

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Gabriela Maria Luisa Frieda Rothschild
also acting on behalf of Herta Rothschild
represented by Roberto David Banchik-Rothschild

in re Accounts of Louis Rothschild

Claim Number: 209112/MBC¹

Award Amount: 231,500.00 Swiss Francs

This Certified Award is based upon the claim of Gabriela Maria Luisa Frieda Rothschild (the “Claimant”) to the account of Fritz Rothschild.² This Award is to the accounts of Louis Rothschild (the “Account Owner”) at the [REDACTED] (the “Bank”).

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

Information Provided by the Claimant

The Claimant submitted a Claim Form claiming the account of her father, Fritz Rothschild, but also identifying Account Owner Louis Rothschild as her paternal grandfather. The Claimant submitted numerous and detailed documents in support of her claim, including her father’s marriage certificate, demonstrating that the Claimant’s grandfather, Louis Rothschild, was a merchant who was born in Ludwigshafen, Germany, and resided in Mannheim, Germany. According to these documents, the Claimant’s grandfather, who was Jewish, was married to Bertha Rothschild, née Keller, with whom he had one child, Fritz Rothschild, the Claimant’s father. These documents also show that the Claimant’s grandfather passed away between 1938 and 1939 in Mannheim. The Claimant indicated that her father fled Germany to Mexico sometime before the death of her grandfather. The Claimant stated that she was born in Mexico on 21 June 1939. The Claimant is representing her mother Herta Rothschild, née Plaut, who was born on 11 June 1914.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 209112 and 220235. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 209112.

² The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank's Record

The Bank's record consists of an account-registry card. According to this record, the Account Owner was Louis Rothschild, a commercial adviser ("*Kommerzienrat*"), who resided in Mannheim and Bochum. The Bank's record indicates that the Account Owner held two demand deposit accounts, one custody account, numbered L12148, and one safe deposit box account, numbered 592. On the account-registry card, a notation of "New York" was added on a later date. The demand deposit accounts were closed on 8 February 1934 and 22 September 1938. The custody account was closed on 18 September 1938, and the safe deposit box account was closed on 31 March 1936. The amounts in the accounts on the dates of their closure are unknown, and there is no indication as to whom they were paid. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the unpublished city of residence and occupation of the Account Owner as contained in the Bank's records. In support of her claim the Claimant submitted numerous documents including her father's marriage certificate, indicating that the Account Owner was a merchant who resided in Mannheim, Germany, which provides independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of the Account Owner. Furthermore, the CRT notes that other claims to these accounts were disconfirmed due to inconsistent information provided by the other claimants regarding the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. According to the information provided by the Claimant, the Account Owner was Jewish and resided in Nazi Germany until his death, which occurred between 1938 and 1939. The Account Owner's heirs were forced to flee to Mexico due to Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated the Account Owner was her grandfather by submitting documents including her father's, Fritz Rothschild, marriage certificate which indicates that Louis Rothschild was his father, and her birth certificate which indicates that Fritz Rothschild was her father and Louis Rothschild was her grandfather.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner's accounts were closed in 1934, 1936, and 1938, and the Account Owner remained in Germany until his death in 1938 or 1939; that he would not have been able to repatriate his accounts to Germany when they were closed without their confiscation; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner's heirs left Germany before the Account Owner's death, and 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 inquires by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A) and Appendix C,³ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 the Account Owner was her grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts, one custody account and one safe deposit box 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 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 demand deposit account was 2,140.00 Swiss Francs, the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a safe deposit box was 1,240.00 Swiss Francs, which amounts to a total 1945 value of 18,520.00 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 231,500.00 Swiss Francs.

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 mother, the spouse of the Account Owner's son. Therefore, as a direct descendant of the Account Owner, the Claimant is entitled to the total award amount and the Claimant's mother is not entitled to a portion of the award.

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
September 30, 2003