 1905 in Subotica, was married to Margita (Margot) Hollander, née Ravicer, and had one child, Ivan. The Claimant stated that from 1941 until 1945 her father was interned in a camp in Nuremberg, Germany, where he performed slave labor as a medical doctor, and that her uncle, his wife, and his son perished in Auschwitz in 1944. The Claimant explained that her father and his sister Olga were the only members of the

¹ The CRT did not locate an account belonging to Artur Hollander or Samuel Hollander in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

family who survived the Holocaust, and that her father passed away on 15 February 1994 in Israel. In a telephone conversation with the CRT, the Claimant stated that her aunt, Olga Hess, née Hollander, had also passed away and that she had two children, Eva and John. The Claimant stated that she had lost contact with this side of the family and that she does not have any more information about John and Eva.

In support of her claim, the Claimant submitted copies of the following documents:

- (1) her uncle's death certificate dated 30 January 1947, indicating that Pavle Hollander, who was born on 19 August 1905 and resided in Subotica, was the son of Samuel Hollander and Helena Hollander, née Rosenbaum, and that he was declared dead as of 31 July 1944;
- (2) the death certificates of her aunt and cousin, both dated 30 January 1947, indicating that Margita Hollander, née Ravicer, and her son, Ivan Hollander, both resided in Subotica and were declared dead as of 29 June 1944;
- (3) her father's American army pass dated 15 June 1945, indicating that after the end of the Second World War, Dr. Arthur Hollander, who was a Yugoslavian national, served as a medical officer in a camp in Nuremberg;
- (4) her father's will dated 23 July 1989, stating that Dr. Arthur Hollander bequeathed his estate to his daughter, Olga Liana Gross;
- (5) her father's death certificate, indicating that he was Jewish, that his father's name was Shalom Hollander and that he died on 15 February 1994 in Tel Aviv, Israel; and
- (6) her Israeli identity card, indicating that her father's first name was Arthur and that she was born on 12 March 1947 in Yugoslavia.

In addition, the Claimant submitted documents relating to accounts at Bank I and Bank II, which are further described below.

The Claimant indicated that she was born on 12 March 1947 in Kotor, Yugoslavia (now Montenegro). The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Artur Hollander, Paul Hollander and Samuel Hollander.

Information Available in the Banks' Records

The CRT notes that the auditors who carried out the investigation of these banks 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 report an account belonging to Paul Hollander nor to *Firma Hollander A.G.* during their investigation of the Banks. The Banks' documents were obtained by the Claimant and were forwarded to the CRT.

Bank I

The Claimant submitted documents pertaining to an account at the London Branch of Bank I in the name of Paul Hollander. These documents include a letter and account statement, dated 6

February 1940, from the London branch of Bank I, with no addressee. According to this record, the account owner held an account of unknown type, numbered 226 D. E., which was denominated in United States Dollars (US \$) and had a balance of US \$9,752.11 as of 31 December 1939. This record does not indicate the account owner's name or domicile.

The Claimant also submitted a copy of an undated telegram to the London branch of Bank I from Dr. Artur Hollander, care of Gradnauer, 68 Ahad Haam in Tel Aviv. The telegram reads: "Please cable to what Palestine bank whose favour what exact date transferred your West End branch from Paul Hollaenders [*sic*] account no. 226 D.E. Sterling one thousand because Anglo Palestine Bank did not receive."

The Claimant also submitted an invoice dated 6 December 1949 to Dr. A. Hollander from the firm of Bodington & Yturbe regarding "Paul Hollander deceased." The invoice, in the amount of £24.1.0, is for fees "for professional services and advice in connection with your claim against [Bank I] for a joint account amounting to U.S. \$9,670; Communicating with our correspondents in London with regard thereto, obtaining information with regard to your rights to the account, translation (37 folios) of documents into English for use in England; Attendances on your representative when he called; Telephone conversations, correspondence, telegrams, etc."

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of Bank I to obtain additional information about account ("Voluntary Assistance"). Bank I provided the CRT with a partial photocopy of an account card relating to this account. According to this record, the owner of the account was Paul Hollander, who resided in Subotica, Yugoslavia, and was deceased. The full text of the document available to the CRT reads: "HOLLANDER, Paul (deceased), Subotica, Jugoslavia."

Given that the Claimant submitted a letter and account statement from the London branch of Bank I regarding an account numbered 226 D. E. held by Paul Hollander, and a copy of a telegram to the London branch of Bank I regarding this same account, and given that the document obtained from Bank I through Voluntary Assistance was written in English, the CRT concludes that this document refers to an account numbered 226 D. E. held by Paul Hollander, *i.e.*, the same account identified in the documents submitted by the Claimant.

There is no evidence in Bank I's records that Account Owner Paul Hollander or his heirs closed the account and received the proceeds themselves.

