

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Käthi Labermeier**

Claim Number: 209315/CN

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Käthi Labermeier (the “Account Owner”) at the Zurich 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 a Claim Form identifying the Account Owner as his paternal aunt, Käthi Labermeier, who was born in approximately 1890 in Munich, Germany, and never married. The Claimant indicated that his aunt resided in Munich until her death in 1979, but that she traveled to Switzerland for health reasons. According to the Claimant, his aunt was physically handicapped with leg impairment. The Claimant further indicated that he did not know what happened to her during the Second World War. The Claimant submitted a detailed family tree and a photograph, dated 1919, of his father, his aunts, and his grandparents. The Claimant indicated that he was born on 26 April 1955 in New York, New York, the United States.

### **Information Available in the Bank’s Records**

The Bank’s records consist of documents relating to the 1945 freeze of assets held in Switzerland by citizens of Germany and the territories incorporated into the Third Reich (the “1945 Freeze”), a list of dormant accounts, correspondence from the Bank to the Account Owner, internal memoranda pertaining to the account, and a printout from the Bank's database. According to these records, the Account Owner was *Fräulein* (Miss) Käthi (also referred to as Katharina) Labermeier, who resided at Hohenzollernstrasse 105/II in Munich, Germany. The Bank’s records indicate that the Account Owner held a savings/passbook account, numbered 862172, and that the passbook to the account was deposited with the Bank. The Bank's records indicate

that the account was blocked in the 1945 Freeze. According to the Bank's records, the balance of the account on 18 August 1947 was 148.60 Swiss Francs ("SF"). The Bank's records indicate that the account was released from the 1945 Freeze on 7 May 1953 with a balance of SF 127.90. The Bank wrote to the Account Owner on 7 February 1957 and informed her that the account was released from the 1945 Freeze and that it stayed with the Bank at the Account Owner's free disposal. In this letter, the Bank indicated that the savings/passbook account was closed by the Bank on 31 December 1949, that the balance of the account, which remained with the Bank, as of the date of the letter was SF 117.90 and asked the Account Owner for instructions regarding this balance. The Bank's records indicate that the letter was returned to the Bank on 19 February 1957. The Bank's records further indicate that the account's balance remained with the Bank, and that it was transferred to a suspense account for dormant assets on 15 July 1997. The account remains suspended.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's paternal aunt's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence and marital status, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including his family tree, 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 Käthi Labermeier appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT further notes that there are no other claims to this account.

### Status of the Account Owner as a Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution. The Claimant stated that the Account Owner was physically handicapped and resided in Nazi Germany.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was the Claimant's paternal aunt. These documents include a detailed family tree and a photograph. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the

Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the Bank's suspense account on 15 July 1997, where it remains today.

#### 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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his aunt, 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 savings/passbook account. The Bank's records indicate that the value of the account as of 18 August 1947 was SF 148.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 45.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1947. Consequently, the adjusted balance of the account at issue is SF 193.60. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00

#### **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 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  
9 November 2006