

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

[REDACTED 2],

and [REDACTED 3]

in re Accounts of Gustav Langendorf and Marianne Langendorf

Claim Numbers: 401621/HB/AC; 401665/HB/AC; 401725/HB/AC; 401728/HB/AC;
401772/HB/AC; 401779/HB/AC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”), and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published account of Gustav Langendorf (“Account Owner Gustav Langendorf”) and the published account of Marianne Langendorf (“Account Owner Marianne Langendorf”) (together the “Account Owners”), over which Account Owner Gustav Langendorf and Fritz Langendorf (“Power of Attorney Holder Fritz Langendorf”) (together the “Power of Attorney Holders”) held power of attorney, at the Zurich branch of the [REDACTED 1] (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 Claimants

The Claimants, who are siblings, each submitted Claim Forms identifying Power of Attorney Holder Fritz Langendorf and Account Owner Marianne Langendorf as their paternal uncle and his wife: Friedrich (Fritz, Bedrich) Langendorf, who was born on 18 January 1900 in Prague, Czechoslovakia (now the Czech Republic), and Marianne Langendorf, née Schück, who was born on 19 May 1901.

According to the Claimants, their uncle and aunt, who were Jewish, resided at Belehradská 74 in Prague with their two children, [REDACTED] and [REDACTED], who were born in 1925 and 1930, respectively, both in Prague. The Claimants indicated that on 22 December 1942, their aunt, uncle, and cousins were deported to Theresienstadt, and subsequently to Auschwitz, where they perished.

The Claimants further identified Account Owner Gustav Langendorf as their paternal grandfather, Gustav Langendorf, who was born on 9 November 1872 in Prague, and was married to [REDACTED], née [REDACTED].

The Claimants stated that their grandfather, who was Jewish, was a businessman with *Schueck Katz & Co.* at Ruzova 13 #951 in Prague, and that he resided at Nabr. Legu Street 11 and Na Truhlarce 1457 in Prague. The Claimants indicated that their grandmother died on 23 August 1939 in Nazi-occupied Prague, and that their grandfather was deported to Theresienstadt on 2 July 1942, and subsequently to Treblinka, where he perished on 15 April 1943. According to the Claimants, their grandparents had four children: Friedrich (Fritz) Langendorf, who, as mentioned above, was married to Marianne Langendorf, and perished in 1944 in Auschwitz; [REDACTED], née [REDACTED], who was born on 16 May 1902 in Prague and perished in 1942 in Sobibor; [REDACTED], who was born on 29 October 1906 and died in approximately 1990 in New York, the United States; and [REDACTED] (the Claimants' father), who was born on 11 July 1908 in Prague and died in Chicago, Illinois, the United States, on 8 July 1987.

The Claimants submitted copies of documents, including: (1) a sworn statement regarding the company *Schueck Katz & Co.*, by a former employee, John Trier, dated 5 May 1960 in New York, indicating that *Schueck Katz & Co.* was located in Prague and that the partners in the business were Gustav Langendorf and Alexander Schueck; (2) a stamped envelope sent by their grandfather to their father, dated 10 October 1939 and addressed to [REDACTED], indicating that Gustav Langendorf resided on Na Truhlarce in Prague; (3) a letter from their uncle to their father, dated 20 February 1939 in Prague and addressed to '[REDACTED],' bearing the signature of 'Fritz'; (4) their father's Czech physician identity card, dated 1 April 1939, and indicating that [REDACTED] resided at Nabr. Legu 11 in Prague; (5) their father's Czech passport, dated 22 August 1939, indicating that [REDACTED] was born and resided in Prague; (6) their father's trust documents, dated 8 March 1985, indicating that [REDACTED] placed his estate in trust, the residue of which was to be distributed evenly between his children, [REDACTED 3], [REDACTED 1], and [REDACTED 2]; (7) their father's death certificate, indicating that [REDACTED] was born on 11 July 1908 in Czechoslovakia, died on 8 July 1987, and that his parents were Gustav Langendorf and [REDACTED]; (8) two obituaries regarding their father, indicating that [REDACTED], was born in Prague, that he fled to the United States after the Nazi invasion of Czechoslovakia, and that his children were [REDACTED 2], [REDACTED 3], and [REDACTED 1]; (9) Claimant [REDACTED 1]'s birth certificate, indicating that [REDACTED 1] was born on 30 April 1955, and that her father was [REDACTED], who was born in Czechoslovakia; (10) Claimant [REDACTED 3]'s birth certificate, dated 4 May 1955, indicating that [REDACTED 3]'s father was [REDACTED], who was born in Czechoslovakia; (11) an email from Erich and Carmen Lewitus to [REDACTED 1] and [REDACTED 2], dated 20 September 1999, indicating that: (a) Gustav Langendorf's last address was at Na Truhlarce 1457 in Prague; he was deported on 2 July 1942 to Theresienstadt; he was deported on 15 October 1942 to Treblinka; and he perished in a concentration camp; (b) Bedrich (Fritz) Langendorf's last address was at Belehradska 74 in Prague; he was deported on 22 December 1942 to Theresienstadt; he was deported on 28 September 1944 to Auschwitz; and he perished in a concentration camp; (c) Mariana Langendorf's last address was at Belehradska 74 in Prague; she was deported on 22 December 1942 to Theresienstadt; she was deported on 6 October 1944 to Auschwitz; and she perished in a concentration camp; and (12) an application

