

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]
represented by Stephen Harnik

in re Accounts of Marie Ronsperger, Luise Ronsperger, and Marianne Hantsch

Claim Number: 222478/AX¹

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published accounts of Luise Ronsperger and Mrs. Ronsperger. This Award is to the published accounts of Luise Ronsperger (“Account Owner Luise Ronsperger”), Marie Ronsperger (“Account Owner Marie Ronsperger”) and Marianne Hantsch (“Account Owner Hantsch”) (together the “Account Owners”) at 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 grandmother, Luise Kautsky, née Ronsperger, who was born on 11 August 1864 in Vienna, Austria, and was married to [REDACTED]. According to the Claimant, the couple had three sons: [REDACTED], who was born on 14 February 1891, in Stuttgart, Germany; [REDACTED], who was born on 13 January 1892 in Stuttgart; and the Claimant’s father, [REDACTED], who was born on 1 November 1894 in Stuttgart. The Claimant indicated that her grandfather was a politician, and that her grandmother was a translator. The Claimant further indicated that her grandparents, who were Jewish, resided at Haizingergasse 9 in Vienna, until they fled to Amsterdam, the Netherlands, in 1938. According to the Claimant, her grandfather died in Amsterdam on 17 October 1938, and her grandmother was deported to Auschwitz, where she perished in December 1944. In a telephone conversation with the CRT on 6 October 2004, the Claimant indicated that as she was very young during the Second World War, she could not

¹ The Claimant submitted additional claims to the accounts of Karl Kautsky, Luise Kautsky, and Benedikt Kautsky, which are registered under Claim Numbers 222476, 222477, 222478. The CRT has awarded the accounts of Karl Kautsky, Luise Kautsky, Benedikt Kautsky, and Charlotte Kautsky to the Claimant. See *In re Accounts of Karl Kautsky, Luise Kautsky, Benedikt Kautsky, and Charlotte Kautsky* (approved on 28 July 2004).

remember any further specific details regarding Luise Kautsky or her family. In support of her claim, the Claimant submitted the records from the Austrian State Archive related to [REDACTED], indicating that his wife was Luise Kautsky, née Ronsperger, and that they resided in Vienna. The Claimant indicated that she was born on 22 February 1925 in Vienna. The Claimant is representing her cousins, [REDACTED 2], née [REDACTED], the daughter of [REDACTED], who was born on 17 February 1922 in Vienna, and [REDACTED 3], the son of [REDACTED], who was born on 5 March 1922 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to the Bank's record, the Account Owners were *Frau* (Mrs.) Marie Ronsperger, *Frl.* (Miss) Luise Ronsperger, and *Frau* (Mrs.) Marianne Hantsch, née Ronsperger. The Bank's record also indicates that *Dir.* (director) Emil Ronsperger was also a joint account owner, but his name was later crossed out by the Bank and replaced with *Frau* (Mrs.) Marie Ronsperger. The Bank's record indicates that the Account Owners resided in Vienna, Austria.

According to the Bank's record, the Account Owners held two demand deposit accounts and one custody account. The CRT notes that the opening dates of the accounts are illegible. The Bank's record indicates that the custody account was closed on 31 May 1938, and that one of the demand deposit accounts were closed no later than May 1938, but the exact dated of closure are illegible. The amount in the accounts on the dates of their closure is unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of [REDACTED], numbered 31127. These documents indicate that [REDACTED] resided in Amsterdam and that his wife was Luise Kautsky, née Ronsperger. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owners

The Claimant's grandmother's name and country of residence match the published name and country of residence of Account Owner Luise Ronsperger. The Claimant's grandmother's city of residence matches the unpublished city of residence of Account Owner Luise Ronsperger. Furthermore, the Claimant indicated that Ronsperger was her grandmother's maiden name,

which is consistent with unpublished information about Account Owner Luise Ronsperger in the Bank's records. The CRT notes that the Claimant did not specifically identify Account Owner Marie Ronsperger or Account Owner Marianne Hantsch but indicated that she could not remember further details about her family members as she was very young at the time of the Second World War. In support of her claim, the Claimant submitted records from the Austrian State Archive for [REDACTED], indicating that his wife was Luise Kautsky, née Ronsperger, and that they had a connection to Austria, providing independent verification that the person who is claimed to be Account Owner Luise Ronsperger had the same name and a connection to the same country as recorded in the Bank's records as the name and country of residence of Account Owner Luise Ronsperger.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Luise Ronsperger, and indicates that her date of birth was 11 August 1864, which matches the information about Account Owner Luise Ronsperger 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 there were no other claims to these accounts. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

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 Owner Luise Ronsperger was Jewish, and that she perished in Auschwitz in 1944.

As noted above, a person name Luise Ronsperger was included in the CRT's database of victims.

The Claimant's Relationships to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information, demonstrating that Account Owner Luise Ronsperger was the Claimant's grandmother. The CRT notes that the Claimant identified unpublished information about Account Owner Luise Ronsperger as contained in the Bank's records, and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT notes that given that the Bank's records indicate that the Account Owners shared the same last name, the CRT concludes that it is plausible that the Claimant was also related to Account Owner Marie Ronsperger and Account Owner Hantsch. There is no information to indicate that the Account Owners have other surviving heirs other than the parties which the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Bank's records indicate that the custody account was closed on 31 May 1938 and that the demand deposit accounts were closed no later than May 1938; that the only place of residence indicated in the Bank's records was Vienna; that Account Owner Luise Ronsperger

fled Austria in 1938 and perished in 1944 in Auschwitz; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their 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 (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, 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. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Luise Ronsperger was her grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 custody account and two demand deposit accounts. 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 accounts 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 demand deposit account was SF 2,140.00. Thus, the total 1945 average value of a custody account and a two demand deposit accounts is SF 17,280.00. 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 216,000.00.

Division of the Award

The CRT notes that according to Article 25(2) of the Rules, in cases where a joint account is claimed by relatives of only one or some of the joint account owners, it shall be presumed that the account was owned as a whole in equal shares by the Account Owners whose shares of the account have been claimed. In this case, the CRT notes that the Claimant did not specifically identify Account Owner Mrs. Ronsperger or Account Owner Hantsch and that it is not possible to determine the precise relationships between the Claimant and the parties she represents and Account Owner Mrs. Ronsperger and Account Owner Hantsch. Accordingly, the joint accounts shall be presumed to have been owned in whole by Account Owner Luise Ronsperger. Pursuant to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the Award shall be in favour of any descendants of the Account Owner who have submitted a claim,

in equal shares by representation. The Claimant is representing her two cousins, [REDACTED 2] and [REDACTED 3]. The Claimant, and her two cousins, as the grandchildren of Account Owner Luise Ronsperger, 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 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
18 November 2004