Bank II

Bank II's records consist of a letter from Bank II to Account Owner *Firma Hollander* dated 23 December 1939, a statement of account as of that date, and a copy of the general conditions for demand deposit accounts. According to these records, Account Owner *Firma Hollander* was *Firma Hollander A.G.*, a company located in Subotica, Yugoslavia. The records show that Account Owner *Firma Hollander* held a demand deposit account with a balance of 5,209.50 Swiss Francs ("SF") as of 20 December 1939.

The records do not indicate if or when the account was closed. There is no evidence in these records that Account Owner *Firma Hollander* or its owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant submitted the bank records and correspondence which show the existence of the accounts. The CRT notes that the document obtained through Voluntary Assistance from Bank I confirms the information supplied by the Claimant, including the name and city and country of residence of the Claimant's uncle, Account Owner Paul Hollander.

In support of her claim, the Claimant submitted documents, including her uncle's death certificate, providing independent verification that the person who is claimed to be Account Owner Paul Hollander and also the co-owner of Account Owner *Firma Hollander*, had the same name and resided in the same town recorded in Bank I's records as the name and city of residence of Account Owner Paul Hollander. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a Page of Testimony submitted by the Claimant's father in 1955, which indicates that Pavle Hollander was born on 19 August 1905 and his place of residence was Subotica, which match the information about Account Owner Paul Hollander provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claim to an account in the name of Paul Hollander was disconfirmed because that claimant provided a different country of residence than the country of residence of Account Owner Paul Hollander.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Paul Hollander and the owners of Account Owner *Firma Hollander* were Victims of Nazi Persecution. The Claimant stated that her uncle and her grandfather were Jewish, that they resided in Nazi-occupied Yugoslavia, that her uncle perished on 31 July 1944 in Auschwitz, and that her grandfather also perished in the Holocaust. As noted above, a person named Pavle Hollander was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owner Paul Hollander and to the owners of Account Owner *Firma Hollander* by submitting specific information and documents demonstrating that Account Owner Paul Hollander was the Claimant's uncle and that the owners of Account Owner *Firma Hollander* were her uncle and grandfather. These documents include her uncle's death certificate, indicating that Paul Hollander was the son of

Samuel Hollander; her father's death certificate, indicating that Arthur Hollander's father's name was Shalom Hollander; and her father's will, indicating that his daughter was Olga Liana Gross (the Claimant).

The CRT notes that the Claimant indicated that she has other surviving relatives, but that because they did not submit a claim to these accounts and are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owners' accounts in this decision.

The CRT notes that the Claimant provided bank records and correspondence regarding these accounts; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted copies of death certificates of her uncle, aunt and cousin and her father's American army pass, which provide independent verification that the Claimant's relatives bore the same family name as Account Owner Paul Hollander and that they resided in Yugoslavia. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Paul Hollander and that the owners of Account Owner *Firma Hollander* were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to Account Owner Paul Hollander and to the owners of Account Owner *Firma Hollander* as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that Account Owner Paul Hollander, who is also the co-owner of Account Owner *Firma Hollander*, and the other co-owner of Account Owner *Firma Hollander* perished in the Holocaust; that the Claimant submitted a copy of a telegram from her father to Bank I, which states that a transfer of funds from Paul Hollander's account numbered 226 D. E. to Palestine did not take place; that the Claimant submitted a copy of a letter from her father's attorney to her father, dated 6 December 1949, requesting payment for services rendered from 11 June 1948 to 31 October 1949 relating to the Claimant's father's claim against Bank I for his brother's account; that Bank II provided no records regarding the account belonging to Account Owner *Firma Hollander* and that the record obtained from Bank I through Voluntary Assistance consists of only a partial photocopy of an account card; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; that Account Owner Paul Hollander's heirs and the heirs of the owners of Account Owner *Firma Hollander* would not have been able to obtain information about their accounts 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), (i) 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 Account Owner Paul Hollander, the owners of Account Owner *Firma Hollander* or their 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 Account Owner Paul Hollander was her uncle and that the owners of Account Owner *Firma Hollander* were her uncle and grandfather, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither Account Owner Paul Hollander, nor the owners of Account Owner *Firma Hollander* or their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held one demand deposit account and one account of unknown type. Bank I's records indicate that the value of the account of unknown type was US \$9,752.11 as of 31 December 1939, which was equivalent to SF 43,299.37.² Bank II's record indicates that the value of the demand deposit account was SF 5,209.50 as of 20 December 1939. Thus, the combined historic value for the two accounts at issue is SF 48,508.87. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 606,360.88.

Certification of the Award

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

Claims Resolution Tribunal
28 May 2010

² The CRT uses official exchange rates when making currency conversions.