

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1], [REDACTED 2] and [REDACTED 3]

in re Accounts of Dr. Fritz Rothschild

Claim Numbers: 218132/AY, 218216/AY, 221280/AY, 222667/AY¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED1], née [REDACTED], (“Claimant [REDACTED 1]”) to the accounts of Fritz Rothschild, and upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the accounts of [REDACTED].² This Award is to the accounts of Dr. Fritz Rothschild (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as the Claimants have in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her stepfather, Fritz Arthur Rothschild, who was born in Landau Pfalz, Germany, on 3 April 1891 and was married to Herta Rothschild, née [REDACTED], who was born on 1 October 1899. According to Claimant [REDACTED 1], the couple had no children. Claimant [REDACTED 1] explained that her stepfather married her widowed mother, [REDACTED], née [REDACTED], in New York, New York, in 1942, after her stepfather’s first wife committed suicide in Brussels, Belgium, on 21 May 1940. Claimant [REDACTED 1] further stated that Fritz Rothschild, who was Jewish, was a lawyer, and that he resided in Mannheim, Germany, at Richard-Wagnerstrasse from 1933 until 1935. Claimant [REDACTED 1] indicated that her stepfather then fled to Spain, where he stayed until 1938. He then went to Italy, where he remained until 1940, when he proceeded to Brussels. Claimant [REDACTED 1] stated that her stepfather was interned in

¹ Claimant [REDACTED 1] submitted additional claims to the account of [REDACTED], which are registered under the Claim Numbers 224099 and 224162. The CRT will treat the claims to this account in separate decisions.

² The CRT will treat the claims of Claimant [REDACTED 2] and Claimant [REDACTED 3] to the account of [REDACTED] in separate decisions.

Brussels when the Nazis occupied Belgium. The Claimant further stated that in 1941 Claimant [REDACTED 1]’s stepfather fled to the United States, where he settled. The Claimant indicated that her stepfather passed away in New York on 10 November 1956, and that her mother died in New York on 30 December 1987. Claimant [REDACTED 1] further indicated that she was born in Neufechingen, Germany, on 18 July 1923. In support of her claim, Claimant [REDACTED 1] submitted documents including her mother’s will, showing that Claimant [REDACTED 1] is her mother’s only heir; a document issued by the Surrogate’s Court of New York, showing that Claimant [REDACTED]’s mother was Fritz Rothschild’s heir and that she was appointed as executrix of his will; and official documents showing that Claimant [REDACTED 1] is the daughter of [REDACTED], who was the spouse of Fritz Rothschild. Claimant [REDACTED 1] also submitted Fritz Rothschild’s United States Certificate of Naturalization, which contains his signature.

Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted Claim Forms identifying the Account Owner as their uncle by marriage, Dr. Fritz Rothschild, who was married to their paternal aunt (the sister of their father, [REDACTED]), Herta Rothschild, née [REDACTED], who was born in Landau, Germany, on 1 October 1899. According to Claimant [REDACTED 2] and Claimant [REDACTED 3], their relatives lived in Mannheim, Germany, and at some point went to Brussels. Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that Fritz Rothschild owned a chemical manufacturing factory in Brussels. Claimant [REDACTED 2] and Claimant [REDACTED 3] explained that their relatives were Jewish, and that their aunt died in Brussels on or around 21 May 1940 as a result of Nazi persecution. Claimant [REDACTED 2] indicated that he was born in New York on 2 August 1952, and Claimant [REDACTED 3] stated that she was born in New York on 6 October 1948. In support of their claims, Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted documents regarding their grandfather [REDACTED]. They also submitted detailed family trees showing their relationship to their uncle and aunt, as well as a narrative about their family containing biographical information about Fritz and Herta Rothschild.

Information Available in the Bank’s Records

The Bank’s records consist of two power of attorney forms and a signed agreement confirming the Bank’s rules, dated 17 October 1930 in Mannheim. According to these records, the Account Owner was Dr. Fritz Rothschild, a lawyer who resided in Mannheim, Germany, and the Power of Attorney Holder was *Frau* (Mrs.) Herta Rothschild. The Bank’s records indicate that the Account Owner held a demand deposit account and a custody account numbered 36228-II. The power of attorney forms, which contain both the Account Owner’s and the Power of Attorney Holder’s signatures, are dated 29 April 1931 in Mannheim and 3 December 1935 in Basel, respectively. The Bank’s records do not show when the accounts at issue were closed or to whom they were paid, nor do these records indicate the value of these accounts. 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 find these accounts in the Bank’s system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank’s records that the

Account Owner, the Power of Attorney Holder 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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their relative's name and city of residence match the published name and city of residence of the Account Owner. In addition, the Claimants stated that the Account Owner's first wife was Herta Rothschild, and that she resided in Mannheim, which matches both published and unpublished information about the Power of Attorney Holder contained in the Bank's records. Claimant [REDACTED 1] identified her stepfather as a lawyer, which matches unpublished information about the Account Owner contained in the Bank's records. Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that their uncle bore the title "Dr.," which matches unpublished information about the Account Owner. In addition, Claimant [REDACTED 1] submitted a sample of her stepfather's signature, which matches the signature sample contained in the Bank's records. The CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he left Germany. Claimant [REDACTED 1] indicated that the Account Owner was interned when the Nazis occupied Belgium, and that his first wife committed suicide at the time of the German invasion of Belgium.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting documents showing that she is the daughter of [REDACTED], who was married to Fritz Rothschild. Claimant [REDACTED 2] and Claimant [REDACTED 3] have plausibly demonstrated that they are related to the Account Owner by providing consistent and detailed information about the Account Owner.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT, which consider that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks. Given that the Account Owner fled Germany in 1935 and immigrated to the United States in 1941, that the Account Owner died in 1956, that the Account Owner and his heirs would not have been able to obtain information about his 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, that the time of the closing of the Account Owner's account is unknown and the Bank has no record showing payment of the account to the Account Owner; and given the application of Presumptions (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 Owner, the Power of Attorney Holder 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s stepfather and Claimant [REDACTED 2]'s and Claimant [REDACTED 3]'s uncle, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue was 15,140.00 Swiss Francs. 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 189,250.00 Swiss Francs.

Division of the Award

According to Article 23(2)(b) of the Rules, the CRT shall make an award to any claimant who has submitted an unbroken chain of wills or other inheritance documents, starting with the will of, or other inheritance documents pertaining to, the Account Owner. In this case, Claimant

[REDACTED 1] submitted a document issued by the Surrogate's Court of New York, which demonstrates that Claimant [REDACTED 1]'s mother was Fritz Rothschild's sole heir, and her mother's will, which demonstrates that Claimant [REDACTED] is her mother's sole heir. Accordingly, Claimant [REDACTED 1] has a better entitlement to the account than Claimant [REDACTED 2] and Claimant [REDACTED 3] and is entitled to the total award amount.

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
August 20, 2003