

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Erica E. Williams

in re Account of S. Lehmann

Claim Number: 205283/MW¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Erica E. Williams, née Lehmann, (the “Claimant”) to the published account of Luise Lehmann.² This Award is to the published account of S. Lehmann (the “Account Owner”) at the Basle branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Stefan Lehmann, who was born on 17 December 1892 and was married to Luise Lehmann, née Hofmann, on 23 June 1923 in Nuremberg, Germany. The Claimant indicated that her parents had two children: Annemarie Erlanger, née Lehmann, who was born on 23 March 1924, and the Claimant. The Claimant stated that her father and her uncle owned an optical goods export company that sent products to Scandinavia, the Netherlands, France and Switzerland. The Claimant further stated that her father’s business trips to these places likely saved his and his wife’s lives as they were away on business each time the Nazis conducted round-ups nearby. According to the Claimant, her father, who was Jewish, sent both her and her sister to boarding school in Lausanne, Switzerland, from 1934 to 1937 to escape the Nazis. The Claimant indicated that while she and her sister were at the Swiss boarding school, her father came once a year around Christmas time and took the family to a Swiss resort. The Claimant explained that her family lived at Babelsbergstrasse 52 in Berlin in approximately 1933 or 1934, and then moved to Wilmsdorf, a district of Berlin, before fleeing to the Netherlands in 1937. The Claimant stated that her family fled to the United States in 1939. The Claimant indicated that her

¹ The Claimant submitted an additional claim to the account of Leo Lehmann, which is registered under the Claim Number 205282. An award to the accounts of Leo Lehmann was issued to the Claimant in a previous decision. See *In re Accounts of Leo Lehmann*, which was approved by the Court on 1 July 2002.

² The CRT will treat the claim to this account in a separate decision.

father died on 17 July 1970 in San Francisco, California, the United States, and that her mother died on 28 October 1994. The Claimant submitted her birth certificate, issued on 10 September 1928 in Fürth, Germany, identifying her father as *Kaufmann* (businessman) Stefan Lehmann and her mother as Luisa Lehmann, née Hofmann. The Claimant indicated that she was born on 8 September 1928 in Fürth, Germany.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was S. Lehmann who was from Berlin, Germany (*aus Berlin*). The Bank's record indicates that the Account Owner held a demand deposit account that was opened on 25 November 1935 and closed on 17 December 1935. 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 his heirs closed the account and received its proceeds.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's first name initial, last name, and country of origin match the published first name initial, last name, and country of origin of the Account Owner. The Claimant stated that her father resided in Berlin, Germany, which is consistent with unpublished information about the Account Owner contained in the Bank's record according to which the Account Owner's city of origin was Berlin. In support of her claim, the Claimant submitted her birth certificate, issued in Fürth, Germany, which identifies her father as *Kaufmann* (businessman) Stefan Lehmann, providing independent verification that the person who is claimed to be the Account Owner had the same first name initial, last name and resided in the same country recorded in the Bank's record as the first name initial, last name and country of residence of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city of residence or country of residence than the city and country of residence of the Account Owner. Taking all these factors into account, 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 he fled Nazi Germany for the Netherlands, and then to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and a document demonstrating that the Account Owner was the Claimant's

father. The Claimant submitted her birth certificate, which indicates that the Account Owner was her father.

The Issue of Who Received the Proceeds

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1937, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds that the Claimant did not provide documents indicating that her father was in Switzerland in December 1935; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account 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) and Appendix C,³ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. 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 of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). 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 SF 26,750.00.

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

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
18 August 2004