

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],

to Claimant [REDACTED 2],

to Claimant [REDACTED 3],
also acting on behalf of [REDACTED 4]

and to the Estate of Claimant [REDACTED 5]
represented by [REDACTED]

in re Account of J. Lehmann

Claim Numbers: 708743/RS;¹ 220525/RS;² 004187/RS; 205011/RS³

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Jakob Lehmann; the claim of [REDACTED 2], née [REDACTED] (later [REDACTED]) (“Claimant [REDACTED 2]”), to the account of Johanna Else Grünebaum (later Greensted), née Lehmann; the claim of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) to the account of J. Lehmann; and the claim of [REDACTED 5], née [REDACTED], (“Claimant [REDACTED 5]”) (together the “Claimants”) to the accounts of Josef Lehmann.

This Award is to the published account of J. Lehmann (the “Account Owner”) at the [REDACTED] (the “Bank”).⁴

¹ Claimant [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered GER-0012-002, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 708743.

² In a separate decision approved on 19 December 2007, the CRT treated the claims of Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) to the accounts of Alfred Grünebaum, Salomon Lehmann, Paula Lehmann, and *Johanna Lehmann & Company*.

³ In a separate decision approved on 29 May 2007, the CRT treated the claim of Claimant [REDACTED 5] to the account of Josef Lehmann.

⁴ The CRT notes that 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 (the “ICEP List”), the

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

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as his father, Jakob Lehmann, who was born on 12 March 1904. Claimant [REDACTED 1] indicated that his father was Sinti, and lived at Kirschengarten 24 in Mainz, Germany.

According to Claimant [REDACTED 1], during the Second World War, he and his father, Jakob Lehmann, were deported from Mainz to various concentration camps in Poland. Claimant [REDACTED 1] also stated that Nazi officers looted valuable assets, including gold, jewels and musical instruments, from the family home in Mainz.

Claimant [REDACTED 1] stated that his father Jakob Lehmann passed away in Augsburg, Germany, on 25 July 1973.

Claimant [REDACTED 1] indicated that he was born on 11 May 1930.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her mother, Johanna Else Grünebaum (later Greensted), née Lehmann, who was born on 6 January 1905 in Preussisch Holland, Germany (today Pasłęk, Poland). Claimant [REDACTED 2] indicated that her mother, who was Jewish, married [REDACTED] on 28 June 1931 in Preussisch Holland, and that she had one child, namely Claimant [REDACTED 2]. According to Claimant [REDACTED 2], her mother was the owner and manager of *Johanna Lehmann & Co.*, a department store located in Elbing (today Elbląg, Poland), which is the town in which Claimant [REDACTED 2] was born. Claimant [REDACTED 2] stated that her mother traveled frequently to Switzerland for business purposes.

Claimant [REDACTED 2] indicated that in August 1939, she and her parents fled Germany for Calcutta, India, where they remained until 1957. Claimant [REDACTED 2] stated that her mother passed away on 14 May 1990 in Frankfurt am Main, Germany.

In support of her claim, Claimant [REDACTED 2] submitted documents, including: (1) her own birth certificate, indicating that [REDACTED] was born on 19 June 1933 in Elbląg, Poland, and that her parents were Johanna Else Lehmann and [REDACTED]; (2) her mother’s birth certificate, indicating that Johanna Else Lehmann was born on 6 January 1905 in Preussisch

name J. Lehmann appears twice. Upon careful review, the CRT has determined that the second J. Lehmann is not the same person addressed in the current decision and, consequently, the Claimants did not identify this other account owner as their relative.

Holland, Germany, and that both of her parents were Jewish; (3) an old photograph of a building bearing a large sign with the business name *Johanna Lehmann*; and (4) a certificate issued by the Government of India Ministry of Home Affairs on 26 June 1950, indicating that [REDACTED], who resided on Park Street, Calcutta, was granted permission to change his name to Alfred Julius Greensted.

Claimant [REDACTED 2] indicated that she was born on 19 June 1933 in Elbing, Germany.

Claimant [REDACTED 2] previously submitted an IQ to the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED] or the *Lehmann Company*.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her uncle, Julius Lehmann, who was Jewish and who lived in Saarbrücken, Germany. Claimant [REDACTED 3] indicated that Julius Lehmann married her father's sister, [REDACTED], on 21 January 1918 in Germany; the couple did not have any children. According to Claimant [REDACTED 3], Julius Lehmann was a general agent.

Claimant [REDACTED 3] indicated that during the Second World War, Julius Lehmann went into hiding in France, but was captured by Nazi forces and deported to Auschwitz, where both he and his wife perished in approximately 1944.

