

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Paul Katz

Claim Number: 219509/MD¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Dr. Paul Katz (the “Account Owner”) at 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 a Claim Form and Initial Questionnaire identifying the Account Owner as her father, Paul Katz, who was born in Austria. The Claimant stated that her father, Paul or Pavel (the Czech version of Paul) Katz, was a radiologist. The Claimant further stated that her father had patients in Romania, Austria, and Czechoslovakia, and that he lived in different locations in those countries. According to the information provided by the Claimant, her father was married to [REDACTED], and the Claimant is their only child. The Claimant stated that her father, who was Jewish, was persecuted by the Nazis because of his religion, and that his property was looted. The Claimant asserted that her father lived in Russia after the Second World War, where he later died. The Claimant indicated that she was born on 26 June 1927 in Czernowitz, Romania.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Paul Katz.

¹ The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 216495 and 216573. The CRT will treat the claims to these accounts in separate decisions.

Information Available in the Bank's Records

The Bank's record consists of a bank customer card. According to this record, the Account Owner was *Dr. med.* Paul Katz who lived in Aussig, Czechoslovakia. The Bank's record indicates that the Account Owner held a demand deposit account that was opened in July 1938 and closed on 20 March 1939. The Bank's document further indicates that the Account Owner held two custody accounts, numbered P421821 and L60597, which were opened in July 1938 and closed on 14 and 16 March 1939, respectively. The Bank's record does not indicate who closed the accounts, nor does it indicate the value of the accounts as of the date of closure. There is no indication 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. Her father's name and country of residence, Czechoslovakia, matches the published name and country of residence of the Account Owner. The Claimant identified her father's profession as a doctor, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Paul Katz, 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 her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different professions and cities of residence than the profession and city of residence of the Account Owner. Taking all of these factors into consideration, the CRT concludes that the Claimant has plausibly identified 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, that he lived in Nazi-occupied countries, and that his property was looted.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner, by submitting specific biographical information demonstrating that she is the daughter of Paul Katz. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With respect to the demand deposit account closed on 20 March 1939 and the custody account numbered L60597 that was closed on 16 March 1939, given that the accounts were closed after the German invasion of Czechoslovakia on 15 March 1939; that the Account Owner was persecuted by the Nazis and lived within occupied Europe until the conclusion of the war and in the Soviet Union after the war, making it difficult for him to repatriate the funds during this period; that the Account Owner and his heirs resided in Communist countries in Eastern Europe after the war; that there is no record of payment of the Account Owner's accounts to him; and given the application of Presumptions (a), (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 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.

With respect to the custody account numbered P421821 that was closed on 14 March 1939, the CRT has decided not to reach a decision at this time, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of that account.

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. Finally, 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 two custody accounts and one demand deposit account, of which the CRT has reached a decision with regard to one custody account and one demand deposit account. 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 "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of these amounts is calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of 162,500.00 Swiss Francs for the custody account and 26,750.00 Swiss Francs for the demand deposit account. Consequently, the total award amount in this case is 189,250.00 Swiss Francs.

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
August 20, 2003