

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Otto Luprecht**

Claim Number: 501638/SI<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Otto Luprecht (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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 Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Otto Luprecht, who was born on 22 November 1874 in Hungary, and was married to [REDACTED], née [REDACTED], in March 1911 in Vienna, Austria. The Claimant indicated that his grandparents had two children, [REDACTED], the Claimant's father, and [REDACTED], née [REDACTED], both of whom were born in Vienna. The Claimant further indicated that his grandfather, who was Jewish, was a banker, and that he resided at Obere Augartenstrasse 74 in Vienna II. Moreover, the Claimant indicated that in 1938, after the incorporation of Austria into the Reich in March 1938 (the “Anschluss”), his grandfather fled Vienna to the United States. The Claimant also indicated that his grandfather died on 25 September 1953 in Milwaukee, Wisconsin, the United States, and that his grandmother died on

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<sup>1</sup> The CRT notes that, in a letter dated 6 October 2000, the Claimant inquired with the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”) whether his grandfather, Otto Luprecht, owned a Swiss bank account, before 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 CRT I replied that the name Otto Luprecht was not included on either of the two lists published on 23 July 1997 and 29 October 1997, which contained names of non-Swiss persons who opened a Swiss bank account that had remained dormant since the end of the Second World War, and advised the Claimant that a third list of accounts was to be published by the end of 2000. The Claimant subsequently submitted a Claim Form regarding his grandfather’s bank account to the CRT in 2005. The CRT is treating this claim as a continuation of his 6 October 2000 inquiry.

30 January 1986, also in Milwaukee. Finally, the Claimant indicated that his father died on 7 February 1989 in Milwaukee.

In support of his claim, the Claimant submitted documents, including his grandfather's death certificate, indicating that his name was Otto Luprecht and that he was born in Austria; his father's birth certificate, indicating that [REDACTED] was the son of Otto Luprecht, and that [REDACTED] was born at Obere Augartenstrasse 74 in Vienna on 9 June 1916; and a certificate issued by the Milwaukee Health Department, confirming that its files contain the Claimant's birth certificate, and that this indicates that he is the son of [REDACTED]. The Claimant indicated that he was born on 5 April 1952 in Milwaukee.

### **Information Available in the Bank's Records**

The Bank's records consist of a customer card and a signature sample card. According to these records, the Account Owner was *Herr (Mr.) Direktor-Stellv.* (deputy director) Otto Luprecht, who resided at Obere Augartenstrasse 74 in Vienna II, Austria. The Bank's records indicate that the Account Owner held a demand deposit account, numbered 22048, which was opened no later than 25 September 1931. The Bank's records further indicate that the account was closed on 7 December 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Otto Luprecht, numbered 24969. These documents indicate that Otto Luprecht was born on 22 November 1874, that he was married to [REDACTED], née [REDACTED], and that he resided at Obere Augartenstrasse 74, in Vienna II. These documents further indicate that Otto Luprecht was in retirement when he filed his 1938 Census declaration in July 1938, and that he owned securities worth 12,849.00 Reichsmark. Correspondence between the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property (*Vermögensverkehrsstelle*) and the Vienna fiscal authorities indicates that the authorities unsuccessfully sought to ascertain the name and location of the bank(s) at which these securities were held. The records make no mention of assets held in a Swiss bank account.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name,

city and country of residence match the published name, city and country of residence of the Account Owner. In addition, the Claimant indicated that his grandfather resided at Obere Augartenstrasse 74 in Vienna II, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including his grandfather's death certificate, indicating that his name was Otto Luprecht and that he was born in Austria, and his father's birth certificate, indicating that [REDACTED] was the son of Otto Luprecht, and that he was born at Obere Augartenstrasse 74 in Vienna in 1916. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided at the same street address recorded in the Bank's records as the name and street address of the Account Owner. The CRT notes that the name Otto Luprecht appears only once 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 CRT further notes that the Claimant submitted a letter to the Claims Resolution Tribunal for Dormant Accounts in Switzerland ("CRT I") in 2000, asserting his entitlement to a Swiss bank account owned by Otto Luprecht, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to this account.

#### 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 that he was forced to flee Austria for the United States in 1938. The CRT notes that the 1938 Census records submitted by the Account Owner indicate that he was residing in Vienna in July 1938, several months after the *Anschluss*.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandfather. These documents include the Claimant's own birth certificate, indicating that he is the son of [REDACTED], and [REDACTED]'s birth certificate, indicating that he was the son of Otto Luprecht. There is no information to indicate that the Account Owner has other surviving heirs who have submitted a claim.

#### The Issue of Who Received the Proceeds

The CRT notes the Claimant stated that his grandfather fled Vienna in 1938 but was not able to state exactly when in 1938. The CRT further notes that the 1938 Census documents indicate that the Account Owner was in Vienna at least until July 1938. The Bank's records indicate that the account was closed on 7 December 1938. At this time, the Account Owner had already fled or

was preparing to flee. However, given that the Bank's records do not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety, 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, even for the stated purpose of obtaining indemnification from the German authorities, 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 Governing the Claims Resolution Process, as amended (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 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 Owner was his grandfather, and that relationship justifies 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 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 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 26,750.00.

### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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 December 2005