

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ralph Berthold Katz
also acting on behalf of Renate Mooers

in re Accounts of Rudolf Katz

Claim Number: 400258/AZ

Award Amount: 204,750.00 Swiss Francs

This Certified Award is based upon the claim of Ralph (formerly Rolf) Berthold Katz (the "Claimant") to the published accounts of Rudolf Katz (the "Account Owner") at the Lugano branch of the [REDACTED] (the "Bank").

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 the Account Owner as his father, Rudolf (Rudolph) Katz, who was born on 30 December 1902 in Bad Wildungen, Germany, and was married to Zita Katz, née Rubinstein, in approximately 1930 in Heidelberg, Germany. The Claimant indicated that his parents, who were Jewish, lived in Heidelberg, where his father owned a shoe business, and that they had two children - the Claimant, who was born on 9 June 1931, and his sister, Renate Mooers, née Katz, who was born on 3 December 1932, both in Heidelberg. The Claimant further indicated that his father was forced by the Nazis to dispose of his business in 1933, that the family fled Heidelberg, and that, until 1937, they moved between various places throughout Germany, France, and Switzerland, residing in each location for a short period of time. The Claimant indicated that he particularly recalled residing in Lugano, Switzerland. According to the Claimant, his family lived in Merano, Italy (near the Swiss border) from 1937 to 1939, when they were finally able to emigrate to the United States. The Claimant indicated that his paternal grandmother perished in a concentration camp and that his paternal aunt survived six years of slave labor. Finally, the Claimant indicated that his mother died in Buffalo, New York in 1967 and that his father died in Buffalo in 1978.

In additional correspondence with the CRT dated 7 September 2006, the Claimant indicated that he did not remember most of the places his family resided after they fled Heidelberg because he was a young child at the time and because his family moved frequently in order to survive. However, the Claimant indicated that he had maternal relatives living in Paris and Strasbourg,

France, and that his family must have taken refuge in those cities. The Claimant further indicated that his father opened a bank account in Paris, which he was unable to recover when the family emigrated to the United States. In addition, the Claimant indicated that while his family was in Switzerland - including Lugano, Basel, and St. Moritz - his father made several trips to Germany in order to smuggle the family's money into Switzerland. The Claimant indicated that his father was unemployed between 1933 and 1939, while the family was on the run, and that this was the family's only source of income. Finally, the Claimant indicated that his paternal grandparents remained in Bad Wildungen and that they perished in the Holocaust.

In support of his claim, the Claimant submitted documents, including copies of: 1) his father's United States passport, issued in 1951, indicating that Rudolph Katz was born on 30 December 1902 in Germany, that he had lived in Bad Wildungen, and that he was married to Zita Katz; 2) his mother's American certificate of naturalization, indicating that Zita Katz was born in Poland and that she became an American citizen on 7 March 1946; 3) his mother's German passport, dated 27 October 1938, indicating that Zita Katz, née Rubinstein, was born on 30 October 1899 in Zaleszczyki, Poland, that she was Jewish, that she lived in Merano, and that her children were Rolf Katz (born on 9 June 1931) and Renate Katz (born on 3 December 1932); 4) his own American immigrant identification card, indicating that Rolf Bertold Katz was born on 9 June 1931 in Germany, and that he arrived in the United States on 20 March 1939; and 5) his father's will, dated in 1966, indicating that Rudolph Katz was married to Zita Katz, that he bequeathed his entire estate in equal shares to their children, Ralph Berthold Katz and Renate Mooers, and that he appointed Ralph Katz as the executor of his estate.

The Claimant indicated that he was born on 9 June 1931 in Heidelberg. The Claimant is representing his sister, Renate Mooers, née Katz, who was born on 3 December 1932 in Heidelberg.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Rudolf Katz, who resided in Berlin, Germany and then in Paris, France. The Bank's record indicates that the Account Owner held three accounts: a custody account, numbered L 1826, opened on 30 June 1930; a safe deposit box, numbered 400, opened on 31 July 1931; and a demand deposit account.

The Bank's record indicates that the safe deposit account was closed on 31 August 1933, that the custody account was closed on 20 June 1939, and that the demand deposit account was closed on 20 November 1940. The Bank's record does not indicate the value of these accounts. 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's father's name matches the published name of the Account Owner. The Claimant also identified his father's country of origin, as well as additional cities and countries of residence, which match the Account Owner's unpublished country of origin, a second city and country of residence, and the unpublished Swiss city in which the account was held. The CRT notes that it is plausible that the Claimant does not remember the names of all of the places his family lived in Germany, especially as he was only two years old when they fled Heidelberg in 1933.

In support of his claim, the Claimant submitted documents, including his father's passport and will, providing independent verification that the person who is claimed to be the Account Owner had the same name and original country of residence recorded in the Bank's records as the name and original country of residence of the Account Owner.

The CRT notes that the name Rudolf Katz appears only once on the January 2005 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "2005 List").

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the countries of residence of the Account Owner; or because those claimants identified only one of the Account Owner's cities and countries of residence and indicated that the person claimed to be the Account Owner did not live elsewhere in Europe, failed to identify the Swiss city where the account was held, and indicated that the person who is claimed to be the Account Owner had a professional title which is not reflected in the Bank's record. Taking all of these factors into account, 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 Germany, that he was forced to give up his business and to flee with his family in 1933, and that he fled with his family throughout Europe from 1933 to 1939, when they were able to emigrate to the United States. The Claimant also submitted his mother's German passport, dated October 1938, indicating that she was Jewish and that she resided in Italy. Finally, the Claimant indicated that the Account Owner's parents perished in the Holocaust and that the Account Owner's sister survived six years in slave labor camps.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he 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 Rudolph Katz's will, indicating that the Ralph Katz is his son,

one of his heirs, and the executor of his estate. This will further indicates that Rudolph Katz has no surviving heirs other than the Claimant's sister, Renate Mooers, whom he represents.

The Issue of Who Received the Proceeds

The Bank's record indicates that the safe deposit account was closed on 31 August 1933. Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1933 and fled to various places in Germany and other European countries from 1933 until emigrating to the United States in March 1939, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs.

The CRT notes that the Bank's record further indicates that the custody account was closed on 20 June 1939 and that the demand deposit account was closed on 20 November 1940, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the accounts were closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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, 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 and the party whom he represents. First, the claim is admissible in accordance with the criteria contained in

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his 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 one custody account, one demand deposit account, and one safe deposit box. 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 ICEP (the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”), the average value of a demand deposit account was SF 2,140.00, and the average value of a safe deposit account was SF 1,240.00. Thus, the total 1945 average value of the accounts at issue is SF 16,380.00. 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 204,750.00.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted an Account Owner’s will, the award will provide for distribution among any beneficiaries named in the will who have submitted a claim. In this case, the Claimant is representing his sister, Renate Mooers; the Claimant and his sister were named in the Account Owner’s will as the Account Owner’s beneficiaries in equal shares. Accordingly, the Claimant and his sister, represented party Renate Mooers, are each entitled to one-half of the total award amount.²

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
27 February 2007

² The CRT notes that pursuant to Article 23(1)(c) of the Rules, the division of the Award would be the same in the absence of inheritance documents.