

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

To Claimant Louis Lionni

In re Account of Leonardo Lionni

Claim Number: 215589/AA

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Louis Lionni (the “Claimant”) to the account of Leonardo Lionni (the “Account Owner”) at the Lugano branch of the [REDACTED] (the “Bank”).

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 a Claim Form identifying the Account Owner as his father, Leonard Lionni, who was born on 5 May 1910 in Amsterdam, Holland and married to Nora Lionni (née Maffi) in Lavagna, Italy on 23 December 1931. Leonard and Nora had two children, the Claimant, born in Genova, Italy on 13 November 1932 and his brother, Paolo, born in Faido, Switzerland on 27 December 1938. The Claimant submitted further that his father earned an economics degree at the University of Genova and was an artist who worked as an art director and children’s book author and illustrator in Milan in the late 1930s. The Claimant further stated that his father used the title Dr. Leonard Lionni. According to the Claimant, his father, who was Jewish, was forced to leave his family and flee to the United States of America in approximately 1939 to avoid persecution under Italian racial laws. The Claimant explained that, six months later, his family was able to follow his father to the United States, where his father lived until 1960. In support of his claim, the Claimant submitted the Account Owner’s will, which names the Claimant as a beneficiary and an executor, the Account Owner’s certificate of letters testamentary, and the Account Owner’s death certificate.

Information Available in the Bank Records

The bank records consist of an account opening card and a bank account investigation form. According to these records, the sole Account Owner was Dr. Leonardo Lionni di Louis of Milan and Cavi di Lavagna. The bank records indicate that he held a current account, which was opened on 10 January 1938. The bank documents indicate the value of the account was 47.00

Swiss Francs in 1951, when it was closed and transferred to a collective account, an account to which the bank transferred accounts that had been dormant for some period for bookkeeping and administrative purposes. The bank records indicate that the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as his father, Leonard Lionni. His father's name matches the published name of the Account Owner. In support of his claim, the Claimant has provided his father's city of residence in Italy during the Second World War and has indicated that his father used the professional title Dr. Leonard Lionni, which is consistent with the unpublished domicile and title information contained in the bank documents.

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 was persecuted under Italian racial laws. Specifically, his father was forced to flee Italy and to seek refuge in the United States in 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the son of the Account Owner by submitting documents including his father's death certificate, will, and letters testamentary.

The Issue of Who Received the Proceeds

In this case, in approximately 1951, the Bank transferred the account at issue to a collective account, which is a grouping of open and dormant and accounts. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible because the claimed account belonged to a Victim of Nazi persecution. Second, the Claimant has plausibly demonstrated that the Account Owner was his father, 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 account at issue. The CRT notes that the Claimant submitted Leonard Lionni's will, which also names Nora Lionni (born Maffi), the Account Owner's wife, as a beneficiary. The Account Owner's wife, however, has not submitted a claim to her late husband's account. Therefore, pursuant to Article 29 of the Rules, the Claimant, as the only child of the Account Owner who has submitted a claim, is entitled to an award of his father's Account.

Amount of the Award

The Bank records indicate that the value of the current account as of 1951 was 47.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 105.00 Swiss Francs, which reflects standardized bank fees charged to the current account between 1945 and 1951. Consequently, the adjusted balance of the account at issue is 152.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a current account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 35% of the total award amount is 8,988.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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 Account 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