

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Leopold Landsberger

Claim Number: 300012/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] ([REDACTED]) [REDACTED], née Landsberger, (the “Claimant”) to the account of Leopold Landsberger (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 her brother, Leopold F. Landsberger, who was born on 13 May 1902 in Vienna, Austria, and was married to [REDACTED], née [REDACTED], in approximately 1960 in New York, New York. The Claimant stated that her brother did not have any children. The Claimant indicated that her brother, who was Jewish, was an art dealer who sold oil paintings from his father’s business premises at Favoritenstrasse 68 in Vienna before the Second World War, and later from his own gallery at 48 West 27th Street in New York. The Claimant stated that her brother often traveled on business and that he had several clients in Zurich, Switzerland. The Claimant also stated that her brother resided at Starhembergasse 29 in Vienna from 1920 until 1938, when he fled Austria for London, the United Kingdom. The Claimant further stated that her brother stayed in London until 1940 when he moved to New York, where he lived until his death on 10 June 1990. The Claimant indicated that she and her parents survived the Second World War by following her brother to London and then to the United States. The Claimant further indicated that some of her aunts, uncles, and cousins remained in Austria and Czechoslovakia and were killed by the Nazis during the Holocaust. The Claimant stated that her brother’s wife died on 7 June 2001 in Raleigh, North Carolina.

The Claimant submitted documents demonstrating that the Account Owner was her brother, including a detailed family tree and numerous historical family documents that, when viewed together, link her to the Account Owner. These documents include the Claimant's 1934 report card from her school in Vienna, showing her maiden name was Landsberger; her father's residence certificate, containing his name, [REDACTED], and his address in Vienna; her father's business card, indicating that the family had an art gallery in Vienna; her brother's business card, showing his name, address and business in "oil paintings" in New York; her brother's funeral certificate, containing his name and date of death in 1990; and a 1980 article in *Decor Centennial* magazine, describing the family's history as art dealers. According to the article, the Landsberger company was founded in Vienna by Leopold Landsberger's grandfather, [REDACTED], and that "when Hitler invaded Austria in 1938, the venerable Landsberger firm was forced to close... (No compensation was given by the Nazis for either the Austrian firm or the rest of its painting inventory.)" The Claimant stated that she was born on 5 October 1921 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Leopold Landsberger, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a custody account, numbered L34092, which was opened on 11 July 1935 and closed on 25 April 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant stated that her brother resided in Vienna, Austria, which matches unpublished information about the Account Owner's city of residence contained in the Bank's record. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his country and city of residence. In support of her claim, the Claimant submitted numerous documents, including her brother's business card and her father's residence certificate, indicating that the Account Owner's father resided in Vienna; her school report card, indicating her maiden name was Landsberger; and her brother's funeral certificate, containing his name and date of death. The CRT further notes that the name Leopold Landsberger appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution. Further, 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 he resided in Austria before escaping in 1938 to London, and that his business property was confiscated by the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner was her brother, including a detailed family tree and numerous historical family documents that, when viewed together, link her to the Account Owner. These documents include the Claimant's 1934 report card from her school in Vienna, showing her maiden name was Landsberger; her father's residence certificate, containing his name, [REDACTED], and his address in Vienna; her father's business card, indicating that the family had an art gallery in Vienna; her brother's business card, showing his name, address and business in "oil paintings" in New York; her brother's funeral certificate, containing his name and date of death in 1990; and a 1980 article in *Decor Centennial* magazine, describing the family's history as art dealers. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the account was closed on 25 April 1938 after the *Anschluss*, which occurred on 13 March 1938; that Nazi confiscatory legislation was in effect at the time the accounts were closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found that numerous such confiscations of Swiss bank accounts occurred at this time; that there is no record of the payment of the Account Owner's accounts to him; and 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 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.

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 brother, 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 account.

Amount of the Award

In this case, the Account Owner held one custody 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 the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs. 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 162,500.00 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
19 November 2003