

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Accounts of *Frau* Erna Lederer**

Claim Numbers: 212000/ES; 212196/ES

Award Amount: 211,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née Lederer (the “Claimant”), to the accounts of *Frau* Erna Lederer (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 paternal grandmother, Erna Lederer, née [REDACTED], who was born on 28 June 1884 in Vienna, Austria, and was married to [REDACTED] in February 1909 in Vienna. The Claimant stated that her grandparents had two children: the Claimant’s father, [REDACTED], who was born in 1910, and [REDACTED]. The Claimant further stated that her grandmother was an artist, and that she divorced her husband in 1929. The Claimant indicated that her grandmother resided at Lannerstrasse 12 in Döbling, Vienna, until 1928, and then at Scheibengasse 12 in Döbling, Vienna. According to the Claimant, her grandmother was forced to flee Austria on an unknown date for New York, New York, and she later immigrated to Haifa, Palestine. The Claimant’s grandfather fled to London, the United Kingdom, and from there was sent to prisoner of war camps in Australia. The Claimant stated that her grandmother died in Haifa. The Claimant further stated that her father, [REDACTED], died in 1969, and that her uncle, [REDACTED], died in 1998. In support of her claim, the Claimant submitted a document issued by the Nazis in 1941, which identifies the Claimant’s grandmother’s name and date of birth. The Claimant also submitted her birth certificate which indicates that her maiden name is Lederer and that she was born in Vienna, Austria, on 4 September 1938.

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

The Bank's records consist of a list of numbered accounts and a printout from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Erna Lederer, who resided in Vienna, Austria. The Bank's records indicate that the Account Owner held a custody account, numbered 41770, and an account of unknown type, numbered 66006.

According to the records, the custody account was closed on 14 March 1938. The Bank's records do not show to whom the proceeds of the custody account were paid, nor do they show the value of the account.

The Bank's records indicate that the account of unknown type was closed on 25 April 1938. The Bank's records do not show to whom the proceeds of the account of unknown type were paid, and the amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

## **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Erna Lederer, née [REDACTED], numbered 35245. The documents indicate that Erna Lederer was born on 28 June 1884, and that she was married to [REDACTED], whom she later divorced. The documents indicate that Erna Lederer owned a house that was valued at 150,000.00 Reichsmarks at Scheibengasse 12, Unter-Dobling, Vienna XIX, Austria. The records further state that she was assessed a "flight tax" (*Reichsfluchtsteuer*) of 162,851.00 Reichsmarks. The records indicate that Erna Lederer had accounts in the *Länderbank* in Vienna, and that she had demand deposit accounts in other banks in Vienna. The documents further indicate that Erna Lederer was forced to sell her car and summer house to the Nazi authorities. These records make no mention of assets held in a Swiss bank account.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 two claims of the Claimant in one proceeding.

### Identification of the Account Owner

The Claimant's paternal grandmother's name and city of residence match the published name and city of residence of the Account Owner. Moreover, information in the Austrian State Archives, which indicates that a person named Mrs. Erna Lederer lived in Vienna, and that she had substantial assets and held bank accounts in several banks in Vienna, is consistent with the information submitted by the Claimant. The CRT notes that the Account Owner's last name and the Claimant's maiden name, Lederer, are the same as indicated on the Claimant's birth certificate, which also indicates that the Claimant was born in Vienna, Austria. In support of her claim, the Claimant submitted a document issued by the Nazis in 1941, which identifies the Claimant's grandmother's name, Erna Lederer, and date of birth. The CRT also notes that it is plausible that the 1941 certificate of inheritance which indicates the Account Owner's name, as contained in the Bank's records, is a document which most likely only a family member would possess. The CRT further notes that the name Erna Lederer 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. Finally, the CRT notes that there are no other claims to these accounts. Considering the information provided by the Claimant and the matching information about the Account Owner available in Austrian census records, 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 that she fled Austria to escape Nazi persecution.

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

The Claimant has plausibly demonstrated that the Account Owner was her paternal grandmother by submitting specific biographical information about her grandmother and a detailed family tree. As noted above, the Claimant provided consistent information about her grandmother that was contained in the Austrian State Archives. The CRT notes that the Account Owner's last name and the Claimant's maiden name, Lederer, are the same as indicated on the Claimant's birth certificate, which also indicates that the Claimant was born in Vienna, Austria. The CRT also notes, as stated above, that it is plausible that the 1941 certificate of inheritance which indicates the Account Owner's name, as contained in the Bank's records, is a document which most likely only a family member would possess.

The Claimant has indicated that she has two siblings, and that her uncle, [REDACTED], had two children. However, none of these individuals have filed Initial Questionnaires with the Court or Claim Forms with the CRT.

### The Issue of Who Received the Proceeds

Given that the Account Owner's custody account was closed after the *Anschluss* on 14 March 1938 and her account of unknown type was closed approximately one month later on 25 April

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 numerous such confiscations of Swiss bank accounts occurred at this time; that the Claimant stated that the Account Owner was forced to flee Austria after the *Anschluss*; that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner and her heirs would not have been able to obtain information about her closed accounts 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 (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 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 grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held one custody account and one account of unknown type. 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 provided by ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs and an account of unknown type was 3,950.00 Swiss Francs. Thus, the total historical value for both accounts is 16,950.00 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 211,875.00 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  
September 15, 2003