

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], [REDACTED 4],
[REDACTED 5]

and

Claimant [REDACTED 6]
also acting on behalf of [REDACTED], [REDACTED], and [REDACTED]

in re Account of Isidore Lehmann and Aline Lehmann

Claim Numbers: 220085/MBC, 220178/MBC, 220337/MBC, 220435/MBC, 220436/MBC,
222697/MBC, 222698/MBC, 222702/MBC, 222776/MBC, 222777/MBC, 223097/MBC,
223168/MBC, 223169/MBC, 224434/MBC

Award Amount: 156,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED] 2”), [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”), [REDACTED 4], née [REDACTED], (“Claimant [REDACTED4]”), [REDACTED 5], née [REDACTED], (“Claimant [REDACTED 5]”) and [REDACTED 6], née [REDACTED], (“Claimant [REDACTED 6]”) (together the “Claimants”) to the account of Isidore Lehmann (“Account Owner Isidore Lehmann”) and Aline Lehman (“Account Owner Aline Lehmann”) (together the “Account Owners”) at the Geneva 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 claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant [REDACTED 6] submitted Claim Forms identifying the Account Owners as their great-grandparents, and Claimant [REDACTED 5] submitted Claim Forms identifying the Account Owners as her grandparents, Isidore Lehmann and Aline Gentile Lehmann, née Merzbach. The Claimants stated that Isidore Lehmann was born on 1 September 1858 in Sarreguemines, France, and was married to Aline Gentile Lehmann, née Merzbach, who was born in Paris, France, on 22 September 1876. The couple had three children, [REDACTED]

(who died in infancy), [REDACTED], née [REDACTED], (who died on 8 July 1954), and [REDACTED], née [REDACTED], (who died on 28 July 1990). The Claimants indicated that [REDACTED] was the grandmother of Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3] and Claimant [REDACTED 4]. The Claimants also indicated that [REDACTED] was the mother of Claimant [REDACTED 6],[REDACTED] and [REDACTED]; and that [REDACTED] was the mother of Claimant [REDACTED 6], [REDACTED] and [REDACTED].

The Claimants stated that Isidore Lehmann was a manager at the *Banque Nationale pour le Commerce et l'Industrie* bank in Paris, and that he and his wife resided in Paris until 1939 at Avenue Alphant 10. The Claimants indicated that Isidore Lehmann, who was Jewish, died in Paris on 4 August 1939. According to the Claimants, Aline Lehmann, who was also Jewish, fled to the French Free Zone when the Nazis invaded France, and lived in hiding to avoid the Nazis until the end of the Second World War. The Claimants further stated that Aline Lehmann died in Paris on 14 January 1953.

The Claimants stated that [REDACTED] had two children, [REDACTED] (1919-1972) and [REDACTED], née [REDACTED] (1923-1998). [REDACTED] was the father of Claimant [REDACTED 1] and Claimant [REDACTED 2], and [REDACTED] was the mother of Claimant [REDACTED 3] and Claimant [REDACTED 4]. The Claimants further stated that [REDACTED] had three children: Claimant [REDACTED 5], [REDACTED] (whom Claimant [REDACTED 6] is representing), and [REDACTED] (1928-1964). According to the Claimants, [REDACTED] had three children: [REDACTED] and [REDACTED] (whom Claimant [REDACTED 6] is representing) and Claimant [REDACTED 6]. According to the Claimants they, and the individuals whom Claimant [REDACTED 6] is representing, are Isidore and Aline Lehmann's only living heirs.

In support of their claims, Claimant [REDACTED 6] submitted an account opening contract, dated 12 September 1933 in Geneva, showing that Isidore Lehmann and his wife, Aline Lehmann, née Merzbach, jointly opened a custody account, numbered C.S. 16479, with the Bank; a letter from the Bank, dated 12 September 1933 in Geneva; Isidore and Aline Lehmann's marriage certificate; and Isidore Lehmann's death certificate. The Claimants also submitted documents showing their relationship to their relatives, including birth certificates and family books.

Claimant [REDACTED 1] indicated that he was born on 13 October 1949; Claimant [REDACTED 2] indicated that he was born on 11 July 1963; Claimant [REDACTED 3] indicated that she was born on 2 June 1951; Claimant [REDACTED 4] indicated that she was born on 17 February 1957; Claimant [REDACTED 5] indicated that she was born on 6 June 1924; and Claimant [REDACTED 6] indicated that she was born on 11 May 1951. Claimant [REDACTED 6] indicated that her aunt, [REDACTED], was born on 2 March 1926, and that her siblings, [REDACTED] and [REDACTED] were born on 23 June 1954.

Information Available in the Bank Record

The bank record consists of an account registry card. According to this record, the joint Account Owners were Aline Lehmann, née Merzbach, and her husband, Isidore Lehmann, the director of a bank named *Banque Nat. de Crédit* in Paris. The Account Owners resided at Avenue Alphand 10 in Paris 16, France. The bank record shows that the Account Owners held a custody account that was opened under the number C.S. 16479. The bank record shows that the account was opened on 29 January 1927, and that its number was changed from 11387 to 16479 on 13 September 1933.

The amount in the account was transferred to a suspense account on 12 November 1941. The amount in the custody account on the date of its transfer was 31.35 Swiss Francs. The account remains open and dormant.

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 fourteen claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Their relatives' names and city of residence match the published names and city of residence of the Account Owners. The Claimants stated that Isidore Lehmann was a manager of a bank named *Banque Nationale de Crédit*, and that he and his wife resided at Avenue Alphand 10 in Paris, which matches unpublished information about the Account Owners contained in the bank record. In support of their claims, the Claimants submitted an account opening contract showing that their relatives opened an account, numbered 16479, with the Bank, which matches unpublished information about the account contained in the bank record. Finally, the Claimants submitted samples of Isidore and Aline Lehmann's signatures, which match the signature samples contained in the bank record. The CRT notes that there are no other claims to this account.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Aline Lehmann was a Victim of Nazi Persecution. The Claimants indicated that Account Owner Aline Lehmann, who was Jewish, fled to the French Free Zone when the Nazis invaded France, and that she lived in hiding until the end of the Second World War to avoid the Nazis.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting documents demonstrating that they are the great-grandchildren and grandchildren of

the Account Owners. There is no information to indicate that the Account Owners have any surviving heirs other than the Claimants, and the individuals whom Claimant [REDACTED 6] is representing.

The Issue of Who Received the Proceeds

The bank record indicates that on 12 November 1941 the account was transferred to a suspense account, and remains open and dormant.

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 the Account Owners were their great-grandparents and grandparents, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one custody account. The bank record indicates that the value of the custody account as of 12 November 1941 was 31.35 Swiss Francs. According to Article 29 of the Rules, if the amount in a custody account was less than 13,000.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 13,000.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 156,000.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, 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. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3] and Claimant [REDACTED 4] are each entitled to one-eighth of the total Award amount. Claimant [REDACTED 5] is entitled to one-sixth of the total Award amount; and Claimant [REDACTED 6] is entitled to one-third of the total Award amount. Claimant [REDACTED 6] is representing her aunt, [REDACTED], who is entitled to receive one-half of any payment made to Claimant [REDACTED 6] (or one-sixth of the total Award amount). Claimant [REDACTED 6] is also representing her siblings, [REDACTED] and [REDACTED], who are each entitled to receive one-sixth of any payment made to Claimant [REDACTED 6] (or one-eighteenth of the total Award amount). Therefore, Claimant [REDACTED 6] is entitled to the remaining one-sixth of the payment she receives (or one-eighteenth 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
May 15, 2003