

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Paul Meder

Claim Number: 708724/MBC^{1,2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of Jakob Szepkowski.³ This Award is to the unpublished account of Paul Meder (the “Account Owner”) at the Lucerne branch of the [REDACTED] (the “Bank”).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 Claimant⁴

The Claimant submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as his father, Paul Meder, who born on 2 February 1899 in Saarbrücken, Germany and was married to [REDACTED] on 20 July 1921 in Essen, Germany. The Claimant further indicated that his mother had moved to Germany in 1919 but that her family remained in Suwalki, Poland, and perished during the Second World War. The Claimant stated that his parents had two children: the Claimant and his brother, [REDACTED 2]. The Claimant stated that his father was Catholic, but that his mother was Jewish, and that their marriage was therefore targeted as a “mixed marriage” under Nazi racial laws. The Claimant further stated that he, his mother and his brother

¹ [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered GER-0011112, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires that 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 IQ was forwarded to the CRT and has been assigned claim number 708724.

² The Claimant submitted four additional claims, which are registered under the Claim Numbers 708720, 708721, 708722, and 708723. The CRT will treat these claims in separate determinations.

³ The CRT will treat the Claimant’s claim to this account in a separate determination.

⁴ The CRT notes that the Claimant provided certain portions of the information contained in this section to the CRT during telephone conversations in July 2005.

were forced to live in hiding at various times during the Second World War. Finally, the Claimant stated that his father was arrested by the Gestapo in December 1943 and was imprisoned until April 1944, and that he eventually died in Merzig, Germany in mid-1956.

In support of his claim, the Claimant submitted a copy of his parents' marriage certificate, indicating that Paul Meder married [REDACTED] and that [REDACTED]'s family was Jewish, and a copy of a letter written by his mother, [REDACTED], née [REDACTED], to the Polish Consulate on 22 October 1947 inquiring about the belongings of her parents and her siblings, indicating that she was married to [REDACTED 1], and indicating that she had two children: [REDACTED 1], who was born on 1 May 1927 in Stieringen/Moselle, France, and [REDACTED 2], who was born on 30 July 1931 in Ueberherrn/Saar, (then France).

The Claimant indicated that he was born on 1 May 1927 in Stieringen/Moselle. The Claimant is representing his brother, [REDACTED 2], who was born on 30 July 1931 in Ueberherrn.

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 Paul Meder, whose domicile is not indicated. The Bank's record indicates that the Account Owner had an account, numbered 3398, the type of which is not indicated.

The Bank's record indicates that the account was transferred to a suspense account for dormant assets on 10 August 1955, as of which date it had a balance of 10.45 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the unpublished name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted documents, including his parents' marriage certificate and a letter written by his mother, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 lived in Germany during the Second World War, that he was married to a Jewish woman, that the marriage was considered a "mixed marriage" under Nazi racial laws, and that the Gestapo arrested him in December 1943. The

Claimant also stated that the Account Owner's wife and children were forced to live in hiding during the Second World War.

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 father. These documents include a letter written on 22 October 1947 by the Claimant's mother, indicating that she was married to Paul Meder and that they had two sons, [REDACTED 1] and [REDACTED 2]. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's record indicates that on 10 August 1955, the account was transferred to a suspense account, where it remains.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and represented party [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Third, the CRT has determined 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 an account of unknown type. The Bank's record indicates that the value of the account as of 10 August 1955 was SF 10.45. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 165.00, which reflects standardized bank fees charged to the account between 1945 and 1955. Consequently, the adjusted balance of the account at issue is SF 175.45. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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 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. In this case, the Claimant is representing his brother, [REDACTED 2]. Accordingly, the Claimant and his brother are each entitled to one-half of the total award amount.

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
7 June 2006