

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award Amendment**

to Claimant Anne Louise Roth

## **in re Account of Wilhelm Roth**

Claim Numbers: 213965/UM; 213966/UM

Award Amendment Amount: 4,637.50 Swiss Francs

This Certified Award Amendment is based upon the claims of Anne Louise Roth (the “Claimant”) to the accounts of Nathan Roth and Wilhelm Roth. This Award Amendment is to the published account of Wilhelm Roth (the “Account Owner”), over which Nathan Roth (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).<sup>1</sup>

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

On 12 November 2001 the Court approved an Award to the Claimant for a demand deposit account owned by the Account Owner (the “November 2001 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the November 2001 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of the demand deposit account was 2,140.00 Swiss Francs (“SF”), and that given the foregoing, the November 2001 Award amount shall accordingly be increased by SF 4,637.50.

The CRT notes that in the November 2001 Award, the CRT determined that the Claimant plausibly identified the Account Owner, that she plausibly demonstrated that she is related to the Account Owner, and that she made a plausible showing that the Account Owner was a Victim of Nazi persecution. Based on the information contained in the Bank’s records, the CRT determined that the Account Owner held one demand deposit account and that the value of the demand deposit account was SF 1,484.00 as of September 1963, and that after factoring in standardized bank fees charged to the account between 1945 and September 1963, as determined under Article 31(1) of the Rules, the CRT determined that the adjusted balance of the account at issue was SF 1,769.00. Additionally, in the November 2001 Award, the CRT determined that it

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<sup>1</sup> The CRT did not locate an account belonging to the Claimant’s relative, Nathan Roth, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

is plausible that the Account Owner did not receive the proceeds of his demand deposit account. Finally, the CRT determined that the November 2001 Award amount was SF 20,343.50.

## **The CRT's Analysis**

### Amount of the Award Amendment

In the November 2001 Award, the CRT determined that the value of the Account Owner's demand deposit account was SF 1,484.00, which is the amount recorded in the Bank's records as the value of the demand deposit account as of September 1963, plus an adjustment of SF 285.00, which reflects standardized bank fees charged to the demand deposit account between 1 January 1945 and September 1963, for a total adjusted balance of SF 1,769.00 for the Account Owner's demand deposit account.

Pursuant to Article 29 of the Rules, if the amount in a demand deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the demand deposit account shall be determined to be SF 2,140.00.

In this case, the CRT does not find that the value of the demand deposit account indicated in the Bank's records constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of the Account Owner's demand deposit account shall be determined to be SF 2,140.00. The amount of SF 1,769.00, which is the value for this account used in the November 2001 Award, is then subtracted from the Article 29 value, resulting in a difference of SF 371.00. 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.

Consequently, the amount of the November 2001 Award is increased by SF 4,637.50, which reflects the adjusted difference between the value of the Account Owner's demand deposit account recorded in the Bank's records plus an adjustment reflecting fees charged to the account, and the value determined by Article 29 of the Rules.

### **Certification of the Award Amendment**

The CRT certifies this Award Amendment for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
30 December 2004