

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Bertha Rothschild

Claim Number: 213013/MO¹

Award Amount: 5,208,996.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Bertha Rothschild (the “Account Owner”) at the [REDACTED] (“Bank I”) and the Zurich branch of [REDACTED] (Bank “II”).

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 great-aunt, Bertha Rothschild, née [REDACTED], who was born on 1 June 1875 in Stuttgart, Germany, and was married there to [REDACTED] on 29 August 1895. The Claimant stated that her great-aunt was the daughter of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant further stated that following the death of [REDACTED] on 27 February 1929 in Stuttgart, her great-aunt became a director and shareholder of a leather business named *Salamander A.G.* and a co-owner of another company named *Sihler & Cie.* The Claimant stated that her great-aunt resided at Lenzhalle 75 in Stuttgart until 1939, when she emigrated to Lausanne, Switzerland. Both Bertha Rothschild and her brother, [REDACTED] (the Claimant’s paternal grandfather), also a co-owner of *Salamander A.G.* and *Sihler & Cie.*, were required to pay a flight-tax and other discriminatory taxes in order to leave Germany. The Claimant stated that in 1945 her great-aunt moved to Decatur, Michigan, where she died on 9 August 1950. She did not have any children.

The Claimant stated that she was born on 6 November 1939 in Cambridge, Massachusetts. In support of her claim, the Claimant submitted various documents, including copies of her great-aunt’s last will and other related inheritance documents, showing that her great-aunt bequeathed all of her assets to her brother, [REDACTED]. The Claimant stated that her grandfather died on

¹ The Claimant submitted an additional claim to the account of her grandfather, [REDACTED], which is registered under the Claim Number 213193. The CRT will treat the claim to this account in a separate decision.

10 November 1963 and submitted documentation demonstrating that her father, [REDACTED], died on 24 June 1995, and that her mother, [REDACTED], née [REDACTED], died on 16 March 1998.

Further documents submitted by the Claimant indicate that, subsequent to her great-aunt's flight to Switzerland in 1939, the *Deutsche Bank* transferred 323,272.18 Swiss Francs (1939 value) to the Zurich branch of Bank II. This amount represented 6.1% of her total assets in her *Deutsche Bank* account. The balance left at *Deutsche Bank*, 4,976,271.72 Swiss Francs (1939 value), was expropriated by the Nazis.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Bertha Rothschild.

Information Available in the Bank Records

Bank I

Bank I's records consist of a registration card, documents confirming ownership of stocks and bonds and printouts from Bank I's database. According to these records, the account owner, [REDACTED], who resided in Kornwestheim, Germany, died on 27 February 1929, and was superseded by Account Owner *Frau* (Mrs.) *Wwe.* (widow) Bertha Rothschild. Bank I's records indicate that the Account Owner held a custody account, numbered 25730. Bank I's records further indicate that the various securities in the custody account were sold between 19 and 28 December 1936, and that the custody account was subsequently closed unknown by whom on 31 December 1936. The value of the securities in the custody account on the date of its closure was 434,083.00 Swiss Francs. Research conducted at *Deutsche Bank* indicates that this Bank received an equivalent to the value of the Account Owner's custody account shortly after that account was closed, and that this transferred deposit value constituted part of the SFr. 4,976,271.72 balance at *Deutsche Bank*, which was confiscated by Nazi authorities as described above. There is no evidence in Bank I's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

Bank II

As stated above, the Claimant submitted documents indicating that, subsequent to her great-aunt's flight to Switzerland in 1939, the Nazi-controlled *Deutsche Bank* transferred 323,272.18 Swiss Francs (1939 value) to the Zurich branch of Bank II. This amount represented 6.1% of her total assets in her *Deutsche Bank* account. The balance left at *Deutsche Bank*, 4,976,271.72 Swiss Francs (1939 value), was, as noted above, expropriated by the Nazis.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her great-aunt's name matches the published name of the Account Owner. The Claimant provided the name and the date of death of her great-uncle, which matches unpublished information in Bank I's records regarding the previous owner of the account. Moreover, the Claimant stated that her great-uncle and great-aunt resided in Stuttgart before the Second World War. The CRT finds that the unpublished address of the Account Owner in Kornwestheim, which is situated approximately two kilometers outside Stuttgart, substantially matches the information provided by the Claimant. The CRT notes that the other claims to this account were disconfirmed because the claimed account owner resided in different domiciles from the Account Owner in this case.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has provided plausible evidence that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that she lived in Germany until 1939, when she emigrated to Switzerland. According to the Claimant, the Account Owner was able to leave Germany because she paid a flight tax to the Nazi authorities.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documentation, including the Account Owner's will, demonstrating that the Account Owner was the sister of the Claimant's paternal grandfather. There is no other information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With regard to the account of 434,083.00 Swiss Francs held at Bank I which was closed in December 1936, the CRT finds it plausible, given the apparent transfer in December 1936 of the proceeds of this account to the Account Owner's account at *Deutsche Bank*, as described above in the section of the award on Information Available in Bank Records, that the funds from Bank I were confiscated by Nazi authorities.²

With regard to the account held at Bank II, the CRT finds it plausible that the Account Owner received the proceeds of this account since it is clear from the Claimant's submissions and *Deutsche Bank* records that the balance of this account represents the remainder of the Account Owner's assets after payment to the Nazis of flight taxes and other discriminatory taxes.³

² This conclusion is also supported by application of Presumptions (a) and (j), provided in Article 28 of the Rules (see Appendix A and Appendix C). 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.

³ After the War, [REDACTED], the Account Owner's brother, filed a restitution claim with the German Government seeking compensation for the assets of Bertha Rothschild confiscated by the Nazis. [REDACTED] claimed compensation, inter alia, for the following discriminatory levies: Atonement Tax (RM 2,968,545), Flight Tax (RM 2,299,820) and an Emigration Levy (RM 1,647,410). In a decision dated 30 May 1974, the German

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 the Account Owner was her great-aunt, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the CRT is awarding one custody account at Bank I. Bank I's records indicate that the value of the custody account at Bank I as of 31 December 1936 was 434,083.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the historic value, 434,083.00 Swiss Francs, by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 5,208,996.00 Swiss Francs.⁴

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
June 3, 2003

(continued...)

Government agreed to compensate [REDACTED] for these amounts totaling RM 6,915,775 converted to DM at a rate of 10 to 2 plus 25 percent interest.

⁴ According to bank documents, the approximate value of Bertha Rothschild's estate as of November 11, 1938 was \$4.8 million. Bertha Rothschild was able to take only 6.1% of this value with her to Switzerland when she fled Germany in 1939, the remainder was confiscated by the Nazis. In 1974, the heirs of Bertha Rothschild received approximately \$1.6 million in compensation from the German government, which is 1/3 of the value of her assets in 1938. This Award provides an additional 434,083.00 Swiss Francs of restitution, which brings the total restitution to approximately 40% of the original value of her assets leaving 60% of her confiscation losses still uncompensated. The 12 times adjustment factor that is applied to bring the Award up to current value is not relevant to a determination of the amount of compensation that Bertha Rothschild and her heirs received as compensation for confiscation losses.