

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and Claimant [REDACTED 2]  
also acting on behalf of [REDACTED 3]

**in re Account of Nuta Novac, Hella Novac, Solomon Leiba, and Leia Leiba**

Claim Numbers: 785051/JG/RS;<sup>1</sup> 217974/JG/RS; 217975/JG/RS;  
734413/JG/RS; 734427/JG/RS<sup>2</sup>

Award Amount: 103,620.50 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the accounts of Solomon Leiba and Leia Leiba; and the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together, the “Claimants”) to the account of Nuza Novac. This Award is to the published account of Nuta Novac (“Account Owner Nuta Novac”), Hella Novac (“Account Owner Hella Novac”), Solomon Leiba (“Account Owner Solomon Leiba”), and Leia Leiba (“Account Owner Leia Leiba”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Claim Forms and two Initial Questionnaires (“IQ”) identifying Account Owner Leia Leiba as her maternal aunt, Leia D. Leiba, née Novac, and

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<sup>1</sup> In 1999, Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted one Initial Questionnaire (“IQ”), numbered ENG-0587-140, 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). That IQ was forwarded to the CRT and has been assigned claim number 785051.

On 9 March 2006, the CRT treated Claimant [REDACTED 2]’s claim to the account of Nuza Novac.

<sup>2</sup> In 1999, [REDACTED 1] (“Claimant [REDACTED 1]”) submitted two IQs, numbered OTH-0002-146 and OTH-0002-199, to the Court in the United States. The IQ’s were forwarded to the CRT and have been assigned claim numbers 734413 and 734427, respectively.

Claimant [REDACTED 1] submitted one additional claim, which is registered under the Claim Number 210190. In a separate decision, the CRT awarded the accounts of Eli Isaac to Claimant [REDACTED 1]. See *In re Account of Eli Isaac* (approved on 20 October 2006).

Account Owner Solomon Leiba as her maternal uncle, Solomon L. Leiba. Claimant [REDACTED 1] indicated that Leia Leiba was born on 13 August 1904 in Buhusi, Romania, and that Solomon Leiba was born on 28 December 1909 in Boghicea, Romania. According to Claimant [REDACTED 1], her aunt and uncle, who were Jewish, were married on 5 September 1939 in Bucharest, Romania, and resided at Stupineistr. 33 in Bucharest.

According to Claimant [REDACTED 1], Leia Leiba worked as a secretary at the Bucharest branch of the Swiss company *Brown Boveri* until 1940, and Solomon Leiba was a diplomat and economist. Claimant [REDACTED 1] indicated that her aunt and uncle were both forced out of their employment as a result of the racial laws in place at the time. Claimant [REDACTED 1] further indicated that her aunt and uncle legally changed their surname from Leiba to Luca in October 1945.

According to Claimant [REDACTED 1], Solomon Leiba died on 4 September 1960 in Bucharest, and Leia Leiba died on 5 April 1982, also in Bucharest. Claimant [REDACTED 1] stated that her aunt and uncle did not have children.

Claimant [REDACTED 1] submitted copies of notarized German language translations of:

- (1) her uncle's Romanian birth certificate, which indicates that Solomon I. Leiba was born on 28 December 1909 in Slobozia, Romania, that he was Jewish, and that his parents were [REDACTED] and [REDACTED];
- (2) her aunt and uncle's Romanian marriage certificate, which indicates that Solomon L. Leiba and Leia D. Novac were Jewish, and were married on 5 September 1939 in Bucharest;
- (3) a Romanian Ministry of Finance document, dated 21 November 1945, which indicates that Solomon Leiba of Stupinei Str. Nr. 33 was given permission to change his surname to Luca;
- (4) her uncle's Romanian death certificate, which indicates that Solomon Luca died on 4 September 1960 in Bucharest, and that his father's name was [REDACTED];
- (5) her uncle's Romanian inheritance document, dated 31 March 1961, which indicates that Solomon Luca's heirs were his wife, Leia Luca; his parents, [REDACTED] and [REDACTED]; and his sister, [REDACTED];
- (6) her aunt's Romanian death certificate, which indicates that Leia Luca was born on 15 August 1904 in Buhusi, and that she died on 5 April 1982 in Bucharest; and
- (7) her aunt's Romanian inheritance document, dated 1 November 1982, which indicates that Leia Luca's sole heir was [REDACTED 1] of Bucharest.

