

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1], née [REDACTED]
also acting on behalf of [REDACTED], née [REDACTED];
[REDACTED]; [REDACTED], née [REDACTED];
[REDACTED], [REDACTED], [REDACTED], and [REDACTED]

and

Claimant [REDACTED 2]

in re Accounts of Richard Uhlman

Claim Numbers: 220886/MD; 222789/MD¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Richard Uhlman (the “Account Owner”) at the [REDACTED] (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 Claimants

The Claimants submitted a Claim Form each identifying the Account Owner as their grandfather, Richard Uhlman, who was born on 30 December 1876 in Stuttgart, Germany, the son of [REDACTED] and [REDACTED] Uhlman. The Claimants stated that Richard Uhlman was married to Alice Uhlman, née Kauffmann, and that the couple had three children: [REDACTED], who was born in 1909 in Stuttgart, and died in 2000 in Newton, Pennsylvania; [REDACTED], who was born in 1913 in Stuttgart; and [REDACTED], who was born in 1918 in Stuttgart and died in 1974 in Chicago, Illinois. The Claimants explained that their grandfather owned a company named *Geb Brüder Uhlman* (Uhlman Brothers) located in Stuttgart, and that he

¹ Claimant [REDACTED 2] requested the CRT to treat his claim also as a claim to the account of [REDACTED]. The CRT will treat the claim to this account in a separate decision.

lived in Stuttgart with his family. The Claimants stated that because their grandfather was Jewish, his assets were confiscated by the Nazis, and that he fled with his wife from Germany to the United States in 1939 to escape Nazi persecution. According to the information provided by the Claimants, Richard Uhlman died in 1947 in Chicago, and his wife Alice died in 1979 in New Jersey.

In support of their claims, the Claimants submitted [REDACTED]'s birth certificate, Richard Uhlman's and Alice Uhlman's certificates of naturalization with their signatures, and Alice Uhlman's will. The Claimants submitted a detailed family tree indicating that Claimant [REDACTED 1], [REDACTED] and [REDACTED] are children of late [REDACTED]; that [REDACTED], [REDACTED], and [REDACTED] are children of [REDACTED], née [REDACTED]; and that [REDACTED 2] and [REDACTED] are children of the late [REDACTED], née [REDACTED].

Claimant [REDACTED 2] stated that he was born on 2 April 1952 in Chicago. Claimant [REDACTED 1] stated that she was born on 29 June 1956 in White Plains, New York, the United States. Claimant [REDACTED 1] is representing the following relatives:

1. [REDACTED], née [REDACTED], Claimant [REDACTED 1]'s aunt and daughter of the Account Owner, who was born on 18 June 1913 in Stuttgart;
2. [REDACTED], née [REDACTED], [REDACTED]'s daughter, who was born on 13 September 1943 in Palo Alto, California;
3. [REDACTED], [REDACTED]'s daughter, who was born on 25 September 1946 in New Haven, Connecticut;
4. [REDACTED], [REDACTED]'s son, who was born on 6 May 1950 in Geneva, Switzerland;
5. [REDACTED], Claimant [REDACTED 1]'s cousin, who was born on 14 March 1957 in Chicago;
6. [REDACTED], Claimant [REDACTED 1]'s brother, who was born on 14 March 1947 in New York, New York;
7. [REDACTED], née [REDACTED], Claimant [REDACTED 1]'s sister, who was born on 30 November 1949 in New York.

Claimant [REDACTED 2] previously submitted an ATAG Ernst & Young claim form in 1998, asserting his, [REDACTED]'s, and [REDACTED]'s entitlement to a Swiss bank account owned by Richard Uhlman.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form signed by the Account Owner and by the Power of Attorney Holder, and printouts from the Bank's database. According to these records, the Account Owner was Richard Uhlman from Stuttgart, and the Power of Attorney Holder was Alice Uhlman. The Bank's records indicate that the Account Owner held a custody account, numbered 30304, and a demand deposit account. These accounts were opened in August 1930, and closed on 26 October 1933. The amount in the accounts on the date of their 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 accounts and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the claims of Claimant [REDACTED 1] and Claimant [REDACTED 2] in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their grandparents' names and place of residence match the published names and place of residence of the Account Owner and the Power of Attorney Holder. Furthermore, the Claimants submitted samples of their grandparents' signatures, which match the signature samples of the Account Owner, and of the Power of Attorney Holder contained in the Bank's records.

The CRT notes that Claimant [REDACTED 2] filed an ATAG Ernst & Young claim form in 1998, asserting his, [REDACTED]'s and [REDACTED]'s entitlement to a Swiss bank account owned by Richard Uhlman, 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 Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants. The CRT further notes that the one other claim to this account was disconfirmed because the date of birth of that claimed power of attorney holder made it impossible that she was the same person as the Power of Attorney holder in this case. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish and fled from Germany to the United States in 1939 to escape Nazi persecution. The Claimants indicated that the Account Owner's estate was confiscated by the Nazis.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting Alice Uhlman's will, as well as a detailed family tree demonstrating that they are the Account Owner's grandchildren. According to the family tree provided by the Claimants, [REDACTED], née [REDACTED], is the Account Owner's daughter, and [REDACTED], [REDACTED], and [REDACTED] are [REDACTED]'s children. The family tree indicates that Claimant [REDACTED 1], [REDACTED], and [REDACTED], née [REDACTED] are children of the Account Owner's son, [REDACTED]. Furthermore, the family tree indicates that Claimant [REDACTED 2] and [REDACTED] are children of the Account Owner's daughter, [REDACTED], née [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner's accounts were closed in 1933 and he remained in Germany until 1939; he would not have been able to repatriate his account to Germany when it was closed without its confiscation; there is no record of the payment of the Account Owner's account to him; the Account Owner and his heirs would not have been able to obtain information about his 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A) and Appendix C,² 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that [REDACTED], née [REDACTED] is the Account Owner's daughter, and that the Claimants and the remaining relatives, represented by Claimant [REDACTED 1], are the Account Owner's grandchildren, and those relationships justify an Award. Finally, 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 accounts.

² Appendix C appears on the CRT II website -- www.crt.ii.org.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. 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, and the average value of a demand deposit account was 2,140.00 Swiss Francs, which total 15,140.00 Swiss Francs for the two accounts. 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 189,250.00 Swiss Francs.

Division of the Award

According to the principles of distribution set forth in Article 23 of the Rules, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In the present case, the Account Owner had three children, [REDACTED], [REDACTED] and [REDACTED]. [REDACTED], née [REDACTED], who is the Account Owner's daughter, has a better entitlement to the award than her children, [REDACTED], [REDACTED], and [REDACTED]. The Claimants and the remaining relatives, represented by Claimant [REDACTED 1], are children of the Account Owner's deceased children, [REDACTED] and [REDACTED], and are entitled to their parents' shares of the award. According to Article 23 of the Rules, where a child of the Account Owner is deceased, but that child's descendants are living and have submitted a claim or claims, those descendants are entitled to equal portions of the deceased child's share of the Award. Accordingly, [REDACTED] is entitled to one-third of the award, Claimant [REDACTED 1], [REDACTED], and [REDACTED] are each entitled to one-ninth of the award, and Claimant [REDACTED 2] and [REDACTED] are each entitled to one-sixth of the award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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