

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Loránt Sandor Steiner
also acting on behalf of [REDACTED] and [REDACTED]

in re Accounts of Prof. Dr. Paul Steiner and Dr. Charlotte Steiner-Springer

Claim Number: 212840/MG

Award Amount: 413,000.00 Swiss Francs

This Certified Award is based upon the claim of Loránt (Roland) Sandor Steiner (the “Claimant”) to the accounts of Prof. Dr. Paul Steiner (“Account Owner Steiner”) and Dr. Charlotte Steiner-Springer (“Account Owner Steiner-Springer”) (together the “Account Owners”) at the [REDACTED I] (“Bank I”) and the Zurich branch of the [REDACTED II] (“Bank II”) (together the “Banks”).

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 Account Owner Steiner as his father, Prof. Dr. Paul (Pal) Steiner, and Account Owner Steiner-Springer as his mother, Dr. Charlotte Sarolta Steiner, née Springer. The Claimant stated that his father was born on 5 February 1879 in Papa, Hungary, that his mother was born on 12 October 1887 in Alba-Julia, Hungary, and that the two were married on 15 October 1912 in Budapest, Hungary. The Claimant stated that his parents had two children, the Claimant and his sister, Judith Steiner-Láng, who was born on 30 April 1918 in Kolozsvár, Hungary, and died on 10 December 1998, in Budapest. According to the Claimant, his sister, who was married to [REDACTED], had two children, [REDACTED], the Claimant’s niece, and [REDACTED], the Claimant’s nephew, both of whom the Claimant is representing.

The documents submitted by the Claimant demonstrate that his father, Paul Steiner, was a university professor who held the title “Professor Dr.” These documents also show that both the Claimant’s mother and his sister held the title “Dr.”. The Claimant stated that his parents resided, among other places, at Str. Regala 12a in Cluj, Romania (which was later renamed Kolozsvár and became part of Hungary). The Claimant stated that his family, which was of Jewish origin, was persecuted after the Nazis occupied Hungary. The Claimant stated that all of the members

of his family suffered due to discriminatory Nazi legislation, and when the Nazis entered the city of Cluj on 31 March 1944 his family was among the first to be arrested by the *Gestapo*. The Claimant stated that his parents survived the Second World War, and the supporting documents he provided show that his father and mother died on 12 September 1959, and on 14 February 1974, respectively, both in Cluj. In support of his claim, the Claimant submitted several documents including: his parents' marriage certificate; his parents' death certificates; his sister's death certificate; his own birth certificate, dated 3 March 1928, indicating that Prof. Dr. Paul Steiner and Dr. Sarolta Springer were his parents; and the birth certificates of his nephew and niece. In addition, the Claimant submitted a certificate issued by the City Hall of Cluj, dated 20 July 1946, certifying that Professor Dr. Paul Steiner and his family in Cluj were arrested on 31 March 1944, by the Hungarian and German authorities, and interned in the camp "Triaj" in Cluj, where they remained until 11 October 1944 under the custody of the *Gestapo* (*Gestapoului*). During the time they were interned, the Nazis occupied their house on Str. Regala in Cluj. This certificate also certifies the fact that the Nazis confiscated movable properties and medical instruments from their house.

Following two telephone conversations with the CRT on 30 October 2001 and 19 November 2001, the Claimant submitted a page of his father's notebook and recent correspondence between himself and [REDACTED], which included bank documents. Among this correspondence were two letters addressed to Bank I and Bank II, dated 3 May 2000, in which the Claimant requested information about accounts belonging to Prof. Dr. Paul Steiner and Dr. Charlotte Steiner, both of whom resided at Str. Regala 12a in Cluj, Romania. In those letters, the Claimant provided the following details: at Bank I, an account, numbered 66384, and an account, numbered 66327, were opened during the years 1938-1939; and at Bank II, accounts were also opened during the years 1938-1939. [REDACTED] replied in a letter on 19 May 2000 that the Claimant must fill out a questionnaire in order for it to conduct a search for any accounts. The Claimant submitted the questionnaire to [REDACTED] one month later on 19 June 2000, and stated that 5,000.00 Swiss Francs were deposited in each of the accounts at Bank I, that 10,000.00 Swiss Francs were deposited in the accounts at Bank II, and that he and his sister (Judith Steiner-Lang) had powers of attorney to the accounts. In the same questionnaire, the Claimant informed [REDACTED] that his father died in 1959, his mother in 1974 and his sister in 1998, and stated that after the Second World War, due to the communist regime in Romania, it was impossible to travel to Switzerland to access the accounts or otherwise contact the Swiss banks. The above-mentioned amounts in the accounts were represented by notations written on a page of his father's notebook, which the Claimant provided to the CRT.