In support of her claim, Claimant [REDACTED 3] submitted: (1) a document from the Mainstockheim Regional Archives (*Gemeindearchiv Mainstockheim*) in Germany, indicating that local records indicate that [REDACTED] [*sic*] was born on 22 February 1890, that she married General Agent (*Generalagent*) Julius Lehmann of Saarbrücken on 21 January 1918, and that she registered as a resident of the city of Frankfurt am Main on 12 June 1936; (2) an excerpt from a list of German Holocaust victims, indicating that [REDACTED], née [REDACTED], who was born on 22 February 1890 in Mainstockheim, was deported to Auschwitz, and was listed as missing following the Holocaust; and (3) her own birth certificate, indicating that [REDACTED] was born on 6 June 1927 in Milan, Italy, and that her father was [REDACTED].

Claimant [REDACTED 3] indicated that she was born on 6 June 1927 in Milan. Claimant [REDACTED 3] is representing her sister, [REDACTED 4], who was born on 12 December 1931 in Milan.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as her late husband, Josef ("Seppel") Lehmann, who was Sinti.⁵ Claimant [REDACTED 5] stated that her

⁵ The CRT notes that Claimant [REDACTED 5] indicated that there were other members of her family who bore the first name initial and last name "J. Lehmann," most particularly the parents of her husband Josef Lehmann, whose names were [REDACTED] and [REDACTED]. In this case, given that Claimant [REDACTED 5] identified the Account Owner as her husband, Josef Lehmann, the CRT has presumed that the first name initial and last name refers to her husband.

husband was born on 13 April 1911 in Faistenhaar bei München, Germany, and that she married her husband on 4 March 1939 in Hersbruck, Germany. Claimant [REDACTED 5] indicated that her husband was a businessman in Hersbruck who dealt with musical instruments and textiles. Claimant [REDACTED 5] also indicated that her husband had family in Switzerland, and traveled to Switzerland on occasion. According to Claimant [REDACTED 5], she and her husband and six children were deported to Auschwitz in 1943, and all six children perished in the camp.

Claimant [REDACTED 5] explained that she and her husband survived the Holocaust, and that her husband Josef Lehmann passed away on 28 March 1971 in Nuremberg, Germany.

In support of her claim, Claimant [REDACTED 5] submitted documents, including: (1) her husband's death certificate, indicating that Josef Lehmann, who was married to [REDACTED 5], née [REDACTED], and who was a businessman (*Kaufmann*), was born on 13 April 1911 in Faistenhaar, and died on 28 March 1971 in Nuremberg; (2) her marriage certificate, indicating that on 4 March 1939, [REDACTED 5], née [REDACTED], married Josef Lehmann, who was born on 13 April 1911; (3) her husband's "Official Certificate for persons persecuted for racial, religious, and political reasons", which indicates that "the bearer was persecuted and imprisoned by the nationalsocialist [sic] system for political, racial, or religious reasons," and that the bearer was Josef Lehmann, who was born on 13 April 1911 in Faistenhaar, who was a businessman, and who was married, and indicating that he was imprisoned for two years and one month in the Auschwitz, Buchenwald, and Bergen-Belsen concentration camps between 8 March 1943 and 8 April 1945; and (4) a memorandum dated March 1943 (exact date not noted) from the state criminal police, Nuremberg-Fürth division (*Staatliche Kriminalpolizei, Kriminalpolizeistelle Nürnberg-Fürth*), indicating that the "gypsy families" (*Zigeunerfamilien*) of Hersbruck were to be arrested in the early morning hours of 8 March 1943, that no consideration for the age or sex of the individuals should be taken in carrying out the order, and that upon arrest, the individuals' cash and securities were to be secured and rendered upon arrival at the main police prison in Nuremberg.

Claimant [REDACTED 5] indicated that she was born on 3 July 1912 in Fürth in Bayern, Germany. Claimant [REDACTED 5]'s son, who is also named [REDACTED], informed the CRT that his mother passed away on 22 February 2007. [REDACTED] also submitted his mother's death certificate, indicating that [REDACTED 5], née [REDACTED], died on 22 February 2007, and that she was the widow of Josef Lehmann.

Claimant [REDACTED 5] previously submitted an IQ to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Josef Lehmann.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts that were transferred to the Bank's suspense account or closed to profit and loss on 30 June 1937, and a printout from the Bank's database.

According to this record, the Account Owner was J. Lehmann. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was closed to the Bank's profit and loss account on 30 June 1937, on which date the account had a value of 15.00 Swiss Francs ("SF").

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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s father's name, Claimant [REDACTED 2]'s mother's name, Claimant [REDACTED 3]'s uncle's name, and Claimant [REDACTED 5]'s husband's name match the published first initial and surname of the Account Owner.

