

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

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

and to Claimant [REDACTED 3]  
also acting on behalf of [REDACTED 4]

## **in re Account of Renate Meier**

Claim Numbers: 223105/MW;<sup>1</sup> 223108/MW; 223118/MW; 215968/MW;<sup>2</sup> 000936/MW

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of [REDACTED], [REDACTED] and [REDACTED], and [REDACTED]<sup>3</sup> and the claims of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the accounts of [REDACTED] and [REDACTED].<sup>4</sup> This Award is to the unpublished account of Renate Meier (the “Account Owner”) at the Birsfelden branch of the [REDACTED] (the “Bank”).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.

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<sup>1</sup> Claimant [REDACTED 1] submitted seventeen Claim Forms, which were registered under the Claim Numbers 223105, 223106, 223107, 223108, 223116, 223117, 223118, 223119, 224280, 224281, 224282, 224283, 224440, 224441, 224442, 300658, and 300659. The CRT has determined that Claim Numbers 223116 and 300658 are duplicate Claim Forms, and will treat them under the consolidated Claim Numbers 223105, and 224442, respectively. In his Claim Forms, Claimant [REDACTED 1] claimed the accounts of [REDACTED], [REDACTED], [REDACTED] and [REDACTED], and [REDACTED]. The CRT will treat Claimant [REDACTED 1]’s claims to these accounts in separate determinations.

<sup>2</sup> Claimant [REDACTED 3] submitted additional claims to the accounts of [REDACTED], registered under the Claim Number 712958, and [REDACTED], registered under the Claim Numbers 712945, 215969, and 000937. The CRT will treat the claims to these accounts in separate determinations.

<sup>3</sup> As noted above, the CRT will treat the claims to these accounts in separate determinations.

<sup>4</sup> A decision for the accounts of Ludwig Maier, Ludwig Mayer, and Ludwig Mayr-Falkenberg was issued to Claimant [REDACTED 3] in a previous decision. See *In re Accounts of Ludwig Maier, Ludwig Mayer, and Ludwig Mayr-Falkenberg*, which was approved by the Court on 15 July 2005. The CRT will treat the claim to the account of [REDACTED] in a separate determination.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted several Claim Forms identifying the Account Owner as his paternal aunt, Renate Meier, who was born on 29 April 1931 in Gambach, Germany. Claimant [REDACTED 1] indicated that his aunt, who was the daughter of [REDACTED] and [REDACTED], had two siblings, [REDACTED] and [REDACTED], who was Claimant [REDACTED 1]'s father. Claimant [REDACTED 1] stated that his aunt, who was Jewish, died in 1943 in Auschwitz, and that of her family, only her brother, the Claimant's father, survived the Holocaust. Claimant [REDACTED 1] indicated that his father died in 1955 in London, England. In support of his claim, Claimant [REDACTED 1] submitted: (1) the birth certificate of Renate Meier, indicating that she was born in Gambach, Germany on 29 April 1931, and that her parents were [REDACTED] and [REDACTED]; (2) the birth certificate of [REDACTED], indicating that his parents were [REDACTED] and [REDACTED]; and (3) his own birth certificate, indicating that his father was [REDACTED]. Claimant [REDACTED 1] indicated that he was born on 27 October 1955 in London. Claimant [REDACTED 1] is representing his mother, [REDACTED 2], who was born on 12 February 1932 in London.

### Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted four Claim Forms identifying the Account Owner as his maternal grandmother, Renate Löb (Loeb), née Mayer (Maier), who was born in 1894 in Munich, Germany, and who was the daughter of [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 3] explained that in approximately 1934, Renate Mayer traveled to Zurich, Switzerland to deposit money in a Swiss bank account on behalf of her mother, [REDACTED], and her aunt, [REDACTED]. Claimant [REDACTED 3] further explained that after [REDACTED]'s death in 1935, Renate Mayer inherited her mother's estate. Claimant [REDACTED 3] indicated that his mother, [REDACTED], née [REDACTED], was Renate Mayer's daughter, and that they resided in Germany until they fled to Palestine in 1939. Claimant [REDACTED 3] stated that his grandmother, who was Jewish, died in Munich in 1952, while trying to obtain documentation and information about her assets and accounts. Claimant [REDACTED 3] indicated that he was born on 12 October 1946 in Tel-Aviv, Palestine (now Israel). Claimant [REDACTED 3] is representing his sister, [REDACTED 4].

