

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

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

## **in re Accounts of Dr. Ludwig Levy**

Claim Number: 215248/ZP<sup>1</sup>

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Ludwig Levy (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 her uncle, Dr. Ludwig Levy, who was born on 15 March 1901 in Beckrath, Germany, and was married in Germany to [REDACTED], née [REDACTED]. The Claimant stated that her uncle and aunt did not have any children. The Claimant identified her uncle’s occupation as a lawyer. The Claimant indicated that her uncle’s family lived in the region of Krefeld in Germany. The Claimant stated that her uncle, who was Jewish, fled Germany for Australia in March 1939, where he died in 1962. In support of her claim, the Claimant submitted both her aunt’s and uncle’s wills.

The Claimant stated that she was born on 13 December 1946 in Melbourne, Australia, and is the daughter of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant further stated that [REDACTED], née [REDACTED], and [REDACTED], who are represented by the Claimant, are the niece and nephew of Ludwig Levy’s wife. The Claimant also stated that [REDACTED] and [REDACTED] are the children of [REDACTED] and [REDACTED], née [REDACTED], and that they were born on 17 February 1944, and on 18 October 1954, in the Netherlands and Australia, respectively.

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<sup>1</sup> The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 215249. The CRT will treat the claim to this account in a separate decision.

## **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Ludwig Levy, a lawyer from Krefeld, Germany. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 11 January 1931, and a custody account, which was opened on 15 January 1931.

The custody account was closed on 18 August 1933, unknown to whom. The amount in the account on the date of its closure is unknown. With respect to the demand deposit account, the Bank's 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's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owner. Her uncle's name matches the published name of the Account Owner. The Claimant identified her uncle as a lawyer from Krefeld bearing the title "Dr.," which matches unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted her uncle's will. The CRT notes that one other claim to these accounts were disconfirmed due to inconsistent name and occupation information provided by the other claimant.

### 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 her uncle, who was Jewish, fled Germany for Australia in March 1939.

### 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 the Account Owner was her uncle.

### The Issue of Who Received the Proceeds

With respect to the custody account closed on 18 August 1933, given that in 1933, the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks, that the Account Owner remained in Germany until 1939, and 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,<sup>2</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, or his heirs.

With respect to the demand deposit account, given the application of Presumptions (h) and (j), as provided in Article 28 of 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 her uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account and 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. The total sum of the average values was thus 15,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce an award amount of 181,680.00 Swiss Francs.

#### Division of the Award

Article 23(2) of the Rules provides that if a Claimant has submitted the Account Owner’s will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, the Claimant submitted the Account Owner’s will, dated 4 December 1958. The Account Owner’s will names [REDACTED] and the “children of [REDACTED] and [REDACTED] as shall be living at the date of my death.” [REDACTED] and [REDACTED], who are both being represented by the Claimant, are the children of [REDACTED] and [REDACTED], née [REDACTED]. Therefore, they are each entitled to one-third of the total award amount.

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<sup>2</sup> Appendix C appears on the CRT II website -- [www.crt.ii.org](http://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  
June 23, 2003