

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3]
and [REDACTED 4]

in re Account of Gino Levi

Claim Numbers: 205986/TW;¹ 211398/TW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Gino Levi (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father’s cousin, Gino Levi, who was Jewish, and was born in Turin, Italy in 1927. Claimant [REDACTED 1] stated that his father’s cousin’s parents were [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that his father’s cousin had two sisters, [REDACTED] and [REDACTED], and three brothers, [REDACTED], [REDACTED] and [REDACTED 2]. Claimant [REDACTED 1] further stated that his uncle lived and studied in Turin. Claimant [REDACTED 1] added that his father’s cousin went into hiding in and around Bologna until 1944, when he was deported to a concentration camp.

Claimant [REDACTED 1] indicated that he was born on 18 February 1955 in Odessa, the Ukraine.

¹ Claimant [REDACTED 1] submitted an additional claim to the accounts of [REDACTED], which is registered under the Claim Number 215700. The CRT will treat the claim to this account in a separate decision.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his brother-in-law, Gino Levi, who was born on 8 January 1911 in Turin. Claimant [REDACTED 2] stated that Gino Levi's parents were [REDACTED] and [REDACTED], and that Gino Levi was the brother of Claimant [REDACTED 2]'s first wife, [REDACTED]. Claimant [REDACTED 2] stated that Gino Levi, who was Jewish, was unmarried and resided in Turin at Vittorio Emanuele 71. According to Claimant [REDACTED 2], Gino Levi fled to Switzerland in approximately 1942, where he remained until the end of the Second World War, at which time he returned to Italy. The Claimant indicated that his brother-in-law died on 18 August 1971 in Rapallo, Italy. In support of his claim, Claimant [REDACTED 2] submitted an inheritance document regarding the estate of Gino Levi, issued by the Italian Ministry of Finance and attested to by Claimant [REDACTED 2], indicating that Gino Levi was born in Turin and died on 18 August 1971, that his sister is [REDACTED], née [REDACTED], and that his nephew and niece are [REDACTED 3] and [REDACTED 4], respectively.

Claimant [REDACTED 2] indicated that he was born on 28 December 1915 in Turin. Claimant [REDACTED 2] is representing his son, [REDACTED 3], born on 15 June 1954, and his daughter, [REDACTED 4], born on 30 April 1952.

Information Available in the Bank's Records

The Bank's records consist of registers of opened and closed numbered accounts. According to these records, the Account Owner was Gino Levi who resided in Turin, Italy. The Bank's records indicate that the Account Owner held one account, the type of which is unknown, under code number 70382.

The Bank's records indicate that the account was closed on 25 November 1940, and that the assets were transferred to the Bank's branch in New York, the United States. The amount in the account on the date of its closure is unknown.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about the account at the Bank's branch in New York ("Voluntary Assistance"). On 15 April 2004, the Bank informed the CRT that it did not locate any additional documents regarding the account.

There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

Information Available in the New York State Comptroller's Office of Unclaimed Funds

In April 2005, the CRT contacted the Holocaust Claims Processing Office (HCPO) of the New York State Banking Department to inquire as to whether the account escheated to the State of

New York. The New York State Comptroller's Office of Unclaimed Funds informed the HCPO on 2 May 2005 that it has no information regarding this account.

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 Claimants' claims in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s father's cousin's and Claimant [REDACTED 2]'s brother-in-law's name, city and country of residence both match the published name, city and country of residence of the Account Owner.

In support of his claim, Claimant [REDACTED 2] submitted an inheritance document regarding the estate of Gino Levi issued by the Italian Ministry of Finance, indicating that Gino Levi was born in Turin, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city 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 Gino Levi and indicates that his date of birth was 28 January 1911 and that he was a refugee in Switzerland, which matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative 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 the information provided by each claimant supports and in no way contradicts any information 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 were no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants both stated that the Account Owner was Jewish. Claimant

[REDACTED 1] stated that his cousin was deported to a concentration camp, and Claimant [REDACTED 2] stated that his brother-in-law fled Italy to Switzerland.

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

The Claimant's Relationship to the Account Owner

The Claimants have each plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father's cousin and Claimant [REDACTED 2]'s brother-in-law.

The CRT notes that Claimant [REDACTED 2] submitted an inheritance document regarding the estate of Gino Levi issued by the Italian Ministry of Finance, indicating that his sister is [REDACTED] and that [REDACTED 3] and [REDACTED 4] are his nephew and niece, respectively. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. 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 Claimant [REDACTED 2] as a family member, and all this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form.

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

Given that the Account Owner, with respect to Claimant [REDACTED 1]'s relative, was deported to a concentration camp; that Claimant [REDACTED 2]'s relative fled from Italy to Switzerland; 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 (h) 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 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that the Account Owner was their father's cousin and brother-in-law, respectively, and those

relationships justify 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.

Further, the CRT notes that [REDACTED 3] and [REDACTED 4], who are represented by Claimant [REDACTED 2], and who are the nephew and niece, respectively, of the Account Owner, have a better entitlement to the account than Claimant [REDACTED 2], the Account Owner's brother-in-law.

Amount of the Award

In this case, the Account Owner held 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 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 an account of unknown type was 3,950.00 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 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 has established a plausible relationship to a person with the same name as the Account Owner. As indicated above, [REDACTED 3] and [REDACTED 4] have a better entitlement to the account than Claimant [REDACTED 2].

Further, according to Article 23(1)(d) of the Rules, if neither the spouse nor the descendants of the account owner have submitted a claim, the award shall be in favor of any descendants of the account owner's parents who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and [REDACTED 3] and [REDACTED 4] are each entitled to one-quarter of the 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
12 May 2005