

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

**in re Accounts of Beatrice Katz,
Hermann Katz and Florette Katz**

Claim Number: 222671/NF

Award Amount: 142,200.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the individual accounts of Beatrice Katz, Hermann Katz and Florette Katz (the “Account Owners”) at the Locarno 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

The Claimant submitted three Claim Forms identifying the individual Account Owners as his wife Florette Katz, his mother-in-law Beatrice Katz (née Kanner), and his father-in-law Hermann Katz, all of whom were Jewish.

The Claimant’s wife, Florette Katz, was born on 13 August 1927 in Bucharest, Romania, and was married to the Claimant in Focsani, Romania on 7 April 1957. The Claimant’s mother-in-law, Beatrice Katz (née Kanner), was born on 19 March 1905 in Iasi, Romania, and the Claimant’s father-in-law, Hermann Katz, was born in 1888 in Piatra Neamt, Romania. The Claimant's mother-in-law and father-in-law were married in Bucharest, Romania. The Claimant stated that he was born in Focsani on 4 May 1923.

In a telephone conversation with the Claimant, he stated that in 1940, when the Nazis invaded Romania, his wife was a young girl, living with her parents at their residence at Boulevard du Carol 57, Bucharest. The Claimant stated that his wife’s mother was a housewife, and her father was a businessman who owned a construction material depot that operated under the name “*Firma Granite*.” The Claimant stated that when the Nazis occupied Bucharest, they confiscated his wife’s father’s business and other assets.

The Claimant stated that his wife had told him that she recalled her father traveling to Locarno in 1937 or 1938 to establish a bank account, and that she always believed her father had established

only one account. However, when the Claimant saw the three names Hermann Katz, Beatrice Katz and Florette Katz, he recognized them as the names of his wife and parents-in-law.

The Claimant stated that his wife said that after the war, her father was visited by the Gendarmes, the Romanian police under the Communist Party, and, fearing for his life, he swallowed the deposit slip to his Swiss Bank account. The Claimant further stated that his wife had told him that shortly after her father was visited by the Gendarmes, he suffered a stroke and had no recollection of the bank account.

The Claimant's wife, her mother and father survived the Holocaust. The Claimant stated that his father-in-law passed away on 11 March 1954 in Bucharest, Romania, his mother-in-law on 23 August 1984 in Montreal, Canada and his wife on 30 March 2001 in Montreal, Canada.

Information Available in the Bank Records

The bank records consist of a ledger sheet. According to these records, the Account Owners are Beatrice Katz, Florette Katz and Hermann Katz. All three names are listed sequentially in the bank records, although each name represents an individual Account Owner with an individual account balance. The address provided for each of the Account Owners is Boulevard du Carol 67, Bucharest. The Bank branch is given as Locarno, Switzerland. The bank records do not indicate what types of accounts the Account Owners held. There is no evidence in the bank records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The accounts were transferred on 20 December 1948 to a "*Credit Industriel*" account, which is an account established by the Bank to pool funds transferred from accounts on which there had been no activity since 9 May 1945. The amount in the account under the name of Beatrice Katz on the date of its transfer was 19.75 Swiss Francs. The amount in the account under the name of Florette Katz on the date of its transfer was 19.75 Swiss Francs. The amount in the account under the name of Hermann Katz on the date of its transfer was 23.75 Swiss Francs. The accounts were finally closed on 19 February 1964 as a result of the imposition of bank fees.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the "Rules"), claims to the same or related accounts may be joined in one process at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His wife's and parent-in-law's names match the published names of the Account Owners. The Claimant provided a street

address for the Account Owners. The address given by the Claimant substantially matches the address contained in the bank records.

The CRT notes that the Claimant identified the branch where the accounts were held, which matches unpublished bank information. Further, the CRT finds it plausible that the common surname, address, and sequential listing of the Account Owners' names indicate that the Account Owners are from the same family. The CRT notes that the Claimant was able to establish that the three names published on the 2001 List of Swiss Bank Accounts from the ICEP Investigation are one family, which again matches unpublished bank information.

In further support of his claim, the Claimant submitted documents, including official documents, photographs and a family tree. The CRT finds it is plausible that the Claimant has correctly identified the Account Owners.

Status of the Account Owners as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and lived in Romania between the years 1937 and 1945. In addition, the Claimant stated that the Nazis had confiscated his father-in-law's business and other assets.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents demonstrating that he is the husband of Florette Katz, as well as the son-in-law of Beatrice and Hermann Katz.

The Issue of Who Received the Proceeds

In this case the Bank transferred the accounts on 20 December 1948 to a suspense account, which is a grouping of open and dormant accounts. The accounts were closed on 19 February 1964 as a result of the imposition of bank fees. Therefore, it is clear that neither the Account Owners nor her heirs received the proceeds of the account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owners are his wife and his parents-in-law, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

The bank records indicate that, as of 20 December 1948, the value in the account of Florette Katz was 19.75 Swiss Francs, the value in the account of Beatrice Katz (née Kanner) was 19.75 Swiss Francs and the value in the account of Hermann Katz was 23.75 Swiss Francs. The CRT notes that, according to the information provided by the Claimant, Hermann Katz, the father of one Account Owner, the spouse of the other, and an Account Owner himself, was the owner of a construction material depot, which supports the plausibility that the Account Owners owned three accounts, each containing assets. In accordance with Article 37(1) of Rules, these amounts are increased by an adjustment of 15.00 Swiss Francs, which reflects standardized bank fees charged to the accounts between 1945 and 20 December 1948. Consequently, the adjusted balance of the account of Florette Katz is 34.75 Swiss Francs, the adjusted balance of the account of Beatrice Katz (née Kanner) is also 34.75 Swiss Francs, and the adjusted balance of the account of Hermann Katz is 38.75 Swiss Francs. According to Article 35 of the Rules, if the amount in an account of an unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. In this case, there are three accounts of an unknown type awarded to the Claimant. The present value of the amount of the award is determined by multiplying the balances in the three accounts, as determined by Article 35, by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 142,200.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account values, and 35% of the total award amount is 49,770.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on his claims 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