[REDACTED] replied to the Claimant in a letter, dated 26 February 2001, to which several bank documents were attached, including account cards, and excerpts from account ledgers from Bank I regarding an account held by Prof. Dr. Paul Steiner under the number 66327 and an account held by Dr. Charlotte Steiner-Springer, numbered 66384, indicating that these accounts were opened on 29 July 1938, and in August 1938, respectively, both with an initial deposit of 5,000.00 Swiss Francs. The records from Bank I show that both accounts were closed in January 1976, unknown by whom. The amounts in the accounts on their date of closure are unknown.

In the same reply letter, [REDACTED] stated that at Bank II, Dr. Charlotte Steiner-Springer held an account, numbered 616.821, and Prof. Dr. Paul Steiner held an account, numbered 617.136.

According to [REDACTED], Prof. Dr. Paul Steiner, Dr. Charlotte Steiner-Springer, Judith Steiner-Lang, and Roland Steiner (the Claimant) held Power of Attorney over the accounts. The Power of Attorney Holders resided at Str. Regala 12a, Sanat Charité in Cluj, Romania. [REDACTED] informed the Claimant that, due to the dormancy of the accounts at Bank II, they were transferred to a suspense account, and attached an excerpt from a suspense account ledger of Bank II, dated 30 June 1958. According to this excerpt, there were two payments made from the suspense account on 23 May 1958, one in the amount of 4,760.00 Swiss Francs, with the notation “*Verg Dr. Paul Steiner/Uebertrag*” (“*verg*” is an abbreviation of *Vergütung*, which means paid or reimbursed, and *Uebertrag* means transfer), and one in the amount of 4,750.00 Swiss Francs with the notation “*Verg Charlotte Steiner.*” In its letter, [REDACTED] stated that there was no evidence of a deposit of 10,000.00 Swiss Francs. The letter continued to say that [REDACTED] assumed that the amounts of 4,750.00 Swiss Francs and 4,760.00 Swiss Francs were paid on 23 May 1958 to either the Account Owners or to one of the Power of Attorney Holders. The suspense account excerpt shows that on 13 March 1958 fees were deducted from both accounts by Bank II.

In the reply letter, [REDACTED] regretted that they could not bring a more positive outcome to the Claimant, and referred him to the CRT, in the event that his parents were Victims of the Holocaust.

In the telephone conversation with the CRT on 30 October 2001, the Claimant stated that neither his parents, nor he or his sister, in their capacity as Power of Attorney Holders, could access the accounts because it was forbidden in Romania to own foreign assets and that it was dangerous for them to try to access the Swiss accounts from Romania.

The Claimant stated that he was born on 1 February 1921 in Cluj and is today residing in Hungary. The Claimant is representing [REDACTED], his nephew, who was born on 31 July 1946 in Marosvasarhely-Targu-Mures, Romania, and [REDACTED], née [REDACTED], his niece, who was born on 17 August 1947 in Marosvasarhely-Targu-Mures.

Information Available in the Banks’ Records

Bank I

The records of Bank I consist of two bank ledgers of numbered accounts, and a certificate of ownership of a custody account, signed in Cernauti, Romania, on 11 November 1939.

According to these records, the owner of an account, numbered 66384, was *Frau* (Mrs.) Dr. Charlotte Steiner-Springer, who lived in Cluj, Romania. According to these records, Account Owner Steiner-Springer held an account of unknown type that was opened on 20 August 1938, and closed in January 1976 unknown to whom.

