

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Denise Lucette Mayer
represented by Denis Delcros and Christophe Aubrun

in re Accounts of Claude Michel Mayer, Julien Simon Mayer and Marthe Mayer

Claim Number: 222571/AH; 222572/AH; 222573/AH

Award Amount: 233,040.00 Swiss Francs

This Certified Award is based upon the claim of Denise Lucette Mayer, née Lourdel, (the “Claimant”) to the accounts of Claude Michel Mayer (“Account Owner Claude Mayer”), Julien Simon Mayer (“Account Owner Julien Mayer”), and Marthe Mayer (“Account Owner Marthe Mayer”) (together the “Account Owners”) at the Geneva 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 three Claim Forms identifying the Account Owners as her late husband, Claude Michel Mayer, and his parents, Marthe Mayer, née Lehman, and Julien Simon Mayer. The Claimant stated that Marthe Mayer was born on 19 January 1891 in Paris, France, and that Julien Simon Mayer was born on 26 October 1891 in Reims, France. The Claimant indicated that Marthe and Julien Mayer, who were Jewish, had one child, her late husband, who was born on 2 July 1913 in Paris. The Claimant indicated that her father-in-law was a publicist, and that he and his family lived in Paris, and then later at 3 Boulevard des Sablons in Neuilly sur Seine, France. The Claimant indicated that her late husband’s family later moved to St. Tropez, France. The Claimant indicated that her late husband married Lily Abastado on 14 September 1940 in St. Tropez, and that he worked there as the manager of a newspaper named *Les Fiches Medicales*. The Claimant stated that in 1940 her husband was forbidden to work as a journalist due to his Jewish faith and was forced to flee St. Tropez, which was occupied by the Italian army. According to the Claimant, Account Owner Claude Mayer went to the liberated area of Dordogne, France, where he was joined by his parents.

The Claimant indicated that after the Second World War, her parents-in-law, returned to Neuilly sur Seine, and her late husband returned to St. Tropez. The Claimant stated that, following his

first wife's death on 17 September 1972 in Paris, her late husband married the Claimant on 23 January 1973 in Paris, and that they lived at 3 Rue de la Tannerie, Abbeville, France, until his death on 28 December 1999. The Claimant stated that Marthe Mayer died on 26 December 1964 in Neuilly sur Seine, and that Julien Simon Mayer died on 25 July 1967 in Paris. The Claimant stated that her husband did not have any children, and she submitted their mutual inheritance agreement, dated 6 October 1992, in which her late husband bequeathed his entire Estate to the Claimant. The Claimant also submitted various documents, including her husband's birth, marriage, and death certificates, his parents' death certificates, and letters bearing their signatures. The Claimant indicated that she was born on 6 June 1925 in Pont Remy, Sonne, France.

Information Available in the Bank's Records

The Bank's records consist of a copy of a customer card with signatures of two of the Account Owners, and printouts from the Bank's database. According to these records, the Account Owners were Mr. Julien Mayer, Mrs. Marthe Mayer and Mr. Claude Michel Mayer, of 3 Boulevard des Sablons, Neuilly sur Seine, France, who jointly owned four accounts. The Bank's records indicate that the Account Owners held a demand deposit account denominated in French Francs, which was opened on 20 May 1933. The records further indicate that the account was transferred on 11 November 1949 to a suspense account. The amount in the account on the date of its suspension was 214.00 French Francs, equivalent to 2.63 Swiss Francs. The account remains open and dormant today.

The Bank's records indicate that the Account Owners also held two other demand deposit accounts and a custody account, all of which were numbered M.N13877, and which were opened on 8 December 1931. The records also indicate that in 1933 the Account Owners instructed the bank to withhold all mail regarding their accounts. According to the records, the Bank officially terminated its relationship with the Account Owners on 11 November 1949. The records further indicate that this date is based on the suspension date of the demand deposit account denominated in French Francs, and that the accounts could have been closed earlier. 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") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. The amount in the accounts on the date of their closure is unknown. There is no evidence in the Bank'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, 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 three claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. Her late husband's and parents-in-law's names match the published names of the Account Owners. The CRT notes that these names were published separately, yet the Claimant identified their connection, which matches unpublished information about the Account Owners. The Claimant also identified her husband's and parents-in-law's country and city of residence, which match the published information about the Account Owners. In addition, the Claimant submitted her relatives' street address, which matches unpublished information about the Account Owners' street address contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her late husband's marriage and death certificates, his will, and his parents' will. Finally, the Claimant submitted samples of her relatives' signatures, which match signature samples contained in the Bank's records. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different first and middle names and different countries of residence from the first and middle names and country of residence of the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that in 1940 her late husband was forbidden to work as a journalist due to his Jewish faith, and that he and his parents were forced to flee to the liberated area of Dordogne, France.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting documents demonstrating that she was married to Account Owner Claude Mayer, who was the child and heir of Account Owner Marthe Mayer and Account Owner Julien Mayer, and that the Claimant inherited Account Owner Claude Mayer's estate, according to their mutual inheritance agreement. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

With respect to the demand deposit account denominated in French Francs, the Bank's records indicate the account was transferred to a suspense account and remains open and dormant.

With respect to the other two demand deposit accounts and one custody account, the Bank's records indicate that they were closed on an unknown date, and there is no indication in the records regarding who authorized the closure of the accounts. Given the application of Presumptions (f), (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 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 husband and parents-in-law, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners owned three demand deposit accounts and one custody account. With respect to the demand deposit account denominated in French Francs and transferred to a suspense account on 11 November 1949, the Bank's records indicate that the value of the account as of 11 November 1949 was 214.00 French Francs, which was equivalent to 2.63 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit 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 current value of this amount is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules to produce a total amount of 25,680.00 Swiss Francs.

With respect to the two other demand deposits and 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 on the ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. The current value of these three accounts is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total amount of 207,360.00 Swiss Francs. Consequently, the total award amount for all four accounts is 233,040.00 Swiss Francs.

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
June 23, 2003