

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Bruno Mueller**

Claim Number: 750406/BI<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Theodor Winter and M. J. Winter.<sup>2,3</sup> This Award is to the published account of Bruno Mueller (the “Account Owner”) at the Zurich-Wiedikon 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 an ATAG Ernst & Young claim form (“ATAG Form”) identifying the Account Owner as her father, Bruno Miller (formerly Müller). In a telephone conversation with the CRT on 16 August 2007, and in subsequent correspondence, the Claimant indicated that her father, who was Jewish, was born on 16 June 1908 in Prague (now the Czech Republic), and was married to [REDACTED], née [REDACTED], in England.

---

<sup>1</sup> Claimant [REDACTED] (the “Claimant”) did not submit a CRT Claim Form. However, in 1998 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-G-80-519-092-834, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 750406.

<sup>2</sup> The CRT did not locate an account belonging to Theodor Winter or to M. J. Winter in the Account History Database prepared pursuant to the investigation of the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

<sup>3</sup> In a separate decision, the CRT awarded the accounts of G. Taussig to the Claimant. See *In re Account of G. Taussig* (approved on 19 July 2007).

According to the Claimant, her father's parents were [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that her grandfather owned a factory named *Alfred Müller & Co.*, which manufactured paper bags and was located at Palackeho 26 in Prague XVI. According to the Claimant, her father managed the family factory and resided in Prague until March 1939, when he and his wife fled to England shortly after the Nazi occupation.

The Claimant indicated that her grandmother and her great-uncles, [REDACTED] and [REDACTED], perished in the Holocaust and that the date and place her grandfather's death is unknown. The Claimant stated that her father had two sisters: [REDACTED], who was married to [REDACTED] and had a daughter, [REDACTED]; and [REDACTED], who was married to [REDACTED]. The Claimant indicated that her aunts and their families perished in 1944. The Claimant explained that her father served in the British air force before he emigrated to Canada, that he changed his name from Müller to Miller between 1945 and 1947, and that he passed away on 8 December 1986.

In support of her claim the Claimant submitted documents, including a copy of an advertisement for *Alfred Müller & Co.* paper bag factory, indicating that it was located at Palackeho 26 in Prague XVI. The Claimant indicated that she was born on 17 June 1944 in Shifnal, England.

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

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Bruno Mueller. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated, numbered 8218 and that the balance in the account as of 15 March 1977 was 5.65 Swiss Francs ("SF"). The Bank's records indicate that the account was transferred to the Bank's suspense account, where it remains.

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

#### Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. The CRT notes that the name Bruno Mueller appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List"). The CRT notes that the Claimant filed an ATAG Form in 1998, asserting her entitlement to a Swiss bank account owned by her grandfather and indicating the name of her father, Bruno Müller, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account

prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. 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 Target 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 fled Nazi-occupied Czechoslovakia. The Claimant also stated that the Account Owner's mother, and his sisters, and their families perished in the Holocaust.

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

The Claimant has plausibly demonstrated that she 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 copy of an advertisement for *Alfred Müller & Co.* paper bag factory, indicating that it was located at Palacheho 26 in Prague XVI, which indicates that the Claimant's family was named Müller. The CRT further notes that the Claimant filed an ATAG Form, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT notes that the advertisement for *Alfred Müller & Co.* paper bag factory is a type of document that a family member would possess and provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her ATAG Form. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the Bank's suspense account, where it remains.

#### 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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her 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 records indicate that the value of the account as of 15 March 1977 was SF 5.65. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to an account of unknown type between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 500.65. 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.

### **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 claims 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  
15 November 2007