Claimant [REDACTED 3] previously submitted two Initial Questionnaires ("IQs") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED].

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

The Bank's record consists of a list of accounts prepared by 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"). According to this record, the Account Owner was Renate Meier. The record

does not indicate the Account Owner's domicile. This record indicates that the Account Owner held one savings/passbook account, numbered 240.000.117-3. This record further indicates that the account was considered dormant by the Bank and was transferred to a suspense account on 31 December 1971, at which time the account had a balance of 9.45 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

## **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.

### Identification of the Account Owner

The names of Claimant [REDACTED 1]'s aunt and Claimant [REDACTED 3]'s grandmother match the unpublished name of the Account Owner.<sup>5</sup> The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. In support of his claim, Claimant [REDACTED 1] submitted the birth certificate of Renate Meier, 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 Claimant [REDACTED 3] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by a member of the Mayer family, [REDACTED], prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 3] has based his present claim on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 3] had reason to believe that a member of his family owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 3].

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished 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

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<sup>5</sup> The CRT notes that Claimant [REDACTED 3]'s relative's last name is Mayer, while the Bank's record indicates that the Account Owner's last name is Meier. However, the CRT notes that last name Mayer has a number of orthographic variations, e.g., Meyer, Meier, and Maier, and finds that this discrepancy does not adversely affect Claimant [REDACTED 3]'s identification of the Account Owner, particularly in this case, in which the only record showing the spelling of the Account Owner's name is a printout prepared by the auditors who investigated this bank. Further, Claimant [REDACTED 3] indicated in his Claim Forms that his relatives may have used the Maier spelling of the last name.

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 there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each 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 that she perished in Auschwitz. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and that she was fled Nazi Germany in 1939.

#### The Claimants' Relationship to the Account Owner

The Claimants have each plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s aunt or Claimant [REDACTED 3]'s grandmother. Claimant [REDACTED 1] submitted documents including, (1) the birth certificate of Renate Meier, indicating that her parents were [REDACTED] and [REDACTED]; (2) the birth certificate of [REDACTED], indicating that his parents were [REDACTED] and [REDACTED]; and (3) his own birth certificate, indicating that his father was [REDACTED]. The CRT notes that both Claimants identified the unpublished name of the Account Owner; and that Claimant [REDACTED 3] filed IQs with the Court in 1999, identifying members of the Mayer family who owned a Swiss bank account.

There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimants are representing.

#### The Issue of Who Received the Proceeds

The Bank's record indicates that on 31 December 1971, the savings/passbook 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his paternal aunt, and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was his maternal grandmother, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one savings/passbook account. The record prepared by the ICEP auditors indicates that the value of the account on 31 December 1971 was SF 9.45. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 405.00, which reflects standardized bank fees charged to the account between 1945 and 1971. Consequently, the adjusted balance of the account at issue is SF 414.45. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

### 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 3] is entitled to one-half of the award amount.

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 who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is representing his mother, [REDACTED 2], who is related to the Account Owner by marriage only. Accordingly, [REDACTED 2] is not entitled to share in the award amount, and Claimant [REDACTED 1] is entitled to one-half of the total award amount.

With respect to Claimant [REDACTED 3]'s half of the Award amount, the CRT notes that Claimant [REDACTED 3] is representing his sister, [REDACTED 4]. Accordingly, Claimant [REDACTED 3] is entitled to one-quarter of the total award amount, and [REDACTED 4] is entitled to one-quarter of the total 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  
30 November 2005