

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
and [REDACTED 3]

in re Accounts of Louis Pick and Berta Pick-Loose

Claim Numbers: 501792/NB, 501793/NB

Award Amount: 345,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (the “Claimant”) to the accounts of Louis Pick and Berta Pick-Loose. This Award is to the published accounts of Louis Pick (“Account Owner Louis Pick”) and Berta Pick, née Loose (“Account Owner Berta Pick-Loose”) (together the “Account Owners”) opened for the benefit of [REDACTED], [REDACTED] and [REDACTED] (the “Beneficiaries”), and to the published account of Account Owner Louis Pick, over which Account Owner Berta Pick-Loose held power of attorney, at the Basel branch of the [REDACTED] (the “Bank”).¹

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 two Claim Forms identifying the Account Owners as her maternal great-grandparents, Professor Dr. Med. Louis Pick and Berta Pick, née Loose, and identifying the Beneficiaries as her mother’s cousins, [REDACTED], [REDACTED] and [REDACTED]. The Claimant stated that her great-grandfather, who was born on 28 May 1872 in Landsberg

¹ The CRT notes that the name Bert Pick-Loose appears on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). Upon careful review, the CRT has determined that the Bank’s records show that the Account Owner’s name is Berta Pick, née Loose. The CRT also notes that on the 2001 ICEP List, [REDACTED] is listed as having one account, [REDACTED] as having two accounts, and [REDACTED] as having two accounts. Upon careful review, the CRT has determined that the Bank’s records evidence the existence of two accounts opened by Account Owner Louis Pick and Account Owner Berta Pick-Loose on behalf of [REDACTED], [REDACTED] and [REDACTED], jointly. The CRT finally notes that on the 2001 ICEP List, the place of residence for [REDACTED], [REDACTED] and [REDACTED] is listed as Königsberg, Germany. Upon careful review, the CRT has determined that the Bank’s records show that [REDACTED], [REDACTED] and [REDACTED] resided in Crottingen, Lithuania.

(Warthe), Germany (now Gorzów Wielkopolski, Poland), was married on 11 September 1900 in Königsberg to Berta (Bertha) Loose, who was born on 4 April 1878 in Königsberg, Prussia (now Kaliningrad, Russia) to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that her great-grandparents, who were Jewish, had two children, [REDACTED] (the Claimant's maternal grandfather), and [REDACTED], née [REDACTED] (the mother of [REDACTED]), who was born on 2 April 1923, of [REDACTED], who was born on 9 November 1924, and of [REDACTED]).

According to the Claimant, her great-grandfather was a renowned ophthalmologist, whose clinic was located at Tragheimer Kirchenstrasse 27 in Königsberg, where he also resided with his wife in the 1920s. The Claimant stated that her relatives later resided at Hartungstrasse, Die Hufen in Königsberg, and at Haarbrückerstrasse 1a in Königsberg. The Claimant explained that in 1933, her great-grandfather's clinic and his home were subject to an official search, and that he was subsequently deprived of the right to practice. The Claimant stated that her great-grandparents had obtained papers to depart for England, but instead fled to Kaunas, Lithuania, where Louis Pick died on 26 July 1940. The Claimant stated that her great-grandmother later perished in the Kaunas ghetto.

According to the Claimant, [REDACTED], [REDACTED], née [REDACTED], and her husband, [REDACTED], died on 14 September 1955, 2 October 1977 and 17 February 1956 respectively, and that [REDACTED], [REDACTED] and [REDACTED], passed away on 18 November 1967, 19 December 1983, and 3 August 1991, respectively. The Claimant finally stated that her mother, [REDACTED], née [REDACTED], who was the daughter of [REDACTED], died on 20 August 1996.

In support of her claims, the Claimant submitted copies of:

- (1) her family tree, which indicates that her maternal grandfather, [REDACTED], was the son of Louis and Bertha Pick, the brother of [REDACTED], née [REDACTED], and the uncle of [REDACTED], [REDACTED], and [REDACTED];
- (2) her great-grandparents' wedding invitation, which indicates that Bertha Loose and Dr. L. Pick were to be married on 11 September 1900;
- (3) her grandfather's baby book, which indicates that [REDACTED] was born on 16 October 1904 to Louis Pick and Bertha Pick, née Loose, and that he was the brother of [REDACTED];
- (4) her mother's birth certificate, which indicates that [REDACTED] was the daughter of [REDACTED] and [REDACTED];
- (5) her own birth certificate, which indicates that she is the daughter of [REDACTED], née [REDACTED];
- (6) her sisters' birth certificates, which indicate that [REDACTED 2] and [REDACTED 3] are the daughters of [REDACTED], née [REDACTED];
- (7) a letter from Louis Pick's niece, [REDACTED], to her parents, dated 21 July 1933, which indicates that Louis Pick had been subject to an official search which took place on the premises of his clinic and home;
- (8) a page of testimony submitted to the Yad Vashem Memorial in Israel by the Claimant's grandmother, which indicates that Berta Pick, née Loose, was born on 4

