

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to the Estate of Claimant [REDACTED 1],

to Claimant [REDACTED 2],

to Claimant [REDACTED 3],

and to Claimant [REDACTED 4]¹

in re Account of Janos Lugos

Claim Numbers: 200050/RS; 200243/RS; 201438/RS; 785278/RS; 732013/RS²

Original Award Amount: 149,500.00 Swiss Francs

Award Amendment Amount: 162,500.00 Swiss Francs

This Certified Award Amendment is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”); [REDACTED 2] (“Claimant [REDACTED 2]”); [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”); and [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the published account of Janos Lugos (the “Account Owner”), over which Martha Lugos (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

¹ On 28 January 2002, the Court approved an award to [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) for the account of Janos Lugos (the “January 2002 Award”), which is the subject of this Award Amendment.

² In 1999, Claimant [REDACTED 3] and [REDACTED 1] (“Claimant [REDACTED 1]”) submitted Initial Questionnaires (“IQs”), numbered HUN-0114157 and ENG-0599015, respectively, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaire Responses which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim number 732013 and 785278, respectively. In her IQ, Claimant [REDACTED 3] also claimed an account belonging to Tibor Janos. The CRT did not locate an account belonging to Tibor Janos in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). In a separate decision, the CRT awarded the account of M. Gerber in part to Claimant [REDACTED 1]. See *in re Account of M. Gerber* (approved 27 February 2007).

All award amendments are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Procedural History

On 28 January 2002, the Court approved an Award to Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4] for the Account Owner's account (the "January 2002 Award"). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant [REDACTED 1]. The CRT notes that although Claimant [REDACTED 1] had filed a timely claim to the awarded account, her claim was not available for consideration in the January 2002 Award. Subsequent review of Claimant [REDACTED 1]'s claim indicates that she is entitled to the entire award amount, as detailed below.

The January 2002 Award

In the January 2002 Award, the CRT determined that the Account Owner owned one custody account. The CRT further determined that Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4] plausibly identified the Account Owner; that they plausibly demonstrated that they are related to the Account Owner; and that they made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Additionally, the CRT determined that it was plausible that the Account Owner did not receive the proceeds of his account. The CRT noted that the Bank's records did not indicate the value of the account, and therefore presumed that its value was 13,000.00 Swiss Francs ("SF"). The January 2002 Award amount was SF 149,500.00. Finally, the CRT determined that Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4] were each entitled to one-third of the award amount.

Information Provided by Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4]

As set forth in the January 2002 Award, Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4], who are cousins, identified the Account Owner as their great-uncle, Janos Lugos (formerly Löwenbach), who was born in 1877 in Mako, Hungary, and was married to Martha Lugos, née Herczog, in 1933 in Budapest. These Claimants stated that Janos Lugos was the brother of their grandmothers, and that their relatives, who were Jewish, resided on Nyul Utca in Budapest. According to these Claimants, Janos Lugos was a director of *Generali Insurance*, which was located at Dorottya Utca in Budapest. These Claimants all indicated that Janos Lugos did not have any children. According to these Claimants, their great-aunt perished in 1944, and their great-uncle paid the Nazis to escape from Hungary to Switzerland, but perished en route.

Information provided by Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as her father, Janos Lugos, and the Power of Attorney Holder as her mother, Martha Lugos, née Herczog. Claimant [REDACTED 1] stated that her parents, who were Jewish, resided in Budapest, and that her father was a banker. Claimant [REDACTED 1] stated that she survived the Second World War in hiding in Budapest. Claimant [REDACTED 1] indicated that she was born on 1 November 1910. Using publicly available information, the CRT has determined that Claimant [REDACTED 1] passed away on 27 April 2007.³

Information Available in the Bank’s Records

As detailed in the January 2002 Award, the Bank’s records indicate the names and addresses of the Account Owner and the Power of Attorney Holder, and include the Power of Attorney Holder’s maiden name. The records indicate that the Account Owner held one custody account, which was closed on an unknown date.

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 five claims of the Claimants in one proceeding.

Claimant [REDACTED 1]’s Identification of the Account Owner

Claimant [REDACTED 1] has plausibly identified the Account Owner. Her father’s name and place of residence match the published name and place of residence of the Account Owner, and her mother’s name matches the published name of the Power of Attorney Holder. Claimant [REDACTED 1] further identified the Power of Attorney Holder’s unpublished maiden name.

The CRT notes that Claimant [REDACTED 1] has identified the Account Owner as the same person identified by Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4], and that those claimants identified the unpublished street address of the Account Owner. Claimant [REDACTED 4] submitted a document indicating that in 1947, the appointed guardian of the assets of Janos Lugos and Marta Herczog, who had not yet officially been declared deceased, was [REDACTED 1] of Budapest. The CRT notes that Claimant [REDACTED 1] indicated in her Claim Form that she resided at the same address in Budapest listed in that document as the address of [REDACTED 1]; accordingly, the CRT concludes that the document submitted by Claimant [REDACTED 4] identifies Claimant [REDACTED 1], and confirms that the Claimants have all identified the Account Owner as the same person.

³ See <http://ssdi.rootsweb.ancestry.com>

The CRT notes that Claimant [REDACTED 1] filed her IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by the Account Owner, prior to the publication in February 2001 of the 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”). This indicates that Claimant [REDACTED 1] has based her claim not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1].

Status of the Account Owner as a Victim of Nazi Persecution

As detailed in the January 2002 Award, the CRT determined that the Account Owner was a Victim of Nazi Persecution.

Claimant [REDACTED 1]’s Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was her father. The CRT further notes that Claimant [REDACTED 1] identified unpublished information about the Account Owner and the Power of Attorney Holder as contained in the Bank’s records, and that Claimant [REDACTED 1] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 1], prior to the publication in February 2001 of the ICEP List. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as she has asserted in her IQ.

The Issue of Who Received the Proceeds

As detailed in the January 2002 Award, the CRT has concluded that it is plausible that the account’s proceeds were not paid to the Account Owner or his heirs.

Amount of the January 2002 Award

As detailed in the January 2002 Award, the Account Owner held 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 upon the investigation conducted by ICEP (the “ICEP Investigation”), in 1945 the average value of a custody account was SF 13,000.00.

According to Article 31 of the Rules, account values are multiplied by an adjustment factor to bring award amounts up to current value. At the time of the January 2002 Award, the adjustment

factor was 11.5, and the resulting award amount was SF 149,500.00. Since the January 2002 Award, the adjustment factor has been raised to 12.5.

Basis for the Award Amendment

The CRT has determined that an Award may be made in favor Claimant [REDACTED 1]. First, Claimant [REDACTED 1]'s claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that she is the Account Owner's daughter, and that relationship justifies an Award. Third, the CRT determined in the January 2002 Award that it is plausible that neither the Account Owner nor the Power of Attorney Holder, nor their heirs, received the proceeds of the account.

New 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. Accordingly, Claimant [REDACTED 1] is entitled to the entire award amount.

The CRT notes that in the January 2002 Award, Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4] were each awarded one-third of the award amount, and that they are now determined to be not entitled to share in the award. The amount of overpayment shall be deducted from any award adjustment that may be forthcoming to Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4].

Amount and Division of the Award Amendment

As detailed above and in the January 2002 Award, the 1945 value of the account at issue was determined to be SF 13,000.00. Claimant [REDACTED 1] is entitled to the entire award amount. 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 Amendment amount of SF 162,500.00. As detailed above, Claimant [REDACTED 1] is entitled to the entire award amendment amount.

Certification of the Award Amendment

The CRT certifies this Award Amendment for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
16 April 2010