

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Hanna Schreiber¹
represented by Dr. Fritz Enderlein

in re Account of Marguerite Weil

Claim Number: 212186/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Hanna Schreiber, née Weil, (the “Claimant”) to the published accounts of Ludwig Weil and Marguerite Weil.² This Award is to the published account of Marguerite Weil (the “Account Owner”), over which Hanna Weil and Ludwig Weil (the “Power of Attorney Holders”) held power of attorney, at the Basel branch of the [REDACTED] (the “Bank”).

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 mother, Marguerite Weil, née Epstein, who was born on 8 December 1889 in Eichstetten, Germany, and who was married to Ludwig Weil in 1910 in Freiburg im Breisgau, Germany. The Claimant stated that she is her parents’ only child. The Claimant indicated that her parents, who were Jewish, fled Germany to Basel, Switzerland in approximately 1939. The Claimant further indicated that soon after their escape to Switzerland, her father died on 29 April 1940 in Basel. The Claimant explained that her mother went to Cuba in 1940, and then moved to Pittsburgh, Pennsylvania, the United States, in 1943. The Claimant indicated that her mother died on 23 January 1944 in Pittsburgh. The Claimant stated that she fled Germany in December 1938, that she resided in Niteroi, Rio de Janeiro, Brazil from 1939 through 1941, and then moved to the United States in 1941.

¹ The CRT notes that although the Claimant indicated in her Claim Form that she represents her two daughters, Suzanne Goldstein, née Schreiber, and Monika Schreiber in this proceeding, she did not provide power of attorney forms from her daughters. The CRT did not request power of attorney forms because according to Article 23(1)(c) of the Rules Governing the Claims Resolution Process, as amended (the Rules”), the Claimant, as the Account Owner’s only child, is solely entitled to the account.

² The Claimant was previously issued a Denial to the published account of Ludwig Weil. See *In re Accounts of Ludwig Weil* (approved on 18 August 2004).

In support of her claim, the Claimant submitted her French passport indicating that she was born in Freiburg i/Br., Germany, and that she resided at 14 rue Salvator, Mulhouse, France; her mother's death certificate indicating that Marguerite Weil was born in Germany, and that she died on 23 January 1944 in the United States; the birth certificate of the Claimant's daughter, Susanne Schreiber, which was issued by the city of Niteroi, Rio de Janeiro, Brazil on 12 February 1947, and indicates that the Claimant's parents were Ludwig Weil and Marguerite Weil; and a handwritten letter providing the details of Ludwig Weil's death certificate, which indicates that his wife was Marguerite Weil, née Epstein, and that he died on 29 April 1940 in Basel. The Claimant indicated that she was born on 28 December 1911 in Freiburg, Germany.

Information Available in the Bank's Records

The Bank's records consist of two power of attorney forms, an acknowledgement of receipt of general terms and conditions applying to custody accounts, and a form with instructions regarding correspondence. According to these records, the Account Owner was *Frau* (Mrs.) Marguerite Weil, who resided at 14 rue Salvator in Mulhouse, France, and the Power of Attorney Holders were Ludwig (Louis) Weil, who resided in Mulhouse, and *Fräulein* (Miss) Hanna Weil, the Account Owner's daughter, who resided at Rua Com. Queiroz 43, Niteroi, Rio de Janeiro, Brazil. The Bank's records indicate that the Account Owner held a custody account, numbered 41886, which was opened no later than 21 June 1939. The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account.

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 this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her mother's name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that the Claimant submitted her French passport indicating that the Claimant resided at 14 rue Salvator in Mulhouse, which matches unpublished information about the Account Owner's street address contained in the Bank's records. Furthermore, the Claimant's name and the Claimant's father's name match the published name of the Power of Attorney Holders. The Claimant indicated that she previously resided in Rio de Janeiro, which matches unpublished information in the Bank's records regarding Power of Attorney Holder Hanna Weil. In support of her claim, the Claimant submitted documents, including her mother's death certificate indicating that her mother was born in Germany, and that she died on 23 January 1944 in the United States; and the birth certificate of the Claimant's daughter, Susanne Schreiber, which was issued by the city of Niteroi, Rio de Janeiro, Brazil on 12 February 1947, and indicates that the

Claimant's parents were Ludwig Weil and Marguerite Weil. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name, the same spouse's name, and resided at the same street address recorded in the Bank's records as the name, spouse's name, and street address of the Account Owner. The CRT notes that there are no other claims to this account.

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 escaped Nazi Germany in 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include the birth certificate of the Claimant's daughter, Susanne Schreiber, indicating that the Claimant's parents were Ludwig Weil and Marguerite Weil. There is no information to indicate that the Account Owner has other surviving heirs other than the Claimant's two daughters. The CRT notes that, as the daughter of the Account Owner, the Claimant is more entitled to the account than her daughters, who are the grandchildren of the Account Owner, and who are not formally represented in this case.

The Issue of Who Received the Proceeds

Given that the Account Owner fled Germany due to Nazi persecution in 1939; 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's 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 Holders, or her 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 mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody 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 present 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”). 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 162,500.00.

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
31 December 2005