

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Dr. Luce Reiss
represented by James H. Reiss

in re Account of Friederike Lauer

Claim Number: 205666/RD

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Dr. Luce Reiss, née Lauer (the “Claimant”) to the account of Friederike Lauer (the “Account Owner”) at the Zurich branch of the [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 identifying the Account Owner as her mother, Friederike Lauer, née Zuckerman, who was born on 23 April 1900 in Kolomea, Poland, and was married to Jakob Lauer on 10 July 1938 in Vienna, Austria. According to the Claimant, her mother lived in France as a non-resident from 1933 until 1942 at 8 rue de l’Avenir in Asnieres-Seine. The Claimant also stated that she believes her mother opened a “safe haven” bank account in Switzerland. The Claimant further stated that her father was employed as a chemical engineer. The Claimant explained that she was an only child, and that her parents, who were Jewish, were deported by the Nazis in 1942 and perished in a concentration camp in Germany. In support of her claim, the Claimant submitted several documents, including Friederike Lauer’s birth and marriage certificates and the Claimant’s birth certificate, which demonstrates that Friederike Lauer was her mother. The Claimant stated that she was born in Asnieres-Seine, France, on 19 May 1937.

Information Available in the Bank Record

The Bank's record consists of a collective account ledger. According to this record, the Account Owner was Friederike Lauer, who held a savings/passbook account numbered 20599. The Bank's record indicates that the account was transferred to a collective account on 19 July 1949, with a balance of 6.00 Swiss Francs, and that the last known date of existence of this account

was 14 September 1959. The Bank's records do not show when the account at issue was closed or to whom it was paid, 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. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s mother’s name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In support of her claim, the Claimant submitted several documents, including Friederike Lauer’s birth and marriage certificates and the Claimant’s birth certificate, which identifies Friederike Lauer as her mother. The CRT notes that the name Friederike Lauer appears only once on the February 2001 list of published accounts determined by the ICEP Investigation to be probably or possibly those of victims of Nazi persecution. In addition, the CRT notes that there are no other claims to the 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 and was deported by the Nazis to a concentration camp in Germany, where she perished.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her mother’s birth certificate and her own birth certificate, demonstrating that she is the daughter of Friederike Lauer. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the Account Owner’s deportation by the Nazis to a concentration camp in Germany, the closure of her account sometime after 1959, and 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 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 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 mother, and that relationship justifies an Award. Finally, the CRT has determined 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 savings/passbook account had a value of 6.00 Swiss Francs on 19 July 1949. According to Article 29 of the Rules, if the amount in a savings account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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 10,375.00 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
June 1, 2004