

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Accounts of Ernst Stein**

Claim Number: 202872/KG<sup>1</sup>

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”), to the four published accounts of Ernst Stein (the “Account Owner”) at the [REDACTED] (the “Bank”). On 20 May 2004, the Court approved an award to the Claimant for two of the accounts of Ernst Stein, while reserving decision on the remaining two accounts (the “May 2004 Award”). The remaining two accounts of Ernst Stein are the subject of this Award.

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 her father, Ernst Bernhard Stein, who was born on 27 February 1890 in Bamberg, Germany, was married to [REDACTED], the Claimant’s mother, and following her death in 1930, re-married twice. The Claimant indicated that her father, who was Jewish, resided at 21 Hainstrasse, Bamberg, worked as a merchant, and owned a business at 3 Bahnhofstrasse, Bamberg. The Claimant indicated that in 1938, while she was in a Kinderheim (children’s home) in Klosters, Switzerland, her father and step-mother fled Germany for Switzerland, where they stayed for approximately one year, until her father received a visa to the United Kingdom in 1939, at which time they moved to Norwich, the United Kingdom, and subsequently, in 1941, to Leicester, the United Kingdom, where her father lived until he died of a heart attack in March 1944. In a telephone conversation with the CRT on 14 October 2002, the Claimant stated that, as she was a child during the Second World War, she does not remember any details about her father’s accounts, but that she is certain her father owned accounts in Switzerland, since the family was wealthy and had connections to Switzerland. The Claimant stated that in 1938 she was left at a Swiss children’s home with the

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<sup>1</sup> The Court has approved awards to Claimant [REDACTED] (the “Claimant”) for two of the four published accounts belonging to Ernst Stein and for the two unpublished accounts belonging to Rudolf Stein. See *In re Accounts of Ernst Stein*, (approved on 20 May 2004) and *In re Accounts of Rudolf Stein* (approved on 30 December 2004).

owners so that she would not have to go back to Germany, and that later, her step-mother arrived to take her to join her father in London, the United Kingdom. The Claimant stated that after her father fled Germany, he probably never was able to contact the Swiss banks regarding his accounts, since he was a refugee in Switzerland, and that in the United Kingdom he and his family lived in poverty until his death.

The Claimant submitted her birth and marriage certificates, indicating that her father was Ernst Bernhard Stein, who resided in Bamberg, where the Claimant was born on 10 May 1927.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father.

### **Information Available in the Bank’s Record**

The Bank’s record consists of a customer card. According to this record, the Account Owner was Ernst Stein, who resided in Bamberg, Germany, and then in Leicester, the United Kingdom. The Bank’s record indicates that the Account Owner held two demand deposit accounts, and two custody accounts, numbered L 14495 and L 8134. The Bank’s record indicates that custody account L 8134 was closed on 26 May 1933; one of the demand deposit accounts was closed on 8 December 1933; custody account L 14495 was closed on 31 October 1941; and the other demand deposit account was closed on 31 October 1941. The amounts in the accounts on the dates of their closures are unknown.

### **The CRT’s Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s father’s name matches the published name of the Account Owner. The Claimant identified her father’s cities of residence as Bamberg and Leicester, which matches unpublished information about the Account Owner contained in the Bank’s record. In support of her claim, the Claimant submitted her birth and marriage certificates, providing independent verification that the person who is claimed to be the Account Owner had the same name and city of residence as the name and one of the cities of residence recorded in the Bank’s record.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ernst Bernhard Stein, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a

Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country or city of residence from the countries and cities of residence 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, who was Jewish, fled Germany in 1938.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her birth and marriage certificates, demonstrating that the Account Owner was her father. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The custody account, numbered L8134, which was closed in May 1933, and the demand deposit account which was closed in December 1933, were addressed in the May 2004 Award. As for the remaining accounts which are the subject of this Award, the CRT notes that the Bank's record indicates that the custody account L 14495 and the other demand deposit account were both closed on 31 October 1941, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, 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, 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 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 father and that relationship

justifies an Award. Third, 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 and two custody accounts. As stated above, the demand deposit account and the custody account which were closed in 1933 were addressed in the May 2004 Award. 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 custody account was 13,000.00 Swiss Francs ("SF") and the average value of a demand deposit account was SF 2,140.00. 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, to produce a total award amount of SF 189,250.00.

### **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  
21 September 2005