

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED],
represented by Denis Delcros and Christophe Aubrun

in re Accounts of Julien Levy and Pauline Levy

Claim Numbers: 221985/HS; 221986/HS

Award Amount: 378,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED] (the “Claimant”) to the published accounts of Julien Levy (“Account Owner Julien Levy”) and Pauline Levy (“Account Owner Pauline Levy”) (together the “Account Owners”), over which Felix Kiefe (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).¹

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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted two Claim Forms in which she identified the Account Owners as her late husband’s parents, Julien Levy and Pauline Levy, née Kiefe. The Claimant stated that Julien Levy was born in Paris, France on 13 October 1877, and that Pauline Levy was born in Paris on 15 January 1889 and had two brothers: [REDACTED] and Felix Kiefe. The Claimant further stated that Julien and Pauline Levy were married in Paris on 8 July 1919, and that they had two children: [REDACTED] (the Claimant’s late husband) and [REDACTED]. The Claimant indicated that Julien and Pauline Levy resided in Paris before the Second World War, and that Julien Levy and Felix Kiefe co-owned a celluloid and plastics factory, *La Bellignite*, located in Bellignat, France.

The Claimant explained that during the Second World War, Julien and Pauline Levy, who were Jewish, lived in hiding in the region of Lyon, France. The Claimant further explained that during

¹ The CRT notes that 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 Account Owners are indicated as owning two accounts each, and the Power of Attorney Holder is listed as owning one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of four accounts which the Account Owners held jointly, and that the Bank’s records do not indicate that the Power of Attorney Holder owned an account in his own right.

the war, [REDACTED] was not permitted to study at the French Institute of Technology (*École Polytechnique*) because he was Jewish; that [REDACTED] committed suicide upon his arrest by the Nazis; and that the Nazis destroyed the family's factory. The Claimant indicated that Julien Levy died in Lyon in 1946, that Gilbert Levy died in Paris on 7 September 1986, and that Pauline Levy died in Paris on 23 October 1987.

The Claimant submitted the marriage certificate of Julien Levy and Pauline Levy, née Kiefe, dated in 1919, and naming Pauline Levy's brother, Felix Kiefe of rue St. George 24 in Paris as a witness at the wedding; the Claimant's own marriage certificate, dated in 1961, and her husband's death certificate, dated in 1986, both indicating that the Claimant was married to [REDACTED], who was the son of Julien Levy and Pauline Levy, née Kiefe; and the death certificate of Pauline Levy, née Kiefe, dated in 1987, indicating that she was the widow of Julien Levy. The Claimant indicated that she was born in La Ferté-Vidame, France on 7 September 1933.

Information Available in the Banks' Records

The Bank's records submitted to the CRT by 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") consist of two lists of accounts. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about the assets held by the Account Owners ("Voluntary Assistance"). On 5 August 2004, the Bank provided the CRT with additional documents. These documents consist of a joint account opening contract and an order form for custody accounts.

According to the Bank's records, the Account Owners were Julien Levy and his wife, Pauline Levy, née Kiefe, both residing in Paris, France, and the Power of Attorney Holder was Felix Kiefe of 24 rue St. George in Paris. According to the Bank's records, the correspondence was initially sent to the Power of Attorney Holder, but on an unknown date the Account Owners ordered the Bank to hold all correspondence.

The Bank's records indicate that the Account Owners held one demand deposit account and one custody account, both numbered 2997; and one demand deposit account and one custody account, both numbered 31494. The Bank's records indicate that the accounts numbered 31494 were opened on 3 January 1931, and that the accounts numbered 2997 were opened no later than 1933.

The Bank's records indicate that the Bank charged maintenance fees to custody account 2997, amounting to 327.50 Swiss Francs ("SF") in 1933 and SF 242.00 in 1934, but that in 1935 no fees were charged to this account.

The Bank's records do not show when these accounts were closed, or to whom they were paid, nor do these records indicate the value of these accounts. The auditors who carried out the ICEP Investigation did not find the custody account numbered 2997 in the Bank's system of open

accounts, and they therefore presumed that it was closed. The CRT notes that the auditors who carried out the ICEP Investigation did not report the demand deposit accounts numbered 2997 and the custody and demand deposit account numbered 31494. There is no evidence in the Bank's records that the Account Owners or the Power of Attorney Holder, or their heirs closed these accounts and received the proceeds themselves.

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 two claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. Her late husband's parents' names and city of residence match the published names of the Account Owners. The name and city of residence of her mother-in-law's brother, Felix Kiefe, matches the published name and city of residence of the Power of Attorney Holder. Additionally, the Claimant identified her mother-in-law's other brother as [REDACTED], and submitted her husband's parents' marriage certificate, indicating that Felix Kiefe resided at 24 rue St. George in Paris, which matches the Power of Attorney Holder's unpublished address and the Account Owners' unpublished correspondence address contained in the Bank's records.

In support of her claim, the Claimant submitted the marriage certificate of Julien and Pauline Levy, the Claimant's own marriage certificate, her late husband's death certificate, and the death certificate of Pauline Levy, providing independent verification that the people who are claimed to the Account Owners and the Power of Attorney Holder had the same names, resided in the same city, and in the case of the Power of Attorney Holder, at the same address, as the names, city and address recorded in the Bank's records. The CRT notes that the other claims to these accounts were disconfirmed because those claimants failed to identify one of the Account Owners, provided a different maiden name for Account Owner Pauline Levy, and/or provided different countries of residence for the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant explained that Julien Levy and Pauline Levy, who were Jewish, went into hiding in the region of Lyon during the Second World War. The Claimant further explained that the one of the Account Owners' sons, the Claimant's late husband, [REDACTED], was not permitted to study at the French Institute of Technology (*École Polytechnique*) because he was Jewish; that the Account Owners' other son, [REDACTED], committed suicide upon his arrest by the Nazis; and that the Nazis destroyed the family's factory.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents demonstrating that the Account Owners were her late husband's parents. These documents include the Claimants' husband's parents' marriage certificate, her own marriage certificate, and her late husband's death certificate. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owners held two custody accounts and two demand deposit accounts.

Given that there is no record of the payment of the Account Owners' accounts to them or to the Power of Attorney Holder, nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their accounts 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 (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners, 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were her father-in-law and mother-in-law, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In the present case, the Account Owners held two custody accounts and two demand deposit accounts. 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 custody account was SF 13,000.00, and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 30,280.00. 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 378,500.00.

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 her claims 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 November 2004