

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Samuel Nidermayer**

Claim Numbers: 217400/MD, 217401/MD, 217547/MD, 217549/MD<sup>1</sup>

Award Amount: 76,704.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Samuel Nidermayer (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 Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her paternal grandfather, Samuel Nidermayer (Nidermayer), who was born in 1883 in Cotsma, Austria-Hungary, and was married to [REDACTED], with whom he had three children: [REDACTED], [REDACTED], and [REDACTED]. The Claimant indicated that Samuel Nidermayer was a partner in a company called *BUWAG* (“*Bukowiner Wolle Aktien Gessellschaft*”) that traded wool products. The Claimant stated that her grandfather, who was Jewish, lived in Czernowitz, Romania, until 1942, and then in Bucharest, Romania, where he died in 1947. The Claimant asserted that his wife also died in Bucharest in 1946. The family tree provided by the Claimant indicates that [REDACTED] died in 1950 in the U.S.S.R., that [REDACTED] died in 2001 in Toronto, and that the Account Owner’s daughter, [REDACTED], is still alive. The Claimant stated that she is the daughter of [REDACTED] and that she was born on 31 October 1938 in Czernowitz.

---

<sup>1</sup> The Claimant has filed two other claims to the accounts of [REDACTED] and [REDACTED]. The CRT has registered these claims under the Claim numbers 217546 and 217548. These claims will be treated in separate decisions.

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

The bank records consist of a list of dormant accounts, a signature sample, bank statements, and bank correspondence to the Account Owner. According to these records, the sole Account Owner was Samuel Nidermeyer from Romania, who was associated with a company named *BUVAG*. The bank records indicate that the Account Owner held a demand deposit account numbered 707.376, and that the Bank held the Account Owner's correspondence. The bank documents indicate that the account was transferred to a suspense account no later than December 1965, and that the value of the account on the date of its transfer was 4,502.00 Swiss Francs. The bank statements indicate that the Bank continued to deduct fees from the account even after its transfer to the suspense account. A handwritten notation on one of the lists of dormant accounts dated 15 February 1988 states that, "according to information provided by Herr Walch, these are not really 'dormant' accounts" ("*gemäss Auskunft Hr. Walch sind dies keine echten 'schlafenden' Konti*"). In a letter to the Account Owner dated 16 February 1996 (which was held at the Bank), the Bank informed the Account Owner that his account in the meantime had a balance of less than 200.00 Swiss Francs, and that, in order to spare him further charges, it was canceling the account as of that date, in accordance with its general business practices. The letter stated that the Bank would welcome a renewed opening of the account in the future and that the Bank is convinced that it acted in the Account Owner's interest.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the discretion of the Claims Judges. In this case, the CRT determines it appropriate to join the Claimant's claims in one proceeding.

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. She stated that her grandfather was a partner in a company called *BUWAG*, which is the phonetic equivalent of the unpublished name of the company associated with the Account Owner contained in the bank documents.

### 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 was Jewish, and that he lived in Romania, where he was persecuted on the basis of Nazi-inspired racial laws which were enforced there.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including birth and death certificates of her family members, demonstrating that she is the granddaughter of the Account Owner. While the Claimant has indicated that the Account

Owner has other living heirs, the CRT notes that none of her relatives have filed a claim to the account of the Account Owner.

#### The Issue of Who Received the Proceeds

The bank records indicate the account was closed in February 1996 as a result of the imposition of bank fees.

#### 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her grandfather, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his received the proceeds of the claimed account.

#### Amount of the Award

The bank records indicate that the value of the account as of December 1965 was 4,502.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 1,890.00 Swiss Francs, which reflects numbered account fees and standardized bank fees charged to the account between 1945 and 1965. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 6,392.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 76,704.00 Swiss Francs.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on her claim 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  
October 24, 2002