

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3],
[REDACTED 4] and [REDACTED 5]
all represented by Christophe Aubrun and Denis Delcros

**in re Accounts of Henri Nordmann, Madeleine Louise Nordmann,
Anne Marie Nordmann and Paul Bernard Seligmann**

Claim Numbers: 222942/PY; 222943/PY; 222944/PY; 222945/PY;
222946/PY; 222947/PY; 222948/PY

Award Amount: 292,125.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) to the accounts of Madeleine Louise Nordmann, as well as the claims of [REDACTED 5] (“Claimant [REDACTED 5]”) (together the “Claimants”) to the accounts of Madeleine Louise Nordmann, Henri Nordmann, and Anne Marie Blum. This Award is to the published accounts of Madeleine Louise Nordmann (“Account Owner M. Nordmann”), Henri Nordmann (“Account Owner H. Nordmann”), Paul Bernard Seligmann (“Account Owner Seligmann”) and Anne Marie Nordmann (Account Owner Anne Marie Nordmann”) (together the “Account Owners”) at the Geneva and London branches of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as have all the claimants in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3] and [REDACTED 4] each submitted a Claim Form identifying Account Owner M. Nordmann as their paternal grandmother, while Claimant [REDACTED 5] submitted a Claim Form identifying Account Owner M. Nordmann as his maternal grandmother, Madeleine Louise Nordmann, née Biltz. The Claimants stated that their grandmother, who was born on 19 June 1891 in Lyon, France, was married first to [REDACTED] and subsequently to Henri Nordmann, on 6 June 1919, also in Lyon. Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3] and [REDACTED 4] stated that their grandmother had one child by her first marriage, Paul Bernard Seligmann (Seligman), who is their father, while Claimant [REDACTED 5] stated that his grandmother had

one child by her second marriage, Anne Marie Blum, née Nordmann, who is Claimant [REDACTED 5]'s mother. The Claimants, who submitted similar Claim Forms, stated that their grandmother, who was Jewish, was a housewife. The Claimants stated further that she resided in Lyon between 1919 and 1939 successively at 5 Boulevard des Belges, 182 Avenue du Marechal de Saxe, and at 7 Quai Jules Courmont. According to the Claimants, their grandmother fled Lyon on an unknown date during the Second World War, seeking refuge in a camp near Lausanne, Switzerland. The Claimants stated that their grandmother returned to Lyon after its liberation, where she remained until her death on 29 December 1954. Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4] submitted their grandmother's marriage certificate (to Henri Nordmann), which contains Henri Nordmann's signature; Madeleine Nordmann's death certificate, as well as the birth and death certificates of Paul Seligmann, which indicate that he is Madeleine Nordmann's son. In addition, the Claimants submitted their birth certificates, which indicate that their father was Paul Selignan. Claimant [REDACTED 1]'s birth certificate contains a notation in the margin made by local authorities, indicating that Paul Seligmann changed his last name to Selignan pursuant to a court order dated 22 May 1956. Claimant [REDACTED 5] submitted the marriage and death certificates of his mother, Anne Marie Blum, which state that her parents were Madeleine and Henri Nordmann, as well as his own birth certificate, which states that his mother is Anne Marie Blum.

Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], and [REDACTED 4] identified Account Owner Seligmann as their father, Paul Bernard Seligmann, who later changed his last name to Selignan. They stated that their father, who was born on 28 February 1914 in Lyon, was married to [REDACTED], their mother, on 20 May 1949 in Lyon. They stated further that their father died on 13 June 1995 in Lyon, and their mother died on 19 August 1996, also in Lyon.

Claimant [REDACTED 5] submitted two Claim Forms, identifying Account Owners H. Nordmann and M. Nordmann as his maternal grandparents, and Account Owner Anne Marie Nordmann as his mother. Claimant [REDACTED 5] stated that Henri Nordmann, who was born on 5 June 1882 in Saint Etienne, France, married his grandmother, Madeleine Nordmann, on 6 June 1919. Claimant [REDACTED 5] added that his grandparents, who were Jewish, resided in Lyon between 1919 and 1939 at 25 Rue Royale, at 182 Avenue du Marechal de Saxe, and at 7 Quai Jules Courmont. Claimant [REDACTED 5] also stated that his grandfather was a merchant, and was a partner of the company *Charles Bon Chara*, which was located at 40 or 50 Rue de l'Hôtel de Ville, also in Lyon. Claimant [REDACTED 5] stated that his grandparents sought refuge in a camp near Lausanne, where his grandfather died on 17 September 1943. Claimant [REDACTED 5] further stated that his mother, Anne Marie Blum, née Nordmann, was born on 17 March 1920 in Lyon, and was married to [REDACTED] on 24 June 1939, also in Lyon. Claimant [REDACTED 5] added that his mother, who was Jewish, resided in Lyon at 7 Quai Jules Courmont until she fled with her parents to a camp near Lausanne during the Second World War. Claimant [REDACTED 5] stated that his parents survived the Second World War, that his mother died in Lyon on 11 March 1997, and that his father, [REDACTED], died on 1 December 2000, also in Lyon. Claimant [REDACTED 5] submitted the birth and death certificates of his mother, together with her marriage certificate, which contains a sample of her signature.

Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3] and [REDACTED 4] stated that they were born in Lyon on 18 July 1953, 12 February 1950, 12 May 1951, and 25 October 1959, respectively. Claimant [REDACTED 5] stated that he was born on 14 April 1947, also in Lyon.

Information Available in the Bank's Records

The Bank's records consist of two account registry cards and printouts from the Bank's database. According to these records, the Account Owners were Henri Nordmann, and his wife *Madame* (Mrs.) Madeleine Louise Nordmann, née Biltz; *Mademoiselle* (Miss) Anne Marie Nordmann; and Paul Bernard Seligmann. These records state that the Account Owners resided at 7, Quai Jules Courmont in Lyon, France. The Bank's records indicate that Account Owners M. Nordmann and H. Nordmann jointly held a safe deposit box numbered 556/10, under account number T.H. 20541, the rental agreement for which is dated 17 July 1937. The Bank's records further state that the Power of Attorney Holders were Paul Bernard Seligmann and Miss A. Nordmann. The Bank's records indicate that the safe deposit box was closed on 27 December 1940. The Bank's records include a notation that the account consisted only of the safe deposit box and did not contain any items of intrinsic value ("*coffre seulement-pas de titres ni de fonds*").

The Bank's records further state that the Account Owners jointly held a custody account numbered T.L. 22306, which was opened on 17 May 1939. According to these records, on 16 May 1939, Account Owner H. Nordmann closed a custody account numbered O.P. 16627 that he held with the Bank and transferred part of the assets it contained in three small installments (*trois petits versements*) to custody account numbered T.L. 22306. The Bank's records state that the assets contained in custody account numbered O.P. 16627 were valued at 300,000.00 Swiss Francs. However, the Bank's records neither indicate the value of the three installments, nor the total value of custody account numbered T.L. 22306 on the date that it was opened. The Bank's records do not show when custody numbered T.L. 22306 account was closed, or to whom it was paid, nor do these records indicate the value of this account. 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 this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

The Bank's records also indicate that the Account Owners jointly held three demand deposit accounts: one in Swiss Francs, one in Pounds Sterling and one in United States Dollars, also all numbered T.L. 22306, as well as one account of unknown type numbered 10394 held at the London branch of the Bank. With regard to the demand deposit account in Swiss Francs, the Bank's records state that it was closed to the Bank's profit and loss account on 21 November 1941, with a balance of 5.00 Swiss Francs as of that date. With regard to the demand deposit accounts in Pounds Sterling and United States Dollars, the Bank's records state that these accounts were closed prior to 21 November 1941, but the exact date of closure is not indicated in the Bank's records. The amounts in these accounts at the time of their closure are unknown. There is no evidence in the Bank's records that the Account Owners, the Power of Attorney

Holders, or their heirs closed these accounts and received the proceeds themselves. The CRT notes that the auditors who carried out the ICEP Investigation did not report the account of unknown type numbered 10394 held at the Bank's London branch and therefore, no information is available as to the disposition of this 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 seven claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have all plausibly identified Account Owner M. Nordmann. Their grandmother's name (including her maiden name) and city of residence, match the published name and city of residence of Account Owner M. Nordmann. Claimant [REDACTED 5] has identified Account Owner H. Nordmann, since his grandfather's name and city of residence match the published name and city of residence of Account Owner H. Nordmann, as well as Account Owner Anne Marie Nordmann, since his mother's maiden name matches the published name of one of the Power of Attorney Holders and the published name of Account Owner Anne Marie Nordmann. Similarly, Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3] and [REDACTED 4] have identified Account Owner Seligmann, as their father's name matches the published name of the other Power of Attorney Holder and the published name of Account Owner Seligmann. The Claimants identified the Account Owners' street address in Lyon, which also matches unpublished information about the Account Owners contained in the Bank's records. Finally, the Claimants submitted samples of Madeleine Nordmann and Henri Nordmann's signatures, which match the signature samples of Account Owners M. Nordmann and H. Nordmann contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes four persons named Anne Marie Blum-Nordmann, Madeleine Nordmann-Biltz, Henri Nordmann, and Paul Seligmann, and indicates that their dates of birth were 17 March 1920, 19 June 1891, 5 June 1882, and 28 February 1914 respectively, which matches the information about the Account Owners provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the other claim to the account of Paul Seligmann was disconfirmed because that claimant provided a different country of residence than that of Account Owner Seligmann and did not identify the other Account Owners.

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 Account Owner M. Nordmann was Jewish and fled Lyon to a camp in Lausanne during the Second World War. Claimant [REDACTED 5] stated that Account Owners H. Nordmann and Anne Marie Nordmann were also Jewish, and that like Account Owner M. Nordmann, they sought refuge in a camp near Lausanne during the Second World War. Although the Claimants did not provide any information about Account Owner Seligmann's fate during the Second World War, the CRT notes that an individual named Paul Seligmann with the same birth date and nationality as Account Owner Seligmann is found in its database containing the names of victims of Nazi persecution, which states that Paul Seligmann was Jewish and was a civil refugee in Switzerland. As noted above, persons named Anne Marie Blum-Nordmann, Madeleine Nordmann-Biltz, and Henri Nordmann were also included in the CRT's database of victims.