In addition, Claimant [REDACTED 1] submitted a decision from the Swiss Federal Department of Foreign Affairs (*Eidgenössisches Departement für Auswärtige Angelegenheiten*), dated 26

November 2001, regarding Claimant [REDACTED 1]’s claim to the assets of Leia Leiba and Solomon Leiba, which were identified pursuant to the 1962 Swiss Federal Survey (the “1962 Survey”).<sup>3</sup> This decision (the “Swiss Compensation Decision”) indicates that Nuta Novac, Hella Novac, Solomon Leiba, and Leia Leiba jointly owned a bank account. It also indicates that a claimant named [REDACTED 3] of Halifax, Canada had submitted a claim to the Swiss Government regarding the assets of Nuta Novac and Hella Novac, and that he was representing [REDACTED 2] of Larchmont, the United States in his claim.

This decision further indicates that the Swiss government paid total compensation of 27,841.00 Swiss Francs (“SF”) with respect to the account belonging to Nuta Novac, Hella Novac, Solomon Leiba, and Leia Leiba; and that the total compensation was divided as follows: Claimant [REDACTED 1] received compensation of SF 13,920.50, or one-half of the total compensation for the account, representing the presumed half of the account belonging to account owners Solomon Leiba and Leia Leiba; [REDACTED 3] received compensation of SF 8,700.30, or five-sixteenths of the total compensation for the account, representing one portion of the share of the account belonging to account owners Nuta Novac and Hella Novac; and [REDACTED 2] received compensation of SF 5,220.20, or three-sixteenths of the total compensation for the account, representing the other portion of the share of the account belonging to account owners Nuta Novac and Hella Novac.

Claimant [REDACTED 1] indicated that she was born on 6 May 1936 in Roman, Romania.

#### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an IQ identifying Account Owner Nuta Novac as her father, Nuta (also called Nuza or Nathan) Novac, who was Jewish, and Account Owner Hella Novac as her father’s first wife, Hella Novac. Claimant [REDACTED 2] indicated that Hella Novac already had a child named [REDACTED 3] when she married Nuta Novac and that Nuta Novac adopted [REDACTED 3] as his own child. According to Claimant [REDACTED 2], Hella and Nuta Novac, who were both Jewish, resided in Bucharest during the Second World War. Claimant [REDACTED 2] stated that she believed that Hella and Nuta Novac were forced to reside in a ghetto, and to wear the yellow star as identification. Claimant [REDACTED 2] indicated that Hella Novac died in childbirth during the Second World War, and that Nuta Novac subsequently married Claimant [REDACTED 2]’s mother, [REDACTED].

Claimant [REDACTED 2] also stated that her father, who survived the Holocaust, made several trips to Switzerland in the 1970s and 1980s in order in part to locate accounts that he maintained he had held during the Second World War, but that he was unable to recover those accounts.

In support of her claim, Claimant [REDACTED 2] submitted her father’s Certificate of Canadian Citizenship and accompanying report, indicating that Nuza Novac was born on 15 December 1905 in Romania.

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<sup>3</sup> By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (“the 1962 Survey”).

Claimant [REDACTED 2] indicated that she was born on 30 September 1947.

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

The CRT notes that 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 report an account belonging to Nuta Novac, Hella Novac, Solomon Leiba, or Leia Leiba during their investigation. The documents evidencing accounts belonging to these account owners were obtained from archival sources in the Swiss Federal Archive and are further described below.

### **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (“the 1962 Survey”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the joint assets of Nuta Novac, Hella Novac, Solomon Leiba, and Leia Leiba, numbered 175.

According to these records, the Account Owners were *Herr* (Mr.) Nuta & *Frau* (Mrs.) Hella Novac, and *Herr* Solomon & *Frau* Leia Leiba, all of whom were Romanian citizens, and all of whom resided in Romania. These records indicate that the Bank's last contact with the Account Owners was prior to the end of the Second World War.

These records indicate that the Account Owners held a numbered demand deposit account, held under the numbered account relationship 14914. These records further indicate that as of 1 September 1963, the account held a balance of SF 9,475.60. A stamp on the documents warns that they were to be treated with special care, as the Account Owners were domiciled behind the Iron Curtain.

