

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Esther Ursula Caecilie Ron,
also acting on behalf of Ruth Wreschinski

in re Accounts of S. Lewy and Rosa Lewy

Claim Numbers: 210568/ES; 210569/ES

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of Esther Ursula Caecilie Ron, née Windmueller, (the “Claimant”) to the published accounts of S. Lewy (“Account Owner S. Lewy”) and Rosa Lewy (“Account Owner Rosa Lewy”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (“Bank I”) and to the unpublished accounts of the Account Owners at the Zurich branch of the [REDACTED] (“Bank II”) (together the “Banks”).¹

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted two Claim Forms identifying Account Owner S. Lewy as her maternal grandfather Simon (Siemon) Lewy, and the Account Owner Rosa Lewy as her maternal grandfather’s second wife, Rosa Lewy, née Levy. The Claimant stated that Simon Lewy was born on 22 January 1868 in Dorbian, Russia, and that his first wife was Caecilie Lewy, née Saenger, who died in 1905. The Claimant further stated that Simon and Caecilie Lewy had two children: Kaethe Wreschinski, née Lewy, who was born on 21 December 1894, in Danzig, then Germany (today Poland); and Frieda Windmueller, née Lewy, who was born on 21 October 1902 in Danzig.

The Claimant stated that her grandfather was a watchmaker who resided in Danzig and that he married Rosa Lewy, née Levy, on 27 November 1909 in Posen, Germany. The Claimant stated that Rosa Lewy did not have any children. The Claimant indicated that Simon and Rosa Lewy,

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”), S. Lewy, and Rosa Lewy were published separately as having each two accounts. Upon careful review, the CRT has concluded that Bank I’s records evidence the existence of only two accounts jointly held by S. Lewy and Rosa Lewy.

who were both Jewish, resided in Danzig at Jopengasse 13 and Hansaplatz 3. The Claimant stated that Simon Lewy died on 22 January 1936 in Danzig. The Claimant stated that Rosa Lewy fled from Danzig to Palestine in 1940, where she resided until her death on 7 September 1949.

The Claimant indicated that her aunt, Kaethe Wreschinski had two children: Ruth Jutta Caecilie Wreschinski and Walter Wreschinski. The Claimant also indicated that Frieda Windmueller, who was married to Werner Windmueller, had one child, Ursula Caecilie Esther Ron, née Windmueller, (the Claimant). The Claimant stated that Kaethe Wreschinski perished in Auschwitz concentration camp, that her mother died on 24 July 1971 in Kiriat-Bialik, Israel, and that Walter Wreschinski died in 1998. The Claimant indicated that she was born on 15 June 1927 in Remscheid, Germany. The Claimant is representing her cousin, Ruth Wreschinski, who was born on 19 July 1924 in Cranz, Germany.

In support of her claims, the Claimant submitted documents, including:

- A transcript of Simon and Rosa Lewy's marriage certificate indicating they resided in Danzig;

- Rosa Lewy's passport issued by the Free City of Danzig, bearing her signature;

- Her mother's birth certificate, showing that Frieda Lewy was a daughter of Siemon Lewy from Danzig;

- The Claimant's birth certificate, showing that the Claimant is a daughter of Frieda Windmueller, née Lewy;

- Her mother's death certificate, indicating that Frieda Windmueller's father was Siemon;

- Ruth Wreschinski's birth certificate showing that she is a daughter of Kaethe Wreschinski, née Lewy;

- A fragment of a transcript of Simon Lewy's testament, dated 30 March 1936, in Zoppot, then Free City of Danzig (today Poland), indicating Simon Lewy's address was Jopengasse 13, Danzig, in which the testator ordered that after the death of his wife, the residual estate should go to his daughters, Kaethe Wreschinski and Frieda Windmueller;

- A decision issued on 13 November 1947 by a court of Berlin-Charlottenburg, Germany, declaring Kaethe Wreschinski, née Levy, legally dead;

- Walter Wreschinski's death certificate.

Finally, the Claimant submitted a letter, dated 22 November 1938, from Bank II and addressed to Werner Windmueller, care of Dr. Martin Weltmann of Novisad, Yugoslavia, which indicates that Bank II transferred 1,000.00 Pounds Sterling ("£") from a demand deposit account belonging to Rosa Lewy of Danzig to the account of Werner Windmueller at the *Anglo-Palestine Bank Ltd.* in Haifa, Palestine, pursuant to the instructions of Werner Windmueller.

Information Available in the Banks' Records

Bank I

Bank I's records consist of a customer card and a joint account opening contract signed in Zurich on 17 June 1931. According to these records, the Account Owners were *Herr* (Mr.) S. Lewy² and *Frau* (Mrs.) Rosa Lewy, who resided at Jopengasse 13, Danzig, the Free City of Danzig, and as of 1 November 1934 at Charlottenstrasse 7 in Zoppot, the Free City of Danzig. Bank I's records indicate that the Account Owners jointly held a custody account, numbered 32846, and a demand deposit account. According to Bank I's records, the custody account contained gold coins.

Bank I's records indicate that the accounts were closed on 15 May 1935. The value of the accounts on the date of their closure is unknown. There is no evidence in Bank I's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

Bank II

Bank II's records consist of a customer card and a safe deposit box registry card. According to these records, the Account Owners were S. Lewy and *Frau* (Mrs.) Rosa Lewy who resided in Zoppot, the Free City of Danzig. Bank II's records indicate that Account Owner S. Lewy died, but his date of death is not recorded.

