

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Account of Gabriel Lemberger

Claim Number: 200264/PY¹

Award Amount: 156,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Gabriel Lemberger (the “Account Owner”) at the [REDACTED].

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 and an Initial Questionnaire identifying the Account Owner as her father-in-law, Gabriel Lemberger, who changed his name to Gábor Lakos in 1932, who was born on 1 November 1879 in Budapest, Hungary, and was married to Iona Lemberger, née Krämer, on 5 February 1916, also in Budapest. The Claimant stated that her father-in-law resided at Varosmajor u.15 in Budapest XII. The Claimant further stated that her father-in-law was the director of the company *Manfred Weiss*. According to the Claimant, Gabriel and Iona Lemberger had two sons, [REDACTED] (the Claimant’s late husband) and [REDACTED]. The Claimant stated that Gabriel Lemberger, who was Jewish, died in the Budapest Ghetto in 1944. The Claimant further stated that Iona Lemberger died in 1964 in Budapest. In support of her claim, the Claimant submitted Gabriel Lemberger’s marriage certificate, which identifies his parents as [REDACTED] and [REDACTED] and indicates that Gabriel Lemberger resided in Budapest; as well as her own marriage certificate, which indicates that her husband’s parents were Gábor Lakos and Iona Krämer. In addition, the Claimant submitted a declaration of assets that her father-in-law was forced to submit to Nazi authorities, dated 28 April 1944, which indicates that he owned 40 *Nasici / Geneve* shares with a nominal value of 100.00 Swiss Francs

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 200264 and 211887. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 200264.

each. The Claimant stated that she was born on 23 May 1929 in Budapest. The Claimant is representing [REDACTED], her son, who was born on 5 July 1953 in Budapest.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 asserting her entitlement to a Swiss bank account owned by Gáborne Lakos (Mrs. Gábor Lakos)² of Budapest, Hungary, as well as an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Gábor Lakos of Budapest, Hungary, who was married to Ilona Krämer.

Information Available in the Bank Record

The bank record consists of a power of attorney form, dated 28 January 1930 in Budapest, Hungary. According to this record, the Account Owner was Gabriel Lemberger, and the Power of Attorney Holder was *Frau* (Mrs.) Gabriel Lemberger, née Ilona Krämer, who both resided at Horthy Miklós ut. 22 in Budapest I. The bank record indicates that the Account Owner held a custody account.³ The bank record does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of this account.

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 this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the bank record that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her parents-in-law’s names and city of residence match the published name and city of residence of the Account Owner and Power of Attorney Holder. The Claimant identified her mother-in-law’s maiden name, which matches unpublished information about the Power of Attorney Holder contained in the bank record.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Gabriel Lemberger and Ilona Krämer of Budapest, Hungary, 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 the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a

² In Hungary, married women take their husband's name, adding the suffix "-né" to the name.

³ The bank record contains a power of attorney form that references a “*Titeldepot*,” a type of custody account.

Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT notes that there are no other claims to this account.

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, who was Jewish, died in 1944 in the Budapest Ghetto.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is the daughter-in-law of the Account Owner. The Claimant is also representing her son, [REDACTED], who is the grandson of the Account Owner.

The Issue of Who Received the Proceeds

Given the application of Presumptions (h), (i) and (j), 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 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.

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-in-law and [REDACTED]'s grandfather, and these relationships justify an Award. Finally, 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 account.

Amount of the Award

In this case, the Account Owner held one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here,⁴ the average value of the same or a similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the ICEP, in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The present value of this

⁴ The CRT concludes that the amount in the custody account is unknown. There is no indication that the 40 *Nasici / Geneve* shares with a nominal value of 100.00 Swiss Francs each were in any way related to the Account Owner's custody account, and there is no other indication of the value of the custody account.

amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 156,000.00 Swiss Francs.

Division of the Award

According to Article 23(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. In this case, [REDACTED], the Claimant's son, as a direct descendant of the Account Owner, is entitled to the total 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
May 15, 2003