These records also demonstrate that Prof. Dr. Paul Steiner, who resided in Cluj, Romania, and at Strada I.C., Bratinanu 21 in Cernauti, held one account of unknown type, numbered 66327 as well as one custody account and one demand deposit account, both held under the number

61786. The Bank's records show that the account of unknown type was opened on 29 July 1938. The documents provided to the Claimant by [REDACTED] indicate that the account numbered 66327 was closed in January 1976, unknown to whom. The Bank's records do not show when the accounts numbered 61786, held by Account Owner Steiner were closed. These records do not show to whom the accounts were paid, nor do these records indicate the value of the 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 Bank I'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 these records that the Account Owners, the Power of Attorney Holders or their heirs closed the accounts and received the proceeds themselves.

Bank II

The Bank II records consist of two signed power of attorney forms, both dated 14 August 1938 in Cluj, Romania, and an extract from a suspense account ledger, dated 4 March 1953. According to the records from Bank II, the two Account Owners each held one account at Bank II.

These records show that the owner of one account at Bank II was Dr. Charlotte Steiner-Springer, who resided at Str. Regala 12a, Sanat Charité, in Cluj, Romania. These records indicate that the Power of Attorney Holders were Prof. Dr. Paul Steiner, Judith Steiner, and Roland Steiner. According to these records, this account was opened on 14 August 1938. These records do not show when this account was closed. The ICEP auditors did not find the account in Bank II's system of open accounts, and they therefore presumed that it was closed.

The owner of the second account at Bank II was Prof. Dr. Paul Steiner, who also resided at Str. Regala 12a, Sanat Charité, in Cluj, Romania. The Power of Attorney Holders to this account were Dr. Charlotte Steiner-Springer, Judith Steiner, and Roland Steiner, and the power of attorney form includes a notation that Judith Steiner "is now called *Frau* (Mrs.) Dr. Lang". Furthermore, these records indicate that on 4 March 1953, the balance of the account was 4,858.50 Swiss Francs. These records do not show when this account was opened or closed. The auditors did not find the account in Bank II's system of open accounts, and they therefore presumed that it was closed.

There is no evidence in these bank 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

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His parents' names and city and country of residence match the published names of the Account Owners.

With respect to the information at Bank I, the Claimant has provided unpublished information on the name of the bank in which the accounts were opened, and the precise numbers of the accounts. The Claimant has further provided his parents' professional titles, which match the unpublished information contained in the records of Bank I.

With respect to the information at Bank II, the Claimant provided the name of the Bank in which the accounts were opened. The Claimant also provided his parents' unpublished professional titles. The Claimant provided his parents' exact street address in Cluj, Romania, which matches the unpublished address contained in the records of Bank II. The Claimant stated that his sister, Judith Steiner, was married to [REDACTED], which is consistent with unpublished information in the Bank's records that Judith Steiner was to be called *Frau* Dr. Lang.

In support of his claim, the Claimant submitted several documents, including his parents' marriage certificate, his parents' death certificates, his sister's death certificate, and his own birth certificate, indicating that Dr. Paul Steiner and Dr. Sarolta Springer were his parents. The CRT also notes that the other claims to these accounts were disconfirmed, because other claimants provided inconsistent information regarding the Account Owners as contained in the Bank's records. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has provided plausible evidence that the Account Owners were Victims of Nazi Persecution. The Account Owners and their family were arrested on 31 March 1944, by the Hungarian and German authorities, and interned in the camp "Triaj" in Cluj, where they remained until 11 October 1944 under the custody of the *Gestapo*.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owners were his parents by submitting his birth certificate, indicating that Dr. Paul Steiner and Dr. Charlotte Sarolta Steiner Springer were his parents.

The Issue of Who Received the Proceeds

With regard to the two accounts of unknown type at Bank I, [REDACTED] stated in its response to the Claimant, dated 26 February 2001, that both accounts were closed in January 1976, unknown by whom; the Bank's records indicated the same date. The CRT has determined that given both of the Account Owners were deceased at the time the account were closed, unknown

to whom; their heirs remained in Communist Romania from where they could not access the accounts because it was forbidden in Romania to own foreign assets and that it was dangerous for them to try to access the Swiss accounts from Romania; that there is no record of the payment of the Account Owners' accounts to them; and given the application of Presumption (b), (e), (h), (i) 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 Owners or their heirs.

With regard to the custody account and demand deposit account at Bank I, both closed on unknown dates, unknown to whom, given the above the rationale and the application of Presumptions (e), (h), (i) 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 Owners or their heirs.

