

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of Erich Loewe

Claim Numbers: 204911/MW;¹ 219807/MW²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Erich Loewe (the “Account Owner”) at the [REDACTED] (the “Bank”).³

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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her maternal grandfather, Dr. Erich Loewe, who was born on 23 September 1889 in Breslau,

¹ Claimant [REDACTED 1] submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 204910. The CRT will treat the claim to this account in a separate decision.

² Claimant [REDACTED 2] submitted an additional claim to the account of Ludwig Loewe, which is registered under the Claim Number 219808. The CRT has previously awarded the account of Ludwig Loewe to Claimant [REDACTED 2]. See *In re Account of Gesellschaft für Elektrische Unternehmungen Ludwig Loewe & Co. AG*, which was approved by the Court on 13 October 2004.

³ 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”), Erich Loewe is published as Erich Loewe [Berlin, Germany] and as Erich Loewe [Germany]. Claimant [REDACTED 1] was previously awarded the accounts of Erich Loewe from Berlin, Germany. See *In re Accounts of Erich Loewe*, which was approved by the Court on 2 January 2003 (the “January 2003 Award”). The CRT further notes that, on the ICEP List, Erich Loewe of Berlin, Germany was indicated as having three accounts. In the January 2003 Award, the CRT concluded that Erich Loewe of Berlin, Germany, in fact held five accounts. Two of these accounts were awarded in the January 2003 Award. The remaining three accounts are addressed in a separate award issued to Claimant [REDACTED 1].

Germany, and was married to [REDACTED], née [REDACTED], on 24 December 1931 in Leipzig, Germany. Claimant [REDACTED 1] indicated that her grandparents had one daughter, [REDACTED], née [REDACTED], who was the Claimant's mother. Claimant [REDACTED 1] stated that her grandfather studied law in Berlin, Germany, where he later operated a law firm. Claimant [REDACTED 1] explained that her grandfather anticipated Nazi policies with regard to Jewish assets, and likely transferred his assets from Germany to Switzerland. Claimant [REDACTED 1] further explained that her grandfather lived in Berlin until the beginning of 1933, and then fled from Germany to France after the Nazis seized power. Claimant [REDACTED 1] indicated that her grandfather died in Paris on 4 August 1981. In a telephone conversation with the CRT on 16 October 2002, Claimant [REDACTED 1] indicated that she is not representing her brother, [REDACTED], and will divide the proceeds of an award. Claimant [REDACTED 1] submitted Erich Loewe's official family book, issued in Berlin, Germany, indicating that Erich Loewe was an attorney, that he resided in Berlin-Charlottenburg, that he had a child named [REDACTED] who was born on 18 April 1933 in Paris XVI, and that he died on 4 August 1981 in Neuilly sur Seine, France; and [REDACTED]'s official family book indicating that her father was Erich Loewe, and that her children are [REDACTED] and Claimant [REDACTED 1]. Claimant [REDACTED 1] indicated that she was born on 31 August 1962 in New York, New York, the United States.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his paternal great-uncle, Erich Loewe. Claimant [REDACTED 2] explained that his great-grandfather, [REDACTED], who was born in 1837 in Heiligenstadt, Germany, founded a company in 1869 named *Ludwig Loewe Commanditgesellschaft auf Aktien für Fabrikation von Nähmaschinen*, which manufactured sewing machines, and was later called *Gesellschaft für Elektrische Unternehmungen/Ludwig Loewe & Co. A.G.*. Claimant [REDACTED 2] indicated that [REDACTED]'s younger brother, [REDACTED], who was born in 1848 in Heiligenstadt, entered the business in 1875 and after Ludwig's death on 11 September 1886, he took over the business. Claimant [REDACTED 2] further explained that [REDACTED]'s son, Erich Loewe, was a business executive at *Gesellschaft für Elektrische Unternehmungen/Ludwig Loewe & Co. A.G.*. Claimant [REDACTED 2] stated that in 1938, [REDACTED]'s sons Erich and [REDACTED] Loewe, as well as other Jews at the company, were expelled from both boards as part of a plan to minimize Jewish influence on German businesses. Claimant [REDACTED 2] further stated that Erich Loewe left Germany in the late 1930s, probably shortly after the expulsion. Claimant [REDACTED 2] explained that Erich Loewe's fate is unknown. In support of his claim, Claimant [REDACTED 2] submitted a report issued by *Ludwig Loewe & Co. A.G.* upon its sixtieth anniversary in 1929, which indicates that Erich Loewe sat on the board of directors from 1925 to 1929, and that the company was located in Berlin; several articles indicating the company's history; the death certificate of Claimant [REDACTED 2]'s father, [REDACTED], which indicates that his son was Claimant [REDACTED 2]; the death certificate of Claimant [REDACTED 2]'s paternal grandmother, [REDACTED], which indicates that [REDACTED] was married to [REDACTED]; and [REDACTED]'s death certificate, which indicates that he resided in Berlin. Claimant [REDACTED 2] indicated that he was born on 3 July 1946 in Pau, France.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Erich Loewe. 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") determined that the Account Owner resided in Germany. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated. The Bank's record does not show when the account at issue was closed, nor does this record indicate the value of this account. The auditors who carried out 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 account 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 Claimants in one proceeding.

