

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ernest Lang

in re Account of Ernst Lang

Claim Number: 782112/JW¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Ernest Lang (formerly Ernst) (the “Claimant”) to the published account of Georg Krause, which appears on the 2005 list.² This award is to the unpublished account of Ernst Lang (the “Account Owner”) at the Dietikon branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire identifying the Account Owner as himself. In a telephone conversation with the Claimant on 19 April 2005, the Claimant, who is Jewish, stated that he is the child of [REDACTED], née [REDACTED], and [REDACTED], who married in 1927 in Schleusingen, Germany. The Claimant further stated that both of his parents worked in a men’s clothing store that belonged to his paternal grandfather. The Claimant indicated that his father was arrested by the Nazis in 1935 and was deported to Buchenwald and subsequently to other concentration camps, and was never heard from again. The Claimant stated that his family resided at Bertholdstrasse 22 in Schleusingen until 1937, when he and his mother moved to Neustadt, where her parents, [REDACTED] and [REDACTED], owned a furniture and glass factory, which was confiscated by the Nazis in 1938. According to the Claimant, his grandfather had opened bank accounts in Switzerland and he, his mother and his grandparents attempted to

¹ Ernest Lang did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0473197, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 782112.

² The CRT will treat the claim to this account in a separate determination.

flee Germany to Switzerland, where his grandfather had friends, business connections and funds. According to the Claimant, they were refused entry in early December 1938, and his grandparents both subsequently committed suicide on 13 December 1938. The Claimant stated that he and his mother then fled Germany to Genoa, Italy via Switzerland in 1939. The Claimant stated that he and his mother fled from Italy to Shanghai, China in March 1939. According to the Claimant, he and his mother remained in Shanghai until 1948, when they emigrated to the United States.

The Claimant indicated that he was born on 19 March 1931 in Suhl, Germany.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Ernst Lang. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account, numbered 3668, the type of which is not indicated.

According to this record, the account was opened on 18 February 1938, and the last contact with the Account Owner was on 25 March 1941. The Bank's record indicates that the account was considered dormant by the Bank and was transferred on 10 November 1968 to the Bank's suspense account, where it remains. The amount in the account on the date of the transfer was 1.25 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's name matches the unpublished name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. The CRT notes that the account was opened in 1938, when the Claimant was only seven years old and shortly after his father was arrested and he moved to live with his grandparents. However, the CRT considers it plausible that, given the circumstances, his grandfather, who the Claimant indicated had accounts in Switzerland, or another member of his family opened an account in Switzerland in the Claimant's name.³

The CRT notes that there are no other timely filed claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified himself as the Account Owner.

³ The CRT notes that the Bank's record indicates the last contact with the Account Owner was in 1941, after the Claimant's grandparents had committed suicide. Nonetheless, the CRT finds that it is plausible that another member of the Claimant's family or a family contact had contact with the Bank in 1941 regarding the account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that he was a Victim of Nazi Persecution. According to the Claimant, his father was arrested in 1935 by the Nazis, deported to Buchenwald and subsequently to other concentration camps, and was never heard from again. The Claimant also indicated that his grandparents' factory was confiscated by the Nazis in 1938. Furthermore, the Claimant stated that he is Jewish, and that he and his family attempted to flee Germany in 1938. The Claimant further stated that he and his mother were only able to successfully flee Germany in 1939, after his grandparents committed suicide subsequent to the family's failed first attempt to flee.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific personal information about himself. The CRT notes that the Claimant identified the unpublished name of the Account Owner as contained in the Bank's record.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to the Bank's suspense account on 10 November 1968, 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 is himself, which 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 account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account on 10 November 1968 was SF 1.25. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 360.00, which reflects standardized bank fees charged to the account between 1945 and 1968. Consequently, the adjusted balance of the account at issue is SF 361.25. 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 historic value 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 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
18 April 2006