

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Giulia Maria Hine

in re Account of Marie Koritschoner

Claim Numbers: 202397/JG;¹ 751366/JG²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Giulia Maria Hine, née Koritschoner, (the “Claimant”) to the published account of Marie Koritschoner (the “Account Owner”) at the Zurich branch of [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 and an ATAG Ernst & Young claim form identifying the Account Owner as her mother, Maria (Mia) Koritschoner (Heller), née Hasterlik (Hasterlich), who was born on 16 May 1900. The Claimant explained her mother was married three times throughout the course of her life, first to Ernst Weiss, then to Julius (Giulio) Koritschoner, the Claimant’s father, and finally to Thomas Heller, and that her father died on 16 December 1928 in Istanbul, Turkey. The Claimant stated that her mother, who was Jewish, resided in Vienna, Austria, from 1934 until 1939. According to the Claimant, after the incorporation of Austria into the German Reich in March 1938 (the “*Anschluss*”), her mother sent her to live in a children’s aid organization in Schaffhausen, Switzerland. The Claimant explained that her mother remained in Vienna until 1939, at which time she intended to flee with the Claimant to the

¹ Claimant Giulia Maria Hine (the “Claimant”) submitted one additional claim, which is registered under the Claim Number 401149. The CRT will treat this claim in a separate determination.

² In addition to her Claim Form, the Claimant submitted an ATAG Ernst & Young claim form (“ATAG Form”) in 1998, numbered C-BSL-I-90-602-095-832, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 751366.

United States. The Claimant explained, however, that she was not able to leave Switzerland at the time, and that her mother fled Austria for London, the United Kingdom, and waited for the Claimant there until 1940. The Claimant stated that there was no chance for her to leave Switzerland, and that her mother emigrated to the United States in 1940 without her. The Claimant indicated that she remained in Switzerland until 1946, when she also emigrated to the United States. The Claimant stated that her mother died on 22 April 1973 in New York, New York. The Claimant stated that her mother had one other child, the Claimant's half sister, Suzanne Wolff, née Weiss, who was born on 1 November 1920 in Vienna, and fled Austria for Nairobi, Kenya in 1938 or 1939.

In support of her claim, the Claimant submitted copies of: (1) her own baptismal certificate, dated 25 February 1926 in Rome, Italy, which indicates that Giulia Maria Koritschoner was born on 30 September 1925 in Vienna, and is the daughter of Giulio Koritschoner and Maria Hasterlich; and (2) her mother's Austrian driver's license, dated 23 February 1928, in the name of *Frau* ("Mrs.") Maria Weiss-Koritschoner.

The Claimant indicated that she was born on 30 September 1925 in Vienna. The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Maria Koritschoner.

Information Available in the Bank's Records

The CRT notes that the auditors who carried out the investigation of this bank 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 Maria Koritschoner during their investigation. The documents evidencing accounts belonging to Marie Koritschoner were obtained from archival sources in the Swiss Federal Archive.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the "1962 Survey"). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Marie Koritschoner, numbered 717.

According to these records, the account owner was *Frau* ("Mrs.") Marie Koritschoner, who resided in Vienna, Austria. These records indicate that the Bank did not have contact with the Account Owner since before 1945.

These records indicate that the Account Owner held an account, the type of which is not indicated. These records further indicate that as of 1 September 1963, the account contained 651.00 Swiss Francs ("SF").

Furthermore, according to the records from the Swiss Federal Archive, the account at issue was reported by the Bank to the registration office for assets of missing foreigners at the Swiss Federal Justice Department on 29 February 1964; on 6 December 1965 it was reported by the Justice Department to the Cantonal Guardianship Authority of the City of Zurich (*Vormundschaftsbehörde der Stadt Zürich*); and on 30 November 1966 it was placed under the guardianship of Dr. H. Häberlin, a curator in the office for assets of missing foreigners.

The records from the Swiss Federal Archive do not indicate the ultimate disposition of the account. There is no evidence in these records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner, and the Claimant's mother's city and country of residence match the published city and country of residence of the Account Owner. In support of her claim, the Claimant submitted documents, including her baptismal certificate and her mother's Austrian driver's license, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the name Marie Koritschoner appears only once on the List of Account Owners Published in 2005 (the "2005 List"). The CRT notes that there are no other claims to this account. 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 she lived in Austria after the *Anschluss*, and that in 1939 she fled to the United Kingdom and later the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was the Claimant's mother. These documents include the Claimant's baptismal certificate, which indicates that

Giulia Maria Koritschoner is the daughter of Giulio Koristschoner and Maria Hasterlich. The CRT notes that the Claimant indicated that she has another surviving relative, but that because she is not represented in the Claimant's claims, the CRT will not treat her potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

According to the records from the Swiss Federal Archive, the Bank did not have contact with the Account Owner after the Second World War and the account was registered in the 1962 Survey. Given that there is no record of payment of the Account Owner's assets to her; that the Account Owner and her heirs would not have been able to obtain information about her 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; and given the application of Presumption (h) 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 her 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 claims are 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 mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The records from the Swiss Federal Archive indicate that the value of the account as of 1 September 1963 was SF 651.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 936.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

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 claims 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
23 June 2008