The Claimants' Relationship to the Account Owners

Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3] and [REDACTED 4] have demonstrated that they are related to Account Owners M. Nordmann and Seligmann by submitting their father's birth certificate as well as their own birth certificates, which indicate that the four Claimants are the children of Paul Selignan, formerly Paul Seligmann, and that Paul Seligmann was the son of Madeleine Seligmann, née Biltz (subsequently Madeleine Nordmann, née Biltz) and [REDACTED]. Claimant [REDACTED 5] has demonstrated that he is related to Account Owners H. Nordmann, M. Nordmann, and Anne Marie Nordmann by submitting his birth certificate, which states that his parents were Anne Marie Nordmann and [REDACTED]; his mother's marriage certificate, which states that Anne Marie Nordmann's parents were Henri and Madeleine Nordmann; and his mother's birth certificate, which states that Anne Marie Nordmann's parents were Henri Nordmann and Madeleine Nordmann, née Biltz.

The Issue of Who Received the Proceeds

With respect to the two demand deposit accounts held in U.S. Dollars and Pounds Sterling, the custody account numbered T.L. 22306 and the account of unknown type numbered 10394, held at the London branch of the Bank, given that there is no record of a date of closure of the custody account numbered T.L. 22306 and the account of unknown type numbered 10394 held at the London branch of the Bank, nor any record of the payment of any of the accounts to the Account Owners; that the Account Owners and their heirs would not have been able to obtain information about these closed accounts after the Second World 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, and given the application of Presumptions (a), (f), (h), and (j), as provided in Article 28 of 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.

With respect to the safe deposit box, the Bank's records indicate that it contained nothing of intrinsic value and was closed on 27 December 1940.

With respect to the demand deposit account held in Swiss Francs and closed on 21 November 1941, the Bank's records indicate the account was taken into bank profits.

With respect to the custody account numbered O.P. 16627 and closed on 16 May 1939, the Bank's records state that Account Owner H. Nordmann closed this account and received the proceeds of the account.

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, Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3] and [REDACTED 4] have plausibly demonstrated that Account Owners M. Nordmann and Seligmann were their grandmother and father, respectively, while Claimant [REDACTED 5] has plausibly demonstrated that Account Owners M. Nordmann, H. Nordmann, and Anne Marie Nordmann were his grandmother, grandfather, and mother respectively, and those relationships justify an Award. Finally, the CRT has determined that with respect to the demand deposit account in Swiss Francs, neither the Account Owners, the Power of Attorney Holders nor their heirs received the proceeds of the claimed account. With respect to the remaining accounts (except for the custody account closed by Account Owner Henri Nordmann on 16 May 1939), 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 Owners held one safe deposit box account, one custody account, three demand deposit accounts, and one account of unknown type. With respect to the custody account, the two demand deposit accounts in U.S. Dollars and Pounds Sterling, and the account of unknown type, 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. Thus, the total average value for these four accounts is 21,230.00 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 an amount of 265,375.00 Swiss Francs.

With respect to the safe deposit box, the Bank's records clearly indicate that it did not contain any items of intrinsic value. Accordingly, no value is awarded for this account.

The Bank's records indicate that the value of the demand deposit account held in Swiss Francs as of 21 November 1941 was 5.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00

Swiss Francs. The current value of the amount of this account 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 an award amount for this account of 26,750.00 Swiss Francs. Consequently, the total award amount is 292,125.00 Swiss Francs.

Division of the Award

According to Article 25(1) of the Rules, if an account is a joint account, as is the case with all the accounts at issue, it shall be presumed that each account owner was the owner of an equal share of the account. Consequently, with respect to all the accounts which were held jointly by all the Account Owners, it is presumed that each of the Account Owners held a quarter-share in these accounts. Further, 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 of the Account Owner who have submitted a claim, in equal shares by representation.

With respect to all the accounts except for the safe deposit box, for which as previously stated, no value is being awarded, the value of these accounts is divided into four equal shares to be distributed to the descendants of each Account Owner, in equal shares by representation. All five of the Claimants are grandchildren of Account Owner M. Nordmann, so each Claimant takes an equal part of her share. Claimant [REDACTED 5] is the only descendant of Account Owners H. Nordmann and Anne Marie Nordmann; therefore, Claimant [REDACTED 5] takes their shares. Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3] and [REDACTED 4] are descendants of Account Owner Seligmann; therefore, these Claimants take equal shares of Account Owner Seligmann's share. Thus:

Custody account numbered T.L. 22306, three demand deposit accounts, and the account of unknown type numbered 10394, jointly held by all the Account Owners:

Claimant [REDACTED 1]	9/80 ^{ths}
Claimant [REDACTED 2]	9/80 ^{ths}
Claimant [REDACTED 3]	9/80 ^{ths}
Claimant [REDACTED 4]	9/80 ^{ths}
Claimant [REDACTED 5]	11/20 ^{ths}

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
28 May 2004