

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by Erez Bernstein

## **in re Account of Leopold Weinstein**

Claim Number: 400625/CU

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Leopold Weinstein (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 Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her maternal uncle, Leopold Weinstein, who was born on 6 April 1886 in Banov, Czechoslovakia (then Austria-Hungary, today Czech Republic) and whose parents were [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that her uncle, who was Jewish, resided during the 1930s at Felix Mottlstrasse 27 in Vienna, Austria. According to the Claimant, her uncle was a merchant and owned a business at Hermannngasse 18 in Vienna. The Claimant indicated that her uncle fled Austria after the incorporation Austria into the Reich in March 1938 (the “Anschluss”). The Claimant stated that her uncle never married and died on 8 November 1948 in Vienna.

In support of her claim, the Claimant submitted copies of documents, including: (1) her uncle’s death certificate, indicating that Leopold Weinstein was born on 6 April 1886 in Banov (Hungarian Brod), and resided at Hermannngasse 18 in Vienna, that he was Jewish and a merchant, and that his parents were [REDACTED] and [REDACTED], née [REDACTED], and that he died on 8 November 1948 in Vienna; (2) her uncle’s certificate of residency (*Heimatschein*) for Vienna, dated 2 April 1936; (3) her mother’s certificate of residency (*Heimatschein*) for Vienna, dated 16 September 1929, indicating that [REDACTED], née [REDACTED], was born on 20 October 1895 in Banov; (4) her own birth certificate, issued by the Jewish Community in Vienna, indicating that [REDACTED] was born on 5 June 1930 in

Vienna, and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; (5) a handwritten letter from her mother, dated 24 April 1966, indicating that [REDACTED] named her daughter as her sole heir; (6) her mother's burial certificate, indicating that [REDACTED] was born in 1896 and died on 15 May 1970 in Israel; and (7) her father's death certificate, indicating that [REDACTED] died on 15 March 1976 in London, the United Kingdom.

The Claimant indicated that she was born on 5 June 1930 in Vienna.

### **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was Leopold Weinstein, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account. The Bank's record indicates that the account was opened on 20 September 1933 and closed on 10 December 1955. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Leopold Weinstein, numbered 15093. These records include the asset declaration of Leopold Weinstein, signed by him on 15 July 1938 in Vienna, and which indicates that Leopold Weinstein was born on 6 April 1886, was single, and that he resided at Felix Mottlstrasse 27 in Vienna. The declaration also indicates that Leopold Weinstein owned the company *Leopold Weinstein*, which traded in glassware and which had assets valued at 146,469.71 Reichsmark ("RM"), and was a general partner and owned a 50 percent share, valued at RM 5,496.86, in *Megaphos - Leopold Weinstein & Co.*, which dealt in light fixtures and which was located at Hermannsgasse 18 in Vienna.

These records also include a note to the file, issued by the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property ("VVSt."), dated 27 February 1939. According to this note, Leopold Weinstein was in London and had been there since August 1938, purportedly on a business trip. The note explains that *Leopold Weinstein* and *Megaphos* were to be aryanized, but the aryanization was delayed by the fact that Leopold Weinstein refused to transfer to the Reich the rights to certain patents that he possessed for non-reflecting and energy-saving lamps. The note explains that "the Jew" maintains that he had to leave all his assets behind and that he wanted to continue to market his patents, which were also registered abroad. The note to the file notes that Leopold Weinstein's Vienna apartment contained valuable paintings and carpets, and that it had been sealed. The note concluded that, in order to obtain the patents for the Reich, the current Nazi-appointed administrator of *Leopold Weinstein*, Franz Bock, should contact Leopold Weinstein and let him know that all of his assets

would be confiscated by the Reich if he did not agree to turn over the rights to his patents. The note to the file specifies that the administrator should contact Leopold Weinstein privately, because official written correspondence “with the Jew” would not be effective. (“*Der komm. Verwalter soll sich gewissermaßen privat in Verbindung setzen, weil ein offizieller Schriftwechsel der Vermögensverkehrsstelle mit dem Juden nicht zweckmäßig ist.*”) The note further specifies that the company should be allowed to pay rent on Leopold Weinstein’s apartment until further notice, because the apartment contained valuables including furniture and paintings that were being stored there, and that if “the Jew” should refuse the suggestion to turn over his patents, further measures should be discussed with the legal department. These records make no mention of assets held in Swiss bank account.

## **Information Obtained by the CRT**

The CRT conducted research regarding Leopold Weinstein. According to this research, Leopold Weinstein applied for a patent for a reflecting lampshade in Great Britain on 20 September 1937. The patent was granted and was numbered GB502544.<sup>1</sup> The CRT further notes that, according to a lecture held by Mag. Hannah Lessing, the Secretary General of the Austrian National Fund, at the Sotheby’s Restitution Symposium, held in Vienna on 11 May 2007, certain pieces of Leopold Weinstein’s art collection, referenced in the files of his 1938 Census declaration, were restituted to his heirs through the work of the Austrian National Fund (created on the occasion of the Republic of Austria’s fiftieth anniversary in 1995), with the cooperation of the Vienna Museum. The restituted work included paintings by Windhager and Hampel.<sup>2</sup>

## **The CRT’s Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s uncle’s name matches the published name of the Account Owner. The Claimant identified the Account Owner’s city and country of residence, which match unpublished information about the Account Owner contained in the Bank’s record.

In support of her claim, the Claimant submitted documents, including her uncle’s death certificate and his certificate of residency (*Heimatschein*) for Vienna, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank’s record as the name and city of residence of the Account Owner.

The CRT notes that the name Leopold Weinstein appears only once on the List of Account Owners Published in 2005 (the “2005 List”).

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<sup>1</sup> See <http://www.wikipatents.com/gb/502544.html>.

<sup>2</sup> See [http://www.lootedart.com/web\\_images/news/Sothebys\\_Rede\\_HannahFinal.pdf](http://www.lootedart.com/web_images/news/Sothebys_Rede_HannahFinal.pdf). See also Tina Walzer and Stephan Templ. *Unser Wien. “Arisierung” auf Oesterreichisch [Our Vienna. Austrian for “Aryanization”]*. Berlin: Aufbau-Verlag, 2001.

The CRT notes that the other claims to this account were disconfirmed because that claimant provided a different country of residence than the country of residence 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 he fled Austria after the *Anschluss*.

#### 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 uncle, Leopold Weinstein. These documents include her uncle's death certificate, indicating that Leopold Weinstein was born in Banov, Czechoslovakia, and that he resided in Vienna; her mother's certificate of residency (*Heimatschein*), indicating that [REDACTED]'s maiden name was [REDACTED] and that she was born in Banov, Czechoslovakia and resided in Vienna; and the Claimant's birth certificate, indicating that [REDACTED]'s parents were [REDACTED] and [REDACTED], née [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was opened on 20 September 1933 and closed on 10 December 1955.

Given that the Account Owner fled Austria after the *Anschluss* ; that the account was closed years after the Account Owner's death; that there is no record of the payment of the Account Owner's account to his heirs; that 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 (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 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 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 uncle, Leopold Weinstein, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 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 26,750.00.

### **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  
20 December 2007