Bank II's records indicate that the Account Owners held one demand deposit account in Swiss Francs ("SF") that was opened in 1937 and closed on 10 January 1938, one demand deposit account denominated in Pound Sterling that was closed on 20 January 1939, and one demand deposit account denominated in a foreign currency (the type of the currency is not indicated), that was closed no later than February 1937 (the precise closure date is not legible). Bank II's records indicate that the demand deposit accounts in foreign currencies were opened in May 1935. According to Bank II's records, the Account Owners also held two custody accounts, one that was opened on 10 October 1935 and closed on 26 June 1937, and another that was closed on 23 December 1938. Furthermore, Bank II's records indicate that Account Owner Rosa Lewy held a safe deposit box numbered 1371 that was opened on 15 May 1935 and closed on 24 February 1937. Bank II's records do not indicate the values of the accounts at issue. There is no evidence in Bank II's records that the Account Owners or their heirs closed the 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 (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion.

² The CRT notes that, on the ICEP List, Account Owner S. Lewy is published as *Frau* (Mrs.) S. Lewy. Bank I's records, however, indicate that Account Owner S. Lewy was *Herr* (Mr.) S. Lewy.

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. The Claimant's relatives' names and city and country of residence match the published names and city and country of residence of the Account Owners. The Claimant identified the Account Owners' street address in Danzig, which match unpublished information about the Account Owners contained in Bank I's records and their other residence as Zoppot, indicating Simon Lewy's address was Jopengasse 13, Danzig, which match unpublished information about the Account Owners contained in Bank II's records. The Claimant also stated that Simon Lewy died in 1936, and this information matches the unpublished information in Bank II's records that Account Owner S. Lewy died before 1939.

In support of her claim, the Claimant submitted documents, including a transcript of Simon and Rosa Lewy's marriage certificate indicating they resided in Danzig; a fragment of a transcript of Simon Lewy's testament, dated 30 March 1936, in Zoppot, in which the testator ordered that after the death of his wife, the residual estate should go to his daughters, Kaethe Wreschinski and Frieda Windmueller, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same cities recorded in the Banks' records as the names and cities of residence of the Account Owners.

The Claimant also submitted a letter, dated 22 November 1938 from Bank II addressed to Werner Windmueller, which indicates that Bank II transferred £ 1,000.00 from a demand deposit account belonging to Rosa Lewy of Danzig to the account of Werner Windmueller at the *Anglo-Palestine Bank Ltd.* in Haifa, Palestine. Finally the Claimant submitted her maternal grandfather's second wife's passport issued by the Free City of Danzig, bearing her signature, which matches the signature sample contained in Bank I's records.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city or country of residence than the city and country of residence of the Account Owners, did not identify Account Owner S. Lewy's gender or did not provide any information identifying the Account Owners. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner Rosa Lewy was a Victim of Nazi Persecution. The Claimant stated that Account Owner Rosa Lewy was Jewish and fled from Danzig to Palestine in 1940 to escape Nazi persecution. The CRT notes that while Account Owner S. Lewy died in 1936, before systematic persecution of Jews in the Free City of Danzig began, his heirs, including his wife, Rosa Lewy, and his daughter, Kaethe Wreschinski, who perished in the Holocaust, were Victims of Nazi Persecution.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's maternal grandfather and his second wife. These documents include a transcript of Simon and Rosa Lewy's marriage certificate; her mother's birth certificate, showing that Frieda Lewy was the daughter of Siemon Lewy from Danzig; the Claimant's birth certificate, showing that the Claimant is the daughter of Frieda Windmueller, née Lewy; and her mother's death certificate, indicating that Frieda Windmueller's father was Siemon. There is no information to indicate that the Account Owners have other surviving heirs other than the cousin, which the Claimant is representing.

The Issue of Who Received the Proceeds

With regard to the custody account and the demand deposit account held in Bank I, given that those accounts were closed in May 1935, at the time when the two demand deposit accounts held in foreign currency in Bank II were opened, the CRT concludes that the Account Owners closed those accounts and received the proceeds themselves.

With regard to the demand deposit account in Swiss Francs; the demand deposit account denominated in a foreign currency; the custody account that was closed on 26 June 1937; and the safe deposit box, all of which were held at Bank II, the CRT notes that these accounts were closed prior to systematic persecution of Jews in the Free City of Danzig, and therefore the CRT concludes that the Account Owners were able to close those accounts and receive the proceeds themselves.

With regard to the demand deposit account at Bank II which was closed on 20 January 1939 and the custody account at Bank II which was closed on 23 December 1938, given that the Nazi party had been in power in Danzig since May 1933; that new anti-Jewish measures were imposed after October 1937 including the aryanization and boycott of Jewish businesses; that the Nuremberg Laws were enacted in Danzig in November 1938; that the Danzig Senate imposed a deadline in May 1939 by which all Jews in Danzig were to leave; that there is no record of the payment of the Account Owners' accounts to them;³ 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, or their heirs. Based on its precedent and the Rules, the CRT

³ The CRT notes that the Claimant submitted a letter from Bank II to Werner Windmueller, indicating that it had transferred 1,000.00 Pounds Sterling from a demand deposit account belonging to Rosa Lewy of Danzig to Werner Windmueller's account at the *Anglo-Palestine Bank Ltd* in Palestine in 1940. As the Bank's records do not contain any information about the balance of the Account Owner's demand deposit account at Bank II, the CRT is unable to conclude that the 1,000.00 Pounds Sterling was the full balance of the account. Consequently, the CRT determines that it is possible that the account still contained assets after the transfer made in 1940, and is treating this account as an account of unknown value.

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 Owners were her grandfather and his second wife, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held a custody account and a demand deposit 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 the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was SF 13,000.00 and of a demand deposit account was SF 2,140.00, to produce a total historical amount of SF 15,140.00 . 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 189,250.00.

Division of the Award

According to Article 23(1)(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, the Claimant is representing her cousin, Ruth Wreschinski. Accordingly, the Claimant and her cousin are each entitled to one-half of the 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
31 August 2004