

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1] and [REDACTED 2]<sup>1</sup>

### **in re Accounts of Lucy Neugass and Clara Sonnemann**

Claim Numbers: 220292/LK, 220293/LK

Award Amount: 238,625.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Clara Sonnemann. This Award is to the accounts of Lucy Neugass (“Account Owner Neugass”) and Clara Sonnemann (“Account Owner Sonnemann”) (together the “Account Owners”) at the Basel and Geneva branches 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**

The Claimants, who are father and son, submitted Claim Forms identifying one of the Account Owners as Lucy Neugass, née [REDACTED], who was the paternal grandmother of Claimant [REDACTED 1]’s late wife and Claimant [REDACTED 2]’s great-grandmother. The Claimants stated that Lucy Neugass was born in Mannheim, Germany, and was married to [REDACTED] on 28 March 1895 in Mannheim. The Claimants further stated that Lucy and [REDACTED] Neugass, who were Jewish, had a son, Rudolf Neugass, who was born on 13 March 1896 in Leipzig, Germany, and that the family owned a very successful fur distribution company in Leipzig that the Nazis confiscated in 1933. According to the Claimants, Rudolf Neugass was married to [REDACTED] on 6 August 1923 in Elberfeld, Germany, and had children, including a son and a daughter named [REDACTED], née [REDACTED]. The Claimants asserted that Rudolf Neugass and his family fled Germany in 1933 for Paris, France, where they lived at 39 Boulevard Chateau in Neilly sur Seine, France. The Claimants further asserted that the family fled the Nazis again in June 1940 and sought refuge in the south of France. The Claimants stated that Rudolf Neugass was then able to obtain a visa to the United States for him and his family, but that he was unable to obtain a permit to leave France. According to the Claimants, on 26

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<sup>1</sup> Both Claimants submitted claim forms indicating that they were each representing the other Claimant.

August 1942, the Nazis arrested Rudolf Neugass, his wife, and son and sent them to the Drancy concentration camp and then, on 7 September 1942, to Auschwitz, where they perished. The Claimants stated that Lucy Neugass (Rudolf Neugass' mother) and [REDACTED] (Lucy Neugass' granddaughter and Rudolf Neugass' daughter) were able to evade the Nazis by hiding in central France until after the liberation, when they returned to Neuilly sur Seine, where they discovered that their apartment had been pillaged. According to the Claimants, Lucy Neugass had a relative named Lili Erna Friedmann who committed suicide in 1938 by jumping out of the window of her house in Mannheim, because the Nazis had come to arrest her. The Claimants stated that Lucy Neugass died on 3 September 1953 in Paris and that [REDACTED], née [REDACTED], died on 16 December 1984.

In support of their claims, the Claimants submitted documents including a family tree; Lucy Neugass' marriage certificate; her son, Rudolf Neugass' birth certificate; a letter verifying Rudolf Neugass' address; Rudolf Neugass' immunization record; and documents from 1941 securing Rudolf Neugass' entry to the United States. Claimant [REDACTED 1] indicated that he was born on 23 April 1926 in Ardeche, France and Claimant [REDACTED 2] indicated that he was born on 19 August 1962 in Ardeche.