for a certificate of inheritance by their father regarding the estate of his mother, issued at the German general consulate in 1965 in Chicago, indicating that [REDACTED] was born in Prague, that his parents were Gustav Langendorf and [REDACTED], née [REDACTED], that [REDACTED] died in Prague on 23 August 1939, and that Gustav Langendorf died on 15 April 1943 in a concentration camp. According to this document, Gustav Langendorf had four children: [REDACTED], née [REDACTED], [REDACTED], [REDACTED], and Friedrich Langendorf. This document indicates that Friedrich Langendorf was born in Prague, was married to Marianne Langendorf, née Schück, and had two children named [REDACTED] and [REDACTED], who were deported from Prague. This document further indicates that Friedrich Langendorf died on 28 September 1946, and that [REDACTED] died on 9 November 1942 in Auschwitz. According to this document, [REDACTED]'s heirs were: Gustav Langendorf, Friedrich Langendorf, [REDACTED], née [REDACTED], [REDACTED], and [REDACTED].

Claimant [REDACTED 2] indicated that he was born on 17 July 1952, Claimant [REDACTED 1] indicated that she was born on 30 April 1955, and Claimant [REDACTED 3] indicated that he was born on 30 April 1955, all in Chicago.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database, a list of numbered accounts, various account ledgers, and a form regarding the 1945 freeze of assets held in Switzerland by the citizens of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"). Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a custody account contract, a spousal consent form, a power of attorney form, a customer card, and an account ledger.

According to these records, Account Owner Gustav Langendorf was *Herr* (Mr.) Gustav Langendorf, who resided in Prague, Czechoslovakia, used a temporary address in Zurich, Switzerland, and was married to [REDACTED]. According to these records, Account Owner Gustav Langendorf held an account, the type of which is not indicated, which was held under the numbered relationship 3569. The Bank's records indicate that account Owner Gustav Langendorf instructed the Bank to hold all correspondence. These records further indicate that the account was closed and transferred to *Mendelssohn Co.* in Amsterdam, the Netherlands on 5 December 1938.

These records also indicate that Account Owner Marianne Langendorf was *Frau* (Mrs.) Marianne Langendorf, née Schück, who resided at Nad Kazankou 222 in Troja Prague, and that she later moved to Nabrezi Legu 11 in Prague-Smichov. These records indicate that the Power of Attorney Holders were her husband, *Herr* (Mr.) Fritz Langendorf, and Account Owner Gustav Langendorf, her father-in-law, who resided at Nabrezi Legu 11 in Prague.

These records indicate that Account Owner Marianne Langendorf held a demand deposit account, held under the numbered relationship 3567, which was opened in 1931. The Bank's records indicate that the account had been inactive since 1 September 1939, that it was included

in the 1945 Freeze, that it had a balance of 148.50 Swiss Francs (“SF”) on 17 February 1945, and that it had a balance of SF 93.00 on 1 December 1955. The Bank’s records do not show when the demand deposit account was closed, nor do these records indicate the value of this account. 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 find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank’s record that Account Owner Marianne Langendorf, the Power of Attorney Holders, or their heirs closed the account and received the proceeds themselves.

In addition, these documents indicate that Account Owner Marianne Langendorf also held a custody account, numbered 32747, the proceeds of which were transferred into her demand deposit account on 16 September 1932. These records also indicate that Account Owner Marianne Langendorf instructed the Bank to hold all correspondence.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of 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 six claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners and the Power of Attorney Holders. The Claimants’ aunt’s, uncle’s and grandfather’s names match the published names of the Account Owners and the Power of Attorney Holders. The Claimants identified Account Owner Marianne Langendorf’s maiden name, street address,¹ the name of Account Owner Gustav Langendorf’s spouse, and the relationships between the Account Owners and the Power of Attorney Holders, which match unpublished information about the Account Owners and the Power of Attorney Holders contained in the Bank’s records.