Furthermore, according to the records from the Swiss Federal Archive, the demand deposit account at issue was reported by the Bank to the registration office for assets of missing foreigners at the Swiss Federal Justice Department on 27 February 1964; on 21 October 1965, it was reported by the Justice Department to the Cantonal Guardianship Authority of the City of Zurich (*Vormundschaftsbehörde der Stadt Zürich*); and on 2 December 1966, it was placed under the guardianship of Dr. H. Häberlin.

Additionally, pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account (“Voluntary Assistance”). The Bank provided the CRT with additional documents. These documents consist of lists of dormant accounts, memoranda, and printouts from the Bank's database.

These records further indicate that on 10 September 1968, the Bank closed the Account Owners' demand deposit account, and transferred the SF 9,155.60 balance from the Account Owners' demand deposit account to a savings account, numbered 603894, which earned 3.75 percent interest. On 7 August 1969, the Bank opened a new custody account on behalf of the Account Owners, which held a bond in the [REDACTED] with a nominal value of SF 9,000.00, earning 5 percent interest, and maturing on 1 December 1976. These records indicate that the bond was purchased with the funds from the savings account, and that the savings account was then to be used as a receptacle for interest earned on the bond, and as a source from which the Bank's fees could be deducted.

The Bank's records indicate that the savings account was paid to the unclaimed assets fund on 26 July 1973, when it held a balance of SF 1,498.00, and that the custody account was paid to the unclaimed assets fund on 13 August 1973, when it was valued at SF 9,000.00. The Bank's records also indicate that the Bank considered the savings account closed as of July 1973, and the custody account to be closed as of an unknown date.

## **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 five claims of the Claimants in one proceeding.

### Identification of the Account Owners

Claimant [REDACTED 1] has plausibly identified Account Owner Leia Leiba and Account Owner Solomon Leiba. The names of Claimant [REDACTED 1]'s aunt and uncle match the published names of Account Owner Leia Leiba and Account Owner Solomon Leiba, and the maiden name of Claimant [REDACTED 1]'s aunt matches the published surname of Account Owner Nuta Novac and Account Owner Hella Novac.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her uncle's birth certificate and her aunt and uncle's marriage certificate, providing independent verification that the people who are claimed to be Account Owner Leia Leiba and Account Owner Solomon Leiba had the same names recorded in the records from the Swiss Federal Archive as the names of Account Owner Leia Leiba and Account Owner Solomon Leiba.

Claimant [REDACTED 2] has plausibly identified Account Owner Nuta Novac and Account Owner Hella Novac. The name of Claimant [REDACTED 2]'s father matches the published name of Account Owner Nuta Novac and the name of Claimant [REDACTED 2]'s father's first wife matches the published name of Account Owner Hella Novac.

In support of her claim, Claimant [REDACTED 2] submitted her father's Certificate of Canadian Citizenship and accompanying report, providing independent verification that the person who is claimed to be Account Owner Nuta Novac had virtually the same name recorded in the records from the Swiss Federal Archive as the name of Account Owner Nuta Novac.

The CRT notes that the names Leia Leiba, Solomon Leiba, Nuta Novac, and Hella Novac each appear only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that the other claim to this account was disconfirmed because that claimant was unable to provide a link to the names of Account Owner Nuta Novac and Account Owner Hella Novac.

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

Claimant [REDACTED 1] has made a plausible showing that Account Owner Leia Leiba and Account Owner Solomon Leiba were Victims of Nazi Persecution. Claimant [REDACTED 1] stated that Account Owner Leia Leiba and Account Owner Solomon Leiba were Jewish, that they resided in Nazi-allied Romania, and that they were both dismissed from their jobs as a result of the racial laws in place at the time.

Claimant [REDACTED 2] has made a plausible showing that Account Owner Nuta Novac and Account Owner Hella Novac were Victims of Nazi Persecution. Claimant [REDACTED 2] stated that Account Owner Nuta Novac and Account Owner Hella Novac were Jewish, that they resided in Nazi-allied Romania, that they were forced to wear the yellow star, and that Account Owner Nuta Novac and Account Owner Hella Novac were both forced to reside in ghettos.

#### The Claimants' Relationships to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that she is related to Account Owner Leia Leiba and Account Owner Solomon Leiba by submitting specific biographical information and documents, demonstrating that Account Owner Leia Leiba and Account Owner Solomon Leiba were her aunt and uncle, respectively. These documents include the inheritance document of Leia Luca, which indicates that Claimant [REDACTED 1] is her sole heir, the inheritance document of Solomon Luca, which indicates that he was married to Leia Luca, and the Romanian Ministry of Finance Document which indicates that Solomon Leiba changed his name to Solomon Luca in 1945.

