

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Walter Rothschild
also acting on behalf of Florence Rothschild and Ruth Boylan

in re Account of Paula Rothschild

Claim Number: 400385/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Walter Stein Rothschild (the “Claimant”) to the published account of Paula Rothschild (the “Account Owner”), over which August Rothschild (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of 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 identifying the Account Owner as his paternal uncle’s wife, Paula Rothschild, née Epstein, who was born on 28 June 1879 in Frankfurt am Main, Germany, and was married on 19 February 1905 to August Rothschild, who was born on 14 November 1870 in Nienburg, Germany. The Claimant explained that August Rothschild’s parents were Joseph Rothschild and Clara Rothschild, née Isengarten, and that they had four other children, including Ida Rosenthal, née Rothschild, and Bruno Rothschild (the Claimant’s father). The Claimant stated that his aunt and uncle, who were Jewish, had one child, Richard, and resided in Berlin, Germany, where his uncle worked as a banker, until 1933, when they fled to Milan, Italy. According to the Claimant, his aunt and uncle resided in Milan until 1939, when they fled to Santiago, Chile. The Claimant stated that Paula Rothschild died on 21 June 1949, and that August Rothschild died on 4 August 1961, both in Santiago, and that their son, Richard Rothschild, is also deceased.

In support of his claim, the Claimant submitted a detailed family tree, indicating that his aunt was Paula Rothschild and that his uncle was August Rothschild. The Claimant indicated that he was born on 9 June 1923 in Newark, New Jersey, the United States. The Claimant is representing his late brother’s widow, Florence Rothschild, née Silverman, who was born 12 July 1922 in Newark, and his cousin’s daughter, Ruth Boylan, née Lichtenstein-Arnstein (the

maternal granddaughter of August Rothschild's sister Ida), who was born on 30 November 1939 in Newark.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form, a consent form, and printouts from the Bank's database. According to these records, the Account Owner was Paula Rothschild, née Epstein, and the Power of Attorney Holder was August Rothschild, the Account Owner's husband, both of whom resided Via Teodosio Imperatore 1, in Milan. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The Bank's records indicate that the account was opened in October 1938 and closed on 8 September 1939. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The Claimant's paternal aunt's and uncle's names match the published names of the Account Owner and the Power of Attorney Holder. The Claimant identified the Account Owner's maiden name, city and country of residence, and relationship to the Power of Attorney Holder, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted a detailed family tree, providing independent verification that the person who is claimed to be the Account Owner had the same name and the same spouse recorded in the Bank's records as the name and spouse of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence or maiden name than the country of residence and maiden name of 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. The Claimant stated that the Account Owner was Jewish, and that she fled Germany to Italy and subsequently to Chile.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was the Claimant's aunt. These documents include a detailed family tree, indicating that the Account Owner and the Power of Attorney Holder were his aunt and uncle, respectively. Finally, the CRT notes that the foregoing information is of the type that family members would possess and

indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has surviving heirs who have filed claims, other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 8 September 1939, at which time the Account Owner, who was a German national, was residing either in Italy or was in the process of fleeing to Chile. In any case, the date of closure is after the date that the Nazis came to power in Germany, the Account Owner's country of origin, and after 25 October 1936, the date of Italy's alliance with Nazi Germany. Moreover, if the Account Owner was in flight at the time of the account closure, and therefore outside Nazi-dominated territory, the CRT notes that, given that the Account Owner fled Germany to Italy in 1933 and subsequently to Chile in 1939; that the Bank's records do not indicate to whom the account was closed, that the Account Owner fled her country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in her country of origin and that she may therefore have yielded to Nazi pressure to turn over her accounts to ensure their safety, that the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 Owner, the Power of Attorney Holder, or her 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 his paternal aunt, and that relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 49,375.00.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award under Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case, the Claimant is representing his sister-in-law, Florence Rothschild (the widow of the Claimant's late brother), and his cousin's daughter, Ruth Boylan, who is the granddaughter of the Account Owner's sister-in-law, Ida Rothschild. Accordingly, the Claimant and represented party Florence Rothschild are each entitled to one-fourth of the total award amount, and Ruth Boylan is entitled to one-half 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 his claim to determine whether there are additional Swiss bank accounts to which he 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
24 October 2008