April 1879 in Königsberg, to [REDACTED], née [REDACTED], and [REDACTED], that she was married to Prof. Louis Pick, that her place of residence before the War was Königsberg and that she perished in the Kaunas ghetto in Lithuania on 7 March 1944;

- (9) [REDACTED]'s death notification, prepared by his sister, [REDACTED], which indicates that [REDACTED] was born on 9 November 1924 in Lithuania, that he was the grandson of Prof. Dr. med. Louis Pick and Berta Pick, the son of [REDACTED], née [REDACTED], and [REDACTED], and the brother of [REDACTED], who was born on 2 April 1923 in Lithuania and who died on 18 December 1967;
- (10) her grandfather's probate certificate and last will, which indicate that [REDACTED]'s property was to be inherited by his wife, [REDACTED];
- (11) her grandmother's probate certificate and last will, which indicate that [REDACTED]'s residual property was to be inherited by her daughter, [REDACTED], née [REDACTED];
- (12) her mother's probate certificate and last will, which indicate that [REDACTED] died on 20 August 1996, and that her residual property was to be inherited by her three daughters, [REDACTED 1], [REDACTED 2] and [REDACTED 3].

The Claimant indicated that she was born on 13 August 1957 in London, the United Kingdom. The Claimant is representing her sisters, [REDACTED 2], who was born on 3 October 1958 in London, and [REDACTED 3], who was born on 2 April 1963 in London.

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 Owners were Prof. Dr. Louis Pick and Berta Pick, née Loose, who resided in Königsberg, Germany, and the Beneficiaries were [REDACTED], [REDACTED] and [REDACTED], who resided in Lithuania.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents, consisting of an account opening contract, two acknowledgement cards, a passbook customer card, and a power of attorney form.

These documents indicate that on 3 November 1931, the Account Owners, who resided at Haarbrückerstrasse 1a in Königsberg, Prussia, opened two accounts: one custody account, numbered 38017, and one passbook account, numbered 8605, both to be jointly owned by the Beneficiaries, [REDACTED], [REDACTED], and [REDACTED], when [REDACTED] reached the age of majority on 23 November 1947.

The Bank's records further indicate that *Frau* (Mrs.) [REDACTED], née [REDACTED], and [REDACTED], the guardians of the Beneficiaries with parental rights, signed the contract agreement on behalf of [REDACTED], who was born on 2 April 1923, [REDACTED], who was

born in 1924, and [REDACTED], who was born on 23 November 1926, all of whom were living in Crottingen, Lithuania.

The Bank's records indicate that the custody account numbered 38017 was closed on 24 November 1933. The Bank's records do not show when the passbook account numbered 8605 was closed.

Furthermore, these documents indicate that Account Owner Louis Pick held one custody account,² numbered 35416, which was opened on 18 January 1930 and closed on 14 July 1947, and one passbook account, numbered 5671, over which Account Owner Berta Pick-Loose held power of attorney and which was closed on 4 November 1933.

The amounts in these four accounts on the dates of their closure are unknown. There is no evidence in the Bank's records that the Account Owners, the Beneficiaries, the parents of the Beneficiaries, or their heirs closed the accounts and received the proceeds themselves.

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 two claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners and the Beneficiaries. The Claimant's great-grandparents' names, city and country of residence match the published names, city and country of residence of the Account Owners. The Claimant's mother's first cousins' names match the published names of the Beneficiaries. Moreover, the Claimant identified the street address of the Account Owners, the title held by Account Owner Louis Pick, a relationship among the Account Owners and the Beneficiaries, the country of residence of the Beneficiaries, the exact date of birth of [REDACTED], the year of birth of [REDACTED], as well as the names of the Beneficiaries' parents, all of which match unpublished information about the Account Owners, the Beneficiaries and the Beneficiaries' parents as contained in the Bank's records.