There is no information to indicate that Account Owner Leia Leiba and Account Owner Solomon Leiba have other surviving relatives.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to Account Owner Nuta Novac and Account Owner Hella Novac by submitting specific biographical information and documents, demonstrating that Account Owner Nuta Novac was her father, and that Account Owner Hella Novac was her father's first wife. These documents include her father's Certificate of Canadian Citizenship and accompanying report, indicating that Nuta Novac was born on 15 December 1905 in Romania.

There is no information to indicate that Account Owner Nuta Novac and Account Owner Hella Novac have other surviving relatives, other than the party whom Claimant [REDACTED 2] is representing.

#### The Issue of Who Received the Proceeds

The records from the Swiss Federal Archive and the Bank's records indicate that in 1968, the Bank closed the Account Owners' demand deposit account; transferred the funds from the original demand deposit account to a savings account; and in August 1969, split the funds from the savings account between the savings account and a new custody account. These records also indicate that the balances of both the savings account and the custody account were paid to the Swiss unclaimed assets fund in 1973. The records further indicate that the Bank considered the demand deposit account, the savings account, and the custody account to be closed.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants and the parties they represent. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that Account Owner Leia Leiba and Account Owner Solomon Leiba were her aunt and uncle, and Claimant [REDACTED 2] has plausibly demonstrated that Account Owner Nuta Novac and Account Owner Hella Novac were her father and her father's first wife, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Account Owners held one demand deposit account held under a numbered account relationship. According to the Bank's records, as of 1 September 1963 (the available balance date closest to 1945), the account had a balance of SF 9,475.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 1,235.00, which reflects numbered account fees and standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 10,710.60.

The CRT notes that information provided by Claimant [REDACTED 1] indicates that in December 2001, Claimant [REDACTED 1], Claimant [REDACTED 2], and represented party [REDACTED 3] jointly received a total of SF 27,841.00 in compensation for these assets in the Swiss Compensation Decision. At this time, the CRT adjusted 1945 values to current values by using an adjustment factor of 11.5. Accordingly, the CRT uses that factor to determine the 1945 value that corresponds to the payment of SF 27,841.00 to reach an amount of SF 2,420.96. That amount is subtracted from the adjusted 1945 balance of the accounts for a total amount of SF 8,289.64 that has yet to be restituted. The current value of this amount is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 103,620.50.

### Division of the Award

The CRT notes that the account at issue is an account jointly held by four individuals, namely Mr. Nuta and Mrs. Hella Novac, and Mr. Solomon and Mrs. Leia Leiba. Pursuant to Article 25(1) of the Rules, if an account is a joint account and Claimants related to each of the Account Owners have submitted claims to the Account, it shall be presumed that each Account Owner was the owner of an equal share of the Account. In this case, the CRT concludes accordingly that Account Owner Nuta Novac and Account Owner Hella Novac jointly held one-half of the account, and that Account Owner Leia Leiba and Account Owner Solomon Leiba jointly held one-half of the account.

Accordingly, Claimant [REDACTED 1] is entitled to one-half of the award, namely the half belonging to Account Owner Leia Leiba and Account Owner Solomon Leiba, or SF 51,810.25; and Claimant [REDACTED 2] and represented party [REDACTED 3] are jointly entitled to one-half of the award, namely the half belonging to Account Owner Nuta Novac and Account Owner Hella Novac.

With regard to the half of the award amount representing that portion of the accounts held by Account Owner Nuta Novac and Account Owner Hella Novac, the CRT again relies on Article 25(1) of the Rules to conclude that each of these two account owners held an equal share in that portion of the account. With regard to Account Owner Hella Novac's share, the CRT notes that represented party [REDACTED 3], as Account Owner Hella Novac's son, is more entitled to her share of this portion of the account than Claimant [REDACTED 2]. With regard to Account Owner Nuta Novac's share, the CRT notes that represented party [REDACTED 3]'s as Account Owner Nuta Novac's adopted son, and Claimant [REDACTED 2], as Account Owner Nuta Novac's child with his second wife, are entitled to share this portion equally. Accordingly, Claimant [REDACTED 2] is entitled to one-eighth of the total award amount, or SF 12,952.56 and represented party [REDACTED 3] is entitled to three-eighths of the total award amount, or SF 38,857.69.

### **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  
8 October 2008