

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award Amendment**

to Claimant [REDACTED]

## **in re Accounts of Robert Stern**

Claim Numbers: 201046/AC; 601467/AC<sup>1</sup>

Award Amendment Amount: 20,537.50 Swiss Francs

This Certified Award Amendment is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of [REDACTED], Robert Stern, and [REDACTED].<sup>2</sup> This Award Amendment is to the unpublished accounts of Robert Stern (the “Account Owner”) at the Zurich and Schaffhausen branches of the [REDACTED] (the “Bank”). The accounts awarded are 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.

On 8 June 2004, the Court approved an Award to the Claimant for two accounts of unknown type owned by the Account Owner (the “June 2004 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the June 2004 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of one of the two accounts of unknown type was 3,950.00 Swiss Francs (“SF”), and that given the foregoing, the June 2004 Award amount shall accordingly be increased by SF 20,537.50.

The CRT notes that in the June 2004 Award, the CRT determined that the Claimant plausibly identified the Account Owner, that he plausibly demonstrated that he is related to the Account Owner, and that he made a plausible showing that the Account Owner was a Victim of Nazi persecution. Based on the information contained in the Bank’s records, the CRT determined that the Account Owner held two accounts of unknown type and that as of 17 February 1945, the values of the two accounts of unknown type were SF 5,407.00 and SF 2,292.00, respectively, and that after factoring in standardized bank fees and hold mail fees charged to the account between 1 January 1945 and 17 February 1945, as determined under Article 31(1) of the Rules, the CRT determined that the total adjusted balance of the accounts at issue was SF 7,729.00.

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<sup>1</sup> The Claimant submitted a claim, numbered B-01712, on 8 February 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and was assigned Claim Number 601467.

<sup>2</sup> The CRT will treat the claims to the accounts of [REDACTED] and [REDACTED] separately.

Additionally, in the June 2004 Award, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of his two accounts of unknown type. Finally, the CRT determined that the June 2004 Award amount was SF 96,612.50.

## **The CRT's Analysis**

### Amount of the Award Amendment

In the June 2004 Award, the CRT determined that the value of one of the Account Owner's accounts of unknown type was SF 2,292.00, which is the amount recorded in the Bank's records as the value of the account of unknown type as of 17 February 1945, plus an adjustment of SF 15.00, which reflects numbered account fees and standardized bank fees charged to the account of unknown type between 1 January 1945 and 17 February 1945, for a total adjusted balance of SF 2,307.00 for the Account Owner's account of unknown type.

Pursuant to Article 29 of the Rules, if the amount in an account of unknown type is less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account of unknown type shall be determined to be SF 3,950.00.

In this case, the CRT does not find that the value of the account of unknown type indicated in the Bank's records constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of the Account Owner's account of unknown type shall be determined to be SF 3,950.00. The amount of SF 2,307.00, which is the value for this account used in the June 2004 Award, is then subtracted from the Article 29 value, resulting in a difference of SF 1,643.00. 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.

Consequently, the amount of the June 2004 Award is increased by SF 20,537.50, which reflects the adjusted difference between the value of the Account Owner's account of unknown type recorded in the Bank's records, plus an adjustment reflecting fees charged to the account, and the value determined by Article 29 of the Rules.

### **Certification of the Award Amendment**

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

Claims Resolution Tribunal  
30 December 2004