The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his or her name.

In support of her claim, Claimant [REDACTED 2] submitted documents, including her own birth certificate, her mother's birth certificate, and a photograph showing a building with a large sign stating *Johanna Lehmann*, providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's records as the name of the Account Owner.

In support of her claim, Claimant [REDACTED 3] submitted documents, including a document from the Mainstockheim regional archives, also providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's records as the name of the Account Owner.

In support of her claim, Claimant [REDACTED 5] submitted documents including her husband's birth certificate and her marriage certificate, and her son submitted Claimant [REDACTED 5]'s death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Julius Lehmann, and indicates that his wife's name was [REDACTED], née [REDACTED], and that he resided in Strasbourg, France, during the Second World War, which matches the information about the Account Owner provided by Claimant [REDACTED

3]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Jakob Lehmann; that Claimant [REDACTED 2] filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by *Lehmann Company*; and that Claimant [REDACTED 5] filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Josef Lehmann, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that these claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that these claimants had reason to believe that their relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by these claimants.

The CRT notes that the Claimants’ relatives are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank’s records; that there is no additional information in the Bank’s records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other equally plausible claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 5] have each plausibly identified the Account Owner.

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.

Claimant [REDACTED 1] stated that the Account Owner was Sinti; that he was deported to numerous concentration camps in Poland; and that his family home was looted by the Nazis.

Claimant [REDACTED 2] indicated that her mother was Jewish, and that she and her family resided in Nazi Germany before fleeing Germany for Calcutta, India, in August 1939. Claimant [REDACTED 2] also submitted a document indicating that her father, [REDACTED], resided in India in 1950.

Claimant [REDACTED 3] indicated that her uncle was Jewish, and that he and his wife fled Nazi Germany for France, but were both deported to Auschwitz, where they perished. As noted above, a person named Julius Lehmann was included in the CRT’s database of victims.

Claimant [REDACTED 5] indicated that her husband was Sinti, and that he and his family were deported to Auschwitz and other concentration camps, where six of his children perished. Claimant [REDACTED 5] also submitted her husband’s official certificate indicating that he had

been a victim of Nazi persecution, and that he had been detained in Auschwitz, Buchenwald, and Bergen-Belsen concentration camps between 8 March 1943 and 8 April 1945.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father, Claimant [REDACTED 2]'s mother, Claimant [REDACTED 3]'s uncle, and Claimant [REDACTED 5]'s husband.

In addition, Claimant [REDACTED 2] submitted documents, demonstrating that the Account Owner was her mother. These documents include her own birth certificate, indicating that [REDACTED]'s mother was Johanna Else Lehmann.

Claimant [REDACTED 3] submitted documents, demonstrating that the Account Owner was her uncle by marriage. These documents include a document from the Mainstockheim Regional Archive, indicating that [REDACTED] was married to Julius Lehmann, and that she had a brother named [REDACTED]; and Claimant [REDACTED 3]'s own birth certificate, indicating that [REDACTED]'s father was [REDACTED].

Claimant [REDACTED 5] submitted documents, demonstrating that the Account Owner was her husband, which include her own marriage certificate, indicating that [REDACTED 5], née [REDACTED], married Josef Lehmann.

The CRT notes that the Yad Vashem records indicate that Claimant [REDACTED 3] may have another surviving relative, but that because he is not represented in Claimant [REDACTED 3]'s claim, the CRT will not treat his potential entitlement to the Account Owner's account in this decision.

The CRT further notes that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 5] each filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and themselves, prior to the publication in February 2001 of the ICEP List; and that Claimant [REDACTED 3] also identified information which matches information contained in the Yad Vashem records.

Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to fees on 30 June 1937.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants and the parties they represent. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his father; Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her mother; Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her uncle; and Claimant [REDACTED 5] has plausibly demonstrated that the Account Owner was her husband, and those relationships justify an award.

Third, the CRT has determined that neither the Account Owner nor his or her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 30 June 1937 was SF 15.00. 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. 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 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant or group of Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-quarter of the Award amount, or SF 12,343.75; Claimant [REDACTED 2] is entitled to one-quarter of the Award amount; Claimant [REDACTED 3] and represented party [REDACTED 4] are jointly entitled to one-quarter of the Award amount; and the Estate of Claimant [REDACTED 5] is entitled to one-quarter of the Award amount.

According to Article 23(1)(c) of the Rules, if none of the persons entitled to an award under 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. Accordingly, Claimant [REDACTED 3] and her sister, represented party [REDACTED 4], are equally entitled to their share of the award, and are each entitled to one-eighth of the total Award amount, or SF 6,171.88.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 May 2009