In support of their claims, the Claimants submitted documents, including their father’s death certificate and Czech physician’s identity card, family correspondence, an email from Erich and Carmen Lewitus, a sworn statement by John Trier, and an application for a certificate of inheritance, providing independent verification that the persons who are claimed to be the Account Owners and the Power of Attorney Holders had the same names, one of the same street addresses, and the same city of residence recorded in the Bank’s records as the names, one of the street addresses, and city of residence of the Account Owners and Power of Attorney Holders.

The Claimants also submitted a signature sample of the signature of ‘Fritz,’ which matches the first name of the signature of Power of Attorney Holder Fritz Langendorf contained in the

¹ The CRT notes that the Claimants attributed this street address to [REDACTED]. The CRT further notes that family members often shared the same street address.

Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Marianna Langendorfova of Prague, and indicates that her date of birth was 19 May 1901; a person named Fritz Langendorf, who was born in Prague and resided in Troja, north of Prague, and whose father was Gustav Langendorf; and a person named Gustav Langendorf of Prague, who was married to [REDACTED], which matches information about the Account Owners and the Power of Attorney Holders provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners and Power of Attorney Holders were Victims of Nazi Persecution. The Claimants stated that the Account Owners and Power of Attorney Holders were Jewish, and that Account Owner Marianne Langendorf was deported to Theresienstadt and then to Auschwitz, where she and Power of Attorney Holder Fritz Langendorf perished in 1944, along with their children; and that Account Owner Gustav Langendorf was deported to Theresienstadt in 1942 and subsequently to Treblinka, where he perished on 15 April 1943. The Claimants also submitted an email from Erich and Carmen Lewitus dated 20 September 1999, indicating that Gustav Langendorf, Bedrich (Fritz) Langendorf, and Mariana Langendorf resided in Prague and perished in concentration camps.

As noted above, people named Marianna Langendorfova, Fritz Langendorf, and Gustav Langendorf were included in the CRT's database of victims.

The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Marianne Langendorf was the Claimants' paternal aunt by marriage, and that Account Owner Gustav Langendorf was their paternal grandfather. These documents include an application for a certificate of inheritance regarding [REDACTED]'s estate, indicating that Gustav Langendorf was married to [REDACTED], née [REDACTED], and that they had four children: [REDACTED], née [REDACTED], [REDACTED], [REDACTED] and Friedrich Langendorf, who was married to Marianne Langendorf, née Schück, and that [REDACTED]'s heirs were: Gustav Langendorf, Friedrich Langendorf, [REDACTED], née [REDACTED], [REDACTED], and [REDACTED]; their father's death certificate, indicating that [REDACTED]'s parents were Gustav and [REDACTED]; their father's trust documents, indicating that [REDACTED]'s children are [REDACTED 3], [REDACTED 1] and [REDACTED 2]; and the Claimants' birth certificates, indicating that their father was [REDACTED].

The Issue of Who Received the Proceeds

With respect to the account belonging to Account Owner Gustav Langendorf, the Bank's records indicate that the account was closed and transferred to the Netherlands on 5 December 1938,

over three months before the Nazi occupation of Prague. The CRT therefore concludes that Account Owner Gustav Langendorf had control over the account at the time of its transfer and closure.

With respect to the accounts belonging to Account Owner Marianne Langendorf, the Bank's records indicate that the custody account was transferred into the demand deposit account numbered on 16 September 1932, over six years before the Nazi occupation of Prague. The CRT therefore concludes that Account Owner Marianne Langendorf had control over the custody account on the date of its closure and transfer, and thus received the proceeds herself.

The Bank's records indicate that the demand deposit account was frozen in the 1945 Freeze and that it still existed in 1955, and the auditors who conducted the ICEP Investigation presumed that the account was closed on an unknown date.

Given that Account Owner Marianne Langendorf perished during the Holocaust, years before the account was closed; that there is no record of the payment of the Account Owner's demand deposit account to her nor any record of a date of closure of the account; 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 Presumptions (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 Account Owner Marianne Langendorf, the Power of Attorney Holders, or their 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that Account Owner Marianne Langendorf was their paternal aunt by marriage, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, nor the Power of Attorney Holders, nor their heirs, received the proceeds of the demand deposit account.

Amount of the Award

For the purposes of this award, Account Owner Marianne Langendorf held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 17 February 1945 was SF 148.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 90.00, which reflects numbered account fees and standardized bank fees charged to the demand deposit account in 1945. Consequently, the adjusted balance of the account at issue is SF 238.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1)(a)-(f) have submitted a claim, the CRT may make an award to any relative of the Account Owner whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case, the Claimants are siblings, and the wife of the Claimants' paternal uncle was Account Owner Marianne Langendorf. Accordingly, the Claimants are each entitled to one-third of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
15 November 2007