

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ursula Kreitz,

Claimant Ursula Jerta Elfriede Malin,

and Claimant [REDACTED]
represented by [REDACTED] and by [REDACTED]

in re Account of Ursula Meyer

Claim Numbers: 202828/AX; 207854/AX; 708433/AX¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Ursula Kreitz, née Meyer, (“Claimant Kreitz”) to an account of Rudolf Kreitz, the claim of Ursula Malin, née Meyer, (“Claimant Malin”) to an account of Max Meyer, and the claim of [REDACTED] (“Claimant [REDACTED]”) (together the “Claimants”) to an account of Bernhard (Bernard) Meyer.² This Award is to the published account of Ursula Meyer (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 Claimants

Claimant Kreitz

Claimant Kreitz submitted an Initial Questionnaire (“IQ”) in 1999 identifying herself as the Account Owner. Claimant Kreitz indicated that she was born on 4 February 1933 and was

¹ Claimant Kreitz did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GER 0006098, 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 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 IQ was forwarded to the CRT and has been assigned claim number 708433.

² The CRT will treat the claims to these accounts in separate determinations.

married to [REDACTED]. Claimant Kreitz further indicated that her family resided in Nazi Germany during the Second World War and that her husband was deported to Auschwitz, where he perished. According to Claimant Kreitz, she is Roma and received compensation from the municipality of Cologne, Germany because she was persecuted during the Holocaust. In support of her claim, Claimant Kreitz submitted a notification of compensation from the municipality of Cologne, dated 1 March 1984, indicating that her birth name was Ursula Kreitz, née Meyer.

Claimant Malin

Claimant Malin submitted a Claim Form, an IQ, and an ATAG Ernst & Young claim form identifying herself as the Account Owner. Claimant Malin indicated that she was born on 27 May 1925 in Münster, Germany to [REDACTED] and [REDACTED]. Claimant Malin, who is Jewish, indicated that her father was a lawyer and that her family resided in Münster. Claimant Malin indicated that she was sent on the *Kindertransport* to England on 22 May 1939. Claimant Malin stated that her father was deported to Theresienstadt on 31 July 1942 and that he perished there on 28 January 1944. According to Claimant Malin, her mother perished in Auschwitz in 1945 and her brother, [REDACTED], who was born on 9 October 1921 in Münster, died in York, England on 14 August 1944 while serving in the British army. In support of her claim, Claimant Malin submitted her birth certificate and her marriage certificate, indicating that her birth name was Ursula Jerta Elfriede Meyer.

Claimant [REDACTED]

Claimant [REDACTED] submitted a Claim Form identifying the Account Owner as his sister, Ursel Rosenthal, née Meyer, who was born on 15 March 1922 in Hannover, Germany. In email correspondence with the CRT on 25 July 2005, the Claimant indicated that his sister was married to [REDACTED] in July 1945. Claimant [REDACTED] indicated that his sister, who was Jewish, resided in Hannover with her family until 1938. Claimant [REDACTED] further indicated that his father worked as a velvet and silk wholesaler and traveled extensively throughout Europe. Claimant [REDACTED] stated that his father was arrested by the Nazis and accused of selling his products in Switzerland and that, in 1938, his father and sister were arrested and detained at a border crossing into Holland, where his sister was strip-searched. According to Claimant [REDACTED], he and his sister and their parents, [REDACTED] and [REDACTED], née [REDACTED], fled Germany to the United States in October 1938. Claimant [REDACTED] indicated that his sister died on 27 September 1977 in New York, New York, the United States, and that she had one child, [REDACTED], who died on 14 August 2004 without any descendants. Claimant [REDACTED] indicated that he was born on 5 March 1926 in Hannover.

Claimant [REDACTED] previously submitted an IQ to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Ursel Meyer's father, Bernhard Meyer.

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 Ursula Meyer. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, numbered 8830, the type of which is not indicated. The Bank's record indicates that the account was considered dormant by the Bank and was transferred to a suspense account on 13 May 1980. The amount in the account on the date of its transfer was 6.85 Swiss Francs ("SF"). The account remains suspended.

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 Claimants in one proceeding.

Identification of the Account Owner

Claimant Kreitz's name, Claimant Malin's name, and Claimant [REDACTED]'s sister's name match the published name of the Account Owner.³ 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 their claims, Claimant Kreitz submitted a notification of compensation from the municipality of Cologne, indicating that her birth name was Ursula Kreitz, née Meyer, and Claimant Malin submitted her birth certificate and marriage certificate, indicating that her birth name was Ursula Meyer. These documents provide 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] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Bernhard Meyer, 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] 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 them before the publication of the ICEP List. It also indicates that Claimant [REDACTED] had reason to believe that his relatives 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] indicated that his sister's first name was Ursel, while the Bank's record indicates that the first name of the Account Owner was Ursula. The CRT finds that the two variations of the first name are substantially similar and that the variation does not negatively affect the identification of the Account Owner.

The CRT notes that Claimant Kreitz, Claimant Malin, and Claimant [REDACTED]'s sister are not the same person. However, given that the Claimants have all plausibly identified 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 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 Kreitz, Claimant Malin, and Claimant [REDACTED] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant Kreitz indicated that she is Roma, that she resided in Nazi Germany during the Second World War, and that her husband was deported to Auschwitz, where he perished. Claimant Malin indicated that she is Jewish, that her father and mother were both killed in concentration camps, and that she was sent on the *Kindertransport* to England on 22 May 1939. Claimant [REDACTED] indicated that his father was arrested by the Nazis in 1938 and accused of selling his products in Switzerland; that his sister, who was Jewish, was arrested and detained with her father at a border crossing into Holland in 1938, and that she was strip-searched; and that his family fled Nazi Germany for the United States in 1938.

The Claimants' Relationships to the Account Owner

Claimant Kreitz has plausibly demonstrated that she is the Account Owner by submitting specific information and documents, including a notification of compensation from the municipality of Cologne, indicating that her birth name was Ursula Meyer.

Claimant Malin has plausibly demonstrated that she is the Account Owner by submitting specific information and documents, including her birth certificate and marriage certificate, indicating that her birth name was Ursula Meyer.

Claimant [REDACTED] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was his sister. The CRT further notes that Claimant [REDACTED] filed an IQ with the Court in 1999, identifying that his relatives owned a Swiss bank account prior to the publication of the 2001 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] as a family member, and all of this information supports the plausibility that Claimant [REDACTED] is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account on 13 May 1980, 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 Kreitz and Claimant Malin have plausibly demonstrated that they are the Account Owner and Claimant [REDACTED] has plausibly demonstrated that the Account Owner was his sister, all of which constitute relationships that 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 account of unknown type. The Bank's record indicates that the value of the account as of 13 May 1980 was SF 6.85. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 545.00, which reflects standardized bank fees charged to the account between 1945 and 1980. Consequently, the adjusted balance of the account at issue is SF 551.85. 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 49,375.00.

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], Claimant Malin, and Claimant Kreitz are each entitled to one-third of the 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
18 April 2006