

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Moritz Levi

Claim Number: 221890/AC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Moritz 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Moritz Levi, who was born on 11 March 1876 in Buttenhausen, Germany, and was married to [REDACTED], née [REDACTED]. The Claimant stated that his grandfather, who was Jewish, resided in Buttenhausen until 1919, when he moved to Ulm, Germany. According to the Claimant, his grandfather worked in land and livestock sales, and traveled to Switzerland on business trips. The Claimant explained that his grandparents had three children: [REDACTED], [REDACTED], and [REDACTED] (the Claimant’s father), all of whom are now deceased. According to information provided by the Claimant, his grandfather was interned in the Dachau concentration camp from 1934 until 1935, after which he fled Germany to the United States. The Claimant stated that his grandfather lived with his son and the Claimant from 1941 until his eventual move to a nursing home. According to the Claimant, his grandfather died on 11 December 1968 in Chicago, Illinois, the United States.

The Claimant submitted documents in support of his claim, including: 1) an excerpt from the *Chicago Sun-Times*, with a caption referring to Moritz Levi, his son, [REDACTED], and his grandson, [REDACTED]; 2) a copy of his father’s birth certificate, indicating that [REDACTED] was born on 31 July 1909 in Buttenhausen, that his parents were Moritz Levi and [REDACTED], née [REDACTED], and that they were Jewish; 3) a copy of his father’s declaration of intention for his application for American citizenship, dated 7 September 1938, indicating that [REDACTED], formerly [REDACTED], was Jewish, that he was born in Buttenhausen, and that he last resided in Ulm; 4) a copy of his father’s handwritten last will,

dated 30 May 1989, indicating that [REDACTED] left half his estate to his son, [REDACTED], and half his estate to his granddaughter, [REDACTED]; and 5) a copy of his father's death certificate, indicating that [REDACTED], who was born on 31 July 1909 in Germany, died on 15 November 1998.

The Claimant stated that he was born on 9 November 1945 in St. Louis, Missouri, the United States.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Moritz Levi, who resided in Freiburg im Breisgau, Germany. The Bank's records indicate that the Account Owner held a custody account, numbered H 9709.

The Bank's record indicates that the account was opened on 15 January 1932 and closed on 23 January 1939. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant indicated that this grandfather resided in Bittenhausen and Ulm; the CRT notes that Bittenhausen and Ulm are located 120 kilometers and 160 kilometers, respectively, from Freiburg im Breisgau, the unpublished city of residence of the Account Owner.

In support of his claim, the Claimant submitted documents, including an excerpt from the *Chicago Sun-Times*, and a copy of his father's birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that the name Moritz Levi appears only once 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 CRT notes that the other claims to this account were disconfirmed because those claimants provided a different spelling of their relatives' names than that of the Account Owner and/or provided a country of residence that was different from that of the Account Owner. Taking all of 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 was interned in Dachau from 1934 until 1935, after which he fled Germany for the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandfather. These documents include: 1) an excerpt from the *Chicago Sun-Times*, with a caption referring to Moritz Levi, his son, [REDACTED], and his grandson, [REDACTED]; 2) a copy of his father's birth certificate, indicating that [REDACTED]'s father was Moritz Levi; and 3) a copy of his father's hand-written last will, indicating that [REDACTED] left half of his estate to his son, [REDACTED].

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 23 January 1939, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, 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, even for the stated purpose of obtaining indemnification from the German authorities, 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 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 his grandfather, 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 custody 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 ICEP (the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 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 162,500.00.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
15 July 2005