

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2], also acting on behalf of
[REDACTED 3] and [REDACTED 4]

in re Accounts of Leopold Lefkovits

Claim Numbers: 206908/ES; 208769/ES

Award Amount: 59,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] and [REDACTED 2] (the "Claimants") to the published accounts of Leopold Lefkovits (the "Account Owner") at the Basel branch of the [REDACTED] ("Bank I")¹ and at the Zurich branch of the [REDACTED] ("Bank II") (together the "Banks").

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted two Claim Forms identifying the Account Owner as their father, Leopold Lefkovits, who was born in 1880 in Ór, Hungary, and was married to [REDACTED], née [REDACTED], in 1900 in Satu-Mare, Romania. The Claimants stated that their parents, who were Jewish, had eleven children: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED 3], [REDACTED], [REDACTED 1], [REDACTED], [REDACTED 4], [REDACTED], and [REDACTED 2].

The Claimants stated that their parents resided in Ór, Hungary (later Romania), from 1880 until 1900, when they moved to Satu-Mare, where they resided at Decebal Street 109 until 1944. The Claimants further stated that their father owned a wholesale business located at Stefan Cel Mare Street 9 in Satu-Mare, and that he traveled to other countries as a businessman to purchase merchandise for subsequent resale in Romania. The Claimants further stated that in 1944 their parents, together with four of their children, were deported to Auschwitz, where they perished. In support of their claims, the Claimants submitted copies of their birth certificates, showing that their father was Leopold Lefkovits, a merchant, and that their mother was Resi Freund, and that they resided in Satu-Mare, Kozinci, Romania.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably those of Victims of Nazi Persecution (the "ICEP list"), Leopold Lefkovits is indicated as having one account. Upon further review, the CRT has concluded that the Bank's records evidence the existence of two accounts.

Claimant [REDACTED 1] indicated that he was born on 16 January 1919 in Satu-Mare. Claimant [REDACTED 2] indicated that he was born on 5 July 1924 in Satu-Mare. Claimant [REDACTED 2] is representing his sisters, [REDACTED 3], née [REDACTED], who was born on 27 June 1916, and [REDACTED 4], who was born on 2 March 1922, both in Satu-Mare.

Information Available in the Banks' Records

Bank I

Bank I's records consist of an account registry card and a printout from the Bank's database. According to these records, the Account Owner was Leopold Lefkovits, who resided in Satu-Mare, Romania, and the Power of Attorney Holder was *Frau* (Mrs.) Leopold Lefkovits, née Resi Freund. Bank I's records contain a sample of the Account Owner's signature. Bank I's records indicate that the Account Owner held a savings/passbook account, numbered 6762, and another account, numbered 39713, which were opened on 7 July 1930. The type of the latter account is not indicated.

Bank I's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. 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 these accounts in Bank I's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in Bank I's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

Bank II

Bank II's record consists of a customer card. According to this record, the Account Owner was Leopold Lefkovits of Satu-Mare, Romania. Bank II's record indicates that the Account Owner held two demand deposit accounts, the first of which was opened on an unknown date and closed on 30 April 1938. The second demand deposit account was opened on 20 April 1931 and closed on 31 July 1939. The amount in the two accounts on the dates of their closure is unknown. There is no evidence in Bank II's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

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 Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' father's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimants identified the Power of Attorney Holder's maiden name, which matches published information about the Power of Attorney Holder contained in the Bank's records. In addition, the Claimants identified the Power of Attorney Holder's first name, which matches unpublished information about the Power of Attorney Holder contained in Bank I's records. In support of their claims, the Claimants submitted their birth certificates, showing that their father was Leopold Lefkovits, a merchant, and that their mother was Resi Freund, and that they resided in Satu-Mare, Kozinci, Romania, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Leopold Lefkovits, and indicates that he was a wholesaler and that his place of residence was (Kazinczi) Szatmarra, Hungary,² which matches the information about the Account Owner 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 the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner during the Second World War and that claimant did not identify the Power of Attorney Holder.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and perished in Auschwitz.

As noted above, a person named Leopold Lefkovits was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting their birth certificates, demonstrating that the Account Owner was the Claimants' father. There is no information to indicate that the Account Owner has other surviving heirs other than the parties whom Claimant [REDACTED 2] is representing.

The Issue of Who Received the Proceeds

With respect to the accounts held at Bank I, given that that the Account Owner was killed in Auschwitz with his wife and four of his children in 1944; that there is no record of the

² Satu-Mare is part of the Northern Transylvanian territory, which was occupied by the Hungarians from September 1940 to September/October 1944.

payment of the Account Owner's accounts to him nor any record of a date of closure of the accounts; that the Account Owner's heirs would not have been able to obtain information about his 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 (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the accounts proceeds were not paid to the Account Owner, the Power of Attorney Holder, 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.

With respect to the accounts held at Bank II, the CRT notes that they were closed in 1938 and 1939, prior to the Nazi occupation of Romania in 1940. As such, the CRT determines that the Account Owner closed these accounts and received the proceeds himself.

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 both plausibly demonstrated that the Account Owner was their father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Award is for one savings/passbook 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 ICEP Investigation, in 1945 the average value of a savings/passbook account was 830.00 Swiss Francs and the average value of an account of unknown type was 3,950.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue is 4,780.00 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 59,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, in the absence of a will or other inheritance documents, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 2] is representing his sisters: [REDACTED 3], née [REDACTED], and [REDACTED 4]. Accordingly, the Claimants and the represented parties are each entitled to one-quarter 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
8 June 2004