With regard to the accounts of unknown type at Bank II, which were transferred to an unknown person on 23 May 1958, [REDACTED] stated in its response to the Claimant, dated 26 February 2001, that it assumed that the accounts were paid on 23 May 1958 to either the Account Owners or to one of the Power of Attorney Holders. The CRT notes that for account owners who were citizens of Romania, it is possible that the proceeds of their Swiss accounts were paid by Switzerland to Romania, as part of an arrangement between the two countries concluded in 1951. Swiss banks froze Romanian assets in 1948 pursuant to a Decree of the Swiss Federal Council. Romanian accounts were unfrozen in October 1950 and approximately one year later, in August 1951, Switzerland and Romania entered into an arrangement whereby unclaimed assets held by Romanian citizens in Swiss banks were to be transferred to the Romanian Government in return for compensation of Swiss property that had been nationalized by Romania's communist regime. Dormant accounts were subject to transfer to the Romanian Government under this arrangement. Where, as in this case, the CRT has concluded that there is a substantial likelihood that the Swiss Government, which is a Releasee under the Settlement of the Holocaust Victim Assets Litigation, seized an account to use it to obtain compensation for Swiss citizens, and the CRT has determined accordingly that neither the Account Owners nor their heirs received the proceeds of the accounts, it is fully consistent with the Settlement to pay the Claimant the proceeds of the account. Therefore, given the Romanian-Swiss Agreement and given that the Account Owners and Power of Attorney Holders remained in Communist Romania thus preventing them from accessing the accounts because it was forbidden in Romania to own foreign assets and that it was dangerous for them to try to access the Swiss accounts from Romania; and the application of Presumptions (b), (e), (h), (i) 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 Owners 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 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 Owners were his parents, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners, nor the Power of Attorney Holders nor their heirs received the proceeds of the accounts at the Banks.

Amount of the Award

In this case, the Account Owners held two accounts of unknown type, one custody account and one demand deposit account at Bank I, and two accounts of unknown type at Bank II.

With respect to two accounts of unknown type, numbered 66384 and 66327, at Bank I, the letter from [REDACTED] to the Claimant, on 26 February 2001, indicates that the accounts were opened in 1938 with initial deposits of 5,000.00 Swiss Francs in each. The CRT notes that given the time lapse between 1938, the date of the recorded value of these two accounts, and the time when the accounts were closed in 1976, there is no basis to determine the actual value of the account and therefore the presumed value of these two accounts have been applied for the total award amount. Based on the investigation carried out pursuant to the instructions of ICEP, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the award amount for these two accounts at Bank I is 98,750.00 Swiss Francs.

With respect to the one custody account and one demand deposit account, both numbered 61786, at Bank I, 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 ICEP, in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of these amounts is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of 189,250.00 Swiss Francs for these two accounts.

With respect to the two accounts of unknown type at Bank II, the CRT notes that the information provided to the Claimant by [REDACTED] on 26 February 2001 indicates that on 23 May 1958 the accounts held by Account Owner Steiner and Account Owner Steiner-Springer contained 4,760.00 Swiss Francs and 4,750.00 Swiss Francs, respectively. The Bank's records of Bank II show that the value of Account Owner Steiner's account on 4 March 1953 was 4,858.50 Swiss Francs, and this value corresponds to the value in 1958 before fees were deducted. Because these values correspond to the notation in the Claimant's father's notebook that the deposit in Bank II was 10,000.00 Swiss Francs, and because the information in the notebook regarding the deposits in Bank I corresponded to the information about those deposits provided by [REDACTED], the CRT adopts the figure of 10,000.00 Swiss Francs as the historic cumulative

value of these two accounts. The current value of this amount is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. The amount for these two accounts at Bank II is therefore 125,000.00 Swiss Francs.

Consequently, the total Award amount is 413,000.00 Swiss Francs.

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 but representation. In this case, the Claimant is representing the children of his sister: [REDACTED] and [REDACTED]. Accordingly, the Claimant is entitled to one half of the total award amount, and [REDACTED] and [REDACTED] are each entitled to share one half of the total award amount (or one-fourth each 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
September 30, 2003