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

The Bank's records consist of power of attorney forms, an acknowledgement card of receipt of instructions for a custody account, a letter to the bank regarding power of attorney, and printouts from the Bank's database. According to the Bank's records, one of the Account Owners was *Frau Wwe.* (Mrs. widow) Clara Sonnemann of Elisabethstrasse 4 in Mannheim, who gave power of attorney to Lili Erna Friedmann, née Sonnemann, of Mannheim. In a letter to the Bank, dated 29 October 1933, Account Owner Sonnemann also confirmed giving a power of attorney for her cash and securities to her nephew *Herr* (Mr.) Rudolf Neugass. The Bank's records also indicate that the second Account Owner was *Madame* (Mrs.) Lucy Neugass of 39 Boulevard du Chateau, Neuilly sur Seine, who gave a power of attorney to *Monsieur* (Mr.) Rudolf Neugass, also of 39 Boulevard du Chateau, and to *Madame* (Mrs.) Alice Lotte Hirsch-Neugass of Rue Amiral-de-Joinville 16, Neuilly sur Seine. The Bank's records indicate that Account Owner Sonnemann held a custody account as well as a demand deposit account, both numbered 35128, and that Account Owner Neugass held an account of unknown type. The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. 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. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owners, the Power of Attorney Holders or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Claimant [REDACTED 2]'s great-grandmother's name and city of residence (Lucy Neugass of Neuilly sur Seine) matches the published name and city of residence of one of the Account Owners, and his grandfather's name (Rudolf Neugass) matches one of the names of the Power of Attorney Holders. Claimant [REDACTED 1]'s wife's grandmother's name and city of residence (Lucy Neugass of Neuilly sur Seine) matches the published name and city of residence of one of the Account Owners, and his wife's father's name (Rudolf Neugass) matches one of the names of the Power of Attorney Holders. The Claimants identified Rudolf Neugass' address as well as Power of Attorney Holder Lili Erna Friedman's name, which matches unpublished information about the Account Owners contained in the Bank's records. Additionally, the Claimants identified Account Owner Clara Sonnemann as a relative by identifying Lili Erna Friedman, whose maiden name was Sonnemann, according to Bank's records. In support of their claims, the Claimants submitted documents, including a family tree, Rudolf Neugass' and Lucy Neugass' marriage certificates, a letter verifying Rudolf Neugass' address, Rudolf Neugass' immunization record, and documents from 1941 securing Rudolf Neugass' entry to the United States.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rudolf Neugass, and indicates that his date of birth was 13 March 1896 and place of birth was Leipzig, which matches the information about the Power of Attorney Holder provided by the Claimants. The database also includes persons named Clara Sonnemann, née [REDACTED], who was from Mannheim, was born on 15 May 1876 and died on 19 August 1942, who was an Account Owner; and Lotte Alice Neugass, née Hirsch, from Neuilly sur Seine, who was born 31 July 1898, who was a Power of Attorney Holder. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that there were no other claims to these accounts.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owner Neugass was Jewish, fled from the Nazis, and that her son and his family perished in Auschwitz. Although the Claimants did not address Account Owner Sonnemann's fate, the CRT notes that, according to the information in the Bank's records, she was related to Account Owner Neugass and lived in Germany until at least October 1933. The CRT therefore concludes that Account Owner Sonnemann was also Jewish and suffered persecution as a result of living in Nazi Germany. As noted above, a person named Rudolf Neugass, Account Owner Neugass' son, was included in the CRT's database of victims.

### The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting documents, including a family tree, demonstrating that Lucy Neugass was Claimant [REDACTED 2]'s great-grandmother and Claimant [REDACTED 1]'s wife's grandmother. As noted above, the Bank's records indicate that Account Owner Sonnemann was Rudolf Neugass' aunt. As noted above, the CRT's victim database includes a person named Clara Sonnemann, née [REDACTED]. Because Account Owner Neugass' maiden name was [REDACTED], the CRT concludes that Account Owner Sonnemann was Account Owner Neugass' sister. The CRT notes that it has not received any claims from the descendants of Account Owner Sonnemann.

### The Issue of Who Received the Proceeds

Given that Account Owner Lucy Neugass hid in central France until after the end of the Second World War; Rudolf Neugass, Account Owner Lucy Neugass' son and Power of Attorney Holder, was arrested in 1942 and later sent to Auschwitz where he perished; the Account Owners and their heirs would not have been able to obtain information about the account after the war from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the Bank's concern regarding double liability; the time of the closing of the Account Owner's account is unknown, but there is no record of the payment of the Account Owners' account to them or to their heirs in the Bank's records; and the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended ("the Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners, the Power of Attorney Holders, 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their relatives, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner Neugass held one account of unknown type and that Account Owner Sonnemann held one custody account and one demand deposit 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 custody account was 13,000.00 Swiss Francs, the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of an account of unknown type was 3,950.00 Swiss

Francs. The total historic value is, therefore, 19,090.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 238,625.00 Swiss Francs.

#### Division of the Award

According to Article 23(1)(c) and (d) 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. If no descendants have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation.

With respect to the account of unknown type held by Account Owner Neugass, Claimant [REDACTED 2], as a direct descendant of Account Owner Neugass, is more entitled to the account than his father, Claimant [REDACTED 1], who is related to Account Owner Neugass by marriage. Accordingly, Claimant [REDACTED 2] is entitled to the total award amount for that account.

With respect to the custody account and the demand deposit account held by Account Owner Sonnemann, Claimant [REDACTED 2], as a direct descendant of Account Owner Sonnemann's parents, is more entitled to the account than his father, Claimant [REDACTED 1], who is related to Account Owner Sonnemann by marriage. Accordingly, Claimant [REDACTED 2] is entitled to the total award amount for those accounts.

#### **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  
July 15, 2003