

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Alice Stern

Claim Number: 400248/MI

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the "Claimant") to the published account of Julius Stern.¹ This award is to the unpublished account of Alice Stern (the "Account Owner"), over which Julius Stern (the "Power of Attorney Holder") held power of attorney, at the Zurich branch of the [REDACTED] (the "Bank"). The account awarded is from the Total Accounts Database ("TAD") at the Bank.

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 the Account Owner as his maternal grandmother, Alice Stern, née Elikann, who was born on 30 May 1883, and was married to Julius Stern. The Claimant indicated that his grandparents, who were Jewish, resided at Mendelsohnstrasse 56 in Frankfurt, Germany. The Claimant further indicated that his grandmother's family had a linen business in Frankfurt, *H. Elikann*, which was run by his grandfather. According to the Claimant, his mother, [REDACTED], née [REDACTED], who was an only child, was sent to school in Florence, Italy, and Switzerland, and she emigrated to the United States in 1938. The Claimant further indicated that his grandparents were deported on 16 September 1942 to Theresienstadt, where his grandmother perished on 20 December 1942, and where his grandfather perished on 19 February 1944. The Claimant indicated that he and his brother are his grandmother's only surviving heirs.

The Claimant submitted documents in support of his claim, including: (1) a copy of a letter from the Cultural and National Memorial in Theresienstadt to [REDACTED], indicating that Alice Stern and Julius Stern were transported on 16 September 1942 to Theresienstadt, where they

¹ The CRT will treat the claim to this account in a separate determination.

perished on 20 December 1942 and 19 February 1944, respectively; (2) a copy of his mother's swim pass, dated 30 August 1929, indicating that [REDACTED] lived at Mendelsohnstrasse 56 in Frankfurt; (3) his mother's death certificate, indicating that [REDACTED] was born on 1 February 1920 in Germany, that her parents were Alice Elikann and Julius Stern, and that she died on 14 December 2004; (4) a copy of his birth certificate, indicating that [REDACTED], who was born on 8 June 1950, was the son of [REDACTED] and [REDACTED], who were both from Germany; and (5) his brother's birth certificate, indicating that [REDACTED], who was born on 16 May 1952, was the son of [REDACTED] and [REDACTED], and that [REDACTED] was born in Germany.

The Claimant indicated that he was born on 8 June 1950 in Cleveland, Ohio, the United States. The Claimant is representing his brother, [REDACTED], who was born on 16 May 1952 in Cleveland.

Information Available in the Bank's Records

The Bank's records consist of a marital consent form, a power of attorney form, and a printout from the Bank's database. According to these records, the Account Owner was Alice Stern, née Elikann, and the Power of Attorney Holder was her husband, Julius Stern, both of whom resided at Mendelsohnstrasse 56 in Frankfurt am Main, Germany. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records further indicate that the account was opened no later than 24 August 1930. These records also include signature samples for the Account Owner and the Power of Attorney Holder. The Bank's records indicate that the account was closed, but the date of closure is not recorded. The Bank's records do not indicate the value of the account. 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.

This account was not part of the Account History Database at the CRT, but was identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the auditors who carried out the investigation pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,² are composed of 1.9 million savings accounts with a 1930-1940s value of 250 Swiss francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database, that is within the 36,000 accounts that ICEP determined were "probably or possibly" owned by victims of Nazi persecution.

The account awarded is part of a group of accounts identified in the TAD.

² These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandparents' names and city and country of residence match the unpublished names and city and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant also identified his grandmother's maiden name and street address, and the relationship between the Account Owner and the Power of Attorney Holder, which matches unpublished information contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including a copy of a letter from the Cultural and National Memorial in Theresienstadt, and his mother's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alice Stern, and indicates that her date of birth was 30 May 1883 and place of birth was Frankfurt, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city and country of residence and maiden name than the city and 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 and her husband were deported to Theresienstadt, where they perished. The Claimant also submitted a copy of a letter from the Cultural and National Memorial in Theresienstadt, indicating that Alice Stern and Julius Stern were transported on 16 September 1942 to Theresienstadt, where they perished on 20 December 1942 and 19 February 1944.

As noted above, a person named Alice Stern was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandmother. These documents include his mother's death certificate, indicating that [REDACTED]'s parents were Alice Elikann and Julius Stern, a copy of his birth certificate, and his brother's birth certificate, indicating that [REDACTED] and [REDACTED] were the

children of [REDACTED]. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner and her husband were deported to Theresienstadt, where they perished; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; 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 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 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 and represented party [REDACTED]. 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 grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor 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)(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 his brother [REDACTED]. Accordingly, the Claimant and represented party [REDACTED] are each 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) at banks other than the Bank.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
25 September 2006