

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED],
[REDACTED], and [REDACTED]

in re Accounts of Paul Leffmann and Alice Leffmann

Claim Number: 400610/BW

Award Amount: 98,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the published account of Paul Leffmann. This award is the published account of Paul Leffmann ("Account Owner Paul Leffmann") and the unpublished account of Alice Leffmann ("Account Owner Alice Leffmann") (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).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 Owners as the brother and sister-in-law of her paternal great-grandfather, Paul Leffmann, who was born on 3 April 1870 in Dulken, Germany, and his wife, Alice Leffmann, née Brandenstein. The Claimant stated that Paul Leffmann was a banker, that he also owned a clothing factory in Cologne, Germany, and that he lived in Cologne-Lindenthal until he fled to Switzerland in approximately 1938.

The Claimant submitted the following documents in support of her claim: (1) her great-grandfather’s brother’s birth certificate, which indicates Paul Friedrich Leffmann was born on 3 April 1870 to [REDACTED] and [REDACTED], née [REDACTED], in Dulken, Germany; (2) her great-grandfather’s birth certificate, which indicates that [REDACTED] was born on 12 April 1864 to [REDACTED] and [REDACTED], née [REDACTED], in Dulken; (3) her grandfather’s birth certificate, which indicates that [REDACTED] was born on 8 June 1907 to [REDACTED] and [REDACTED], née [REDACTED], in Chicago, Illinois, the United States; (4) her father’s birth certificate, which indicates that [REDACTED] was born on 26 September 1934 to [REDACTED] and [REDACTED], née [REDACTED], in Chicago; (5) her birth certificate, which indicates that [REDACTED] was born on 18 December 1959 to

[REDACTED] and [REDACTED], née [REDACTED], in Ft. Pierce, Florida, the United States; (6) her sister's birth certificate, which indicates that [REDACTED] was born on 28 December 1960 to [REDACTED] and [REDACTED], née [REDACTED], in Melbourne, Florida, the United States; (7) her brother's birth certificate, which indicates that [REDACTED] was born on 18 November 1963 to [REDACTED] and [REDACTED], née [REDACTED], in Melbourne; (8) her sister's birth certificate, which indicates [REDACTED] was born on 19 December 1962 to [REDACTED] and [REDACTED], née [REDACTED], in Phoenix, Arizona, the United States; (9) a letter written by her grandfather, [REDACTED], in 1927 from Paul Leffmann's house in Cologne-Lindenthal which mentions his "Aunt Alice" and "Uncle Paul"; (10) two postcards containing handwriting samples of her relative Paul Leffmann, written from his address in Cologne to his brother [REDACTED] in Chicago; and (11) her grandfather's obituary published on 17 October 2002, indicating that [REDACTED] died on 8 October 2002 and that his wife, [REDACTED], had studied in Florence, Italy, during the 1930s.

The Claimant indicated that she was born on 18 December 1959 in Ft. Pierce. The Claimant is representing her father, [REDACTED], who was born on 26 September 1934 in Chicago; her sister, [REDACTED], who was born on 28 December 1960 in Melbourne; her brother, [REDACTED], who was born on 18 November 1963 in Melbourne; and her sister, [REDACTED], who was born on 19 December 1962 in Phoenix.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her paternal great-grandfather's brother, Paul Leffmann. The CRT further notes that the auditors who carried out the investigation of the Banks 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 report an account belonging to Paul Leffmann or Alice Leffmann during the investigation of the Bank. The documents evidencing accounts belonging to Paul Leffmann and Alice Leffmann were obtained from archival sources in Germany and are further described below.

Information Available from the German Archives

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Archive of the Regional Tax Office in Berlin (*Oberfinanzdirektion Berlin*), there are documents concerning the assets of Paul and Alice Leffmann, numbered 912/5073 and 912/6410, respectively.¹ These records include the 1938 Census declarations of Paul and Alice Leffmann. According to these records, Paul Leffmann, who was born on 3 April 1870, was married to Alice Leffmann, née Brandenstein, who was born on 19 September 1877, and as of 25 July 1938, the date they signed

¹ The files of this Archive have since been moved to the Federal Office for Central Services and Unresolved Property Issues, Restitution Archive: Documents from the Nazi Era (*Bundesamt für zentrale Dienste und offene Vermögensfragen, Rückerstattungsarchiv: Archivalien aus der NS-Zeit*).

their declarations, they resided at Via San Vito 8/10 in Florence, Italy. Paul Leffmann indicated that he was Jewish, and declared among his assets an account, the type of which is not indicated, at the Bank, with a balance of 1,500.00 Swiss Francs (“SF”) as of 27 April 1938. Alice Leffmann listed among her assets an account, the type of which is not indicated, at the Bank, also with a balance of SF 1,500.00 as of 27 April 1938. The records do not contain information about the disposition of these accounts.

The CRT’s Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant’s great-grandfather’s brother’s name matches the published name of Account Owner Paul Leffmann. The Claimant identified Account Owner Paul Leffmann’s birth date, the name of Account Owner Alice Leffmann, and the relationship between the Account Owners, which matches information contained in the 1938 Census records. In support of her claim, the Claimant submitted documents, including her great-grandfather’s brother’s birth certificate, which provides independent verification that the person who is claimed to be Account Owner Paul Leffmann had the same name recorded in the 1938 Census records as the name of Account Owner Paul Leffmann. The Claimant also submitted samples of her great-grandfather’s brother’s handwriting and signature, which matches the handwriting and signature contained in the 1938 Census records. The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they fled Nazi Germany.

The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant’s paternal great-grandfather’s brother and sister-in-law. These documents include a chain of birth certificates submitted by the Claimant, which establish a direct familial line between herself and the Account Owners. There is no information to indicate that the Account Owners have surviving heirs, other than the parties represented by the Claimant.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT’s precedent indicates that it is plausible in such situations that the proceeds of the accounts ultimately were confiscated by the Nazi regime; that the Account

Owners reported the accounts in the 1938 Census, when they were residing in Italy, which formed an alliance with Nazi Germany on 25 October 1936; that the Account Owners lived in Germany and Nazi-allied Italy until they fled Nazi persecution, and therefore could not have repatriated the accounts without losing ultimate control over their proceeds; and given the application of Presumptions (d) and (h), 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 Owners, 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 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 Owners were her great-grandfather’s brother and sister-in-law, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Further, the CRT notes that represented party [REDACTED], as Account Owner Paul Leffmann’s great-nephew, has a better entitlement to the account than his four children, the Claimant and represented parties [REDACTED], [REDACTED], and [REDACTED], who are, by a generation, more distantly related to the Account Owners.

Amount of the Award

In this case, the Account Owners held two accounts of unknown type. The 1938 Census records indicate that the two accounts of unknown type were each worth SF 1,500.00 as of 25 July 1938. 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, for a combined average value of SF 7,900.00 for the two accounts at issue. 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. Consequently, the total award amount in this case is SF 98,750.00.

Division of the Award

With respect to the account of Account Owner Paul Leffmann, according to Article 23(1)(d) of the Rules, in the absence of a will or other inheritance documents, if neither the Account Owner’s spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. With respect to the account of Account Owner Alice Leffmann, 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) has 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 Claimant is representing her father and her three siblings. As noted above, represented party [REDACTED], as the great-nephew of Account Owner Paul Leffmann, and the great-nephew of Account Owner Alice Leffmann's spouse, has a better entitlement to the account than his four children, the Claimant and represented parties [REDACTED], [REDACTED], and [REDACTED]. Thus, represented party [REDACTED] is entitled to the entire award amount.

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
9 November 2006