Identification of the Account Owner

The name and country of residence of the Claimants' relative match the published name and country of residence of the Account Owner. In support of her claim, Claimant [REDACTED 1] submitted documents, including Erich Loewe's official family book, issued in Berlin, Germany, indicating that Erich Loewe was an attorney, that he resided in Berlin-Charlottenburg, and that he died on 4 August 1981 in Neuilly sur Seine, France, thereby providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's record as the name and country of residence of the Account Owner. Claimant [REDACTED 2] submitted documents, including a 1930 report of *Ludwig Loewe & Co. A.G.*, which indicates that Erich Loewe sat on the board of directors from 1925 to 1929, and that the company was located in Berlin, thereby providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's record as the name and country of residence of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all the published information about the Account Owner that is available in the Bank's record; that the information provided by each Claimant supports and in no way contradicts any information

available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account were disconfirmed because the spelling of the Account Owner's last name submitted by those claimants differed from the Bank record's spelling of the Account Owner's last name, the CRT concludes that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish and was forced to flee Germany after the Nazis seized power in Germany.

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that he was expelled from board of directors of the company owned by his family as part of a plan to minimize Jewish influence on German businesses, and that he was forced to flee Germany in the late 1930s.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s maternal grandfather. Claimant [REDACTED 1] submitted Erich Loewe's official family book, issued in Berlin, Germany, indicating that Erich Loewe had a child named [REDACTED], who was born on 18 April 1933 in Paris XVI; and [REDACTED]'s official family book indicating that her father was Erich Loewe, and that her children are [REDACTED] and Claimant [REDACTED 1].

Claimant [REDACTED 2]

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s paternal great-uncle. The CRT notes that Claimant [REDACTED 2] submitted a report of *Ludwig Loewe & Co. A.G.* issued in 1929, which indicates that Erich Loewe sat on the board of directors from 1925 to 1929, and that the company was located in Berlin; the death certificate of Claimant [REDACTED 2]'s father, [REDACTED], which indicates that [REDACTED]'s son was Claimant [REDACTED 2]; the death certificate of Claimant [REDACTED 2]'s paternal grandmother, which indicates that she was married to [REDACTED]; and [REDACTED]'s death certificate, which indicates that he resided in Berlin. These documents provide independent verification that Claimant [REDACTED 2]'s relatives had the same family name and resided in the same city of residence of the Account Owner, which supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner fled Germany; that there is no record of the payment of the Account Owner's to him nor any record of a date of closure of the account; 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 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 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s maternal grandfather and Claimant [REDACTED 2]'s paternal great-uncle, and those relationships justify 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 account of unknown type. 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 an account of unknown type was 3,950.00 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 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
12 January 2005