In support of her claims, the Claimant submitted documents, including a baby book, a wedding invitation and a letter, sent by [REDACTED] to her parents, which provide independent verification that the person who is claimed to be Account Owner Louis Pick had the same title

² The Bank's records contain a power of attorney form that references a "Titeldepot," which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that Account Owner Louis Pick held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that he held such an account.

recorded in the Bank's records as the title of Account Owner Louis Pick and that the persons who are claimed to be the Account Owners had the same names and resided at the same street address recorded in the Bank's records as the names and street address of the Account Owners. The Claimant also submitted [REDACTED]'s death notification, prepared by his sister, [REDACTED], which provides independent verification that the persons who are claimed to be the Beneficiaries had the same names, and resided in the same country recorded in the Bank's records as the names and the country of residence of the Beneficiaries, and furthermore that [REDACTED] had the exact same date of birth recorded in the Bank's records as the date of birth of [REDACTED], that [REDACTED] had the same year of birth recorded in the Bank's records as the year of birth of [REDACTED], and that the Claimant's mother's aunt and uncle had the same names recorded in the Bank's records as the names of the Beneficiaries' parents.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant's grandmother, which indicates that Berta Pick, née Loose, was born on 4 April 1879 in Königsberg, Germany, to [REDACTED], née [REDACTED], and [REDACTED], that she was married to Prof. Louis Pick, that her place of residence before the war was Königsberg, and that she perished in the Kaunas ghetto in Lithuania, on 7 March 1944.³ This information matches the information about the Account Owners provided by the Claimant. 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 these accounts was disconfirmed because that claimant provided a different country of residence, and a different maiden name than the country of residence and the maiden name of Account Owner Berta Pick-Loose.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that they resided in Nazi Germany, where Account Owner Louis Pick was deprived of the right to practice. The Claimant further indicated that Account Owner Louis Pick died in Kaunas, Lithuania, and that Account Owner Berta Pick-Loose later perished in the Kaunas ghetto. As noted above, a person named Berta Pick was included in the CRT's database of victims.

³ The CRT notes that the year of death of Account Owner Berta Pick-Loose indicated in the Yad Vashem page of testimony provided by the Claimant's grandmother is different from the year of death provided by the Claimant in the Claim Forms. However, given that the Claimant indicated that the exact date of her great-grandmother's death was unknown, the CRT has determined that this discrepancy does not adversely affect the identification of Account Owner Berta Pick-Loose.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Claimant and the represented parties were the Account Owners' great-grandchildren. These documents include: 1) her grandfather's baby book, which indicates that [REDACTED] was the son of Louis Pick and Bertha Pick, née Loose; 2) her mother's birth certificate, which indicates that [REDACTED] is the daughter of [REDACTED]; 3) her own birth certificate, which indicates that [REDACTED] is the daughter of [REDACTED], née [REDACTED]; and 4) her sisters' birth certificates, which indicate that represented parties [REDACTED 2] and [REDACTED 3] are the daughters of [REDACTED], née [REDACTED].

The CRT notes that the Claimant indicated that she has other surviving relatives, but that because they are not represented in the Claimant's claims, the CRT will not treat their potential entitlement to the Account Owners' accounts in this decision.

The Issue of Who Received the Proceeds

The Bank's records indicate that the passbook account numbered 5671 was closed on 4 November 1933, that the custody account numbered 35416 was closed on 14 July 1947 and that the custody account numbered 38017 was closed on 24 November 1933. The records do not indicate when the passbook account numbered 8605 was closed.

Given that there is no record of the payment of the Account Owners' accounts to them, to the Beneficiaries, or to the Beneficiaries' parents, that Account Owner Louis Pick died in Kaunas in 1940 and that Account Owner Berta Pick-Loose perished in the Holocaust, that the custody account numbered 35416 (for which no beneficiaries were specified) was closed on 14 July 1947, nearly seven years after Account Owner Louis Pick died; that the Account Owners' heirs would not have been able to obtain information about their 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 banks' concern regarding double liability; and given the application of Presumptions (g), (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 Beneficiaries, 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 Claimant and the parties she represents. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Claimant and the represented parties were the Account Owners' great-grandchildren, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, nor the Beneficiaries, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Louis Pick held one passbook account and one custody account, and the Account Owners held one passbook account and one custody account, for a total of two passbook accounts and two custody accounts at issue. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”) and the average value of a passbook account was SF 830.00. Thus, the combined 1945 average value for the four accounts at issue is SF 27,660.00. 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 SF 345,750.00.

Division of the Award

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. In this case, the Claimant is representing her sisters, [REDACTED 2] and [REDACTED 3]. Accordingly, the Claimant and the represented parties are each entitled to one-third of the total award amount.

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
30 September 2008