

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award Amendment**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2],

to Claimant [REDACTED 3]  
also acting on behalf of [REDACTED 4],

and to Claimant [REDACTED 5]

## **in re Account of Louis Winkler**

Claim Numbers: 220531/HS; 221901/HS; 220757/HS;<sup>1</sup> 790408/HS<sup>2</sup>

## Amendment of Division of Award

This Certified Award Amendment is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 5] (“Claimant [REDACTED 5]”) (together the “Claimants”) to the published account of Louis Winkler (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).

All awards are published, but where the claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

On 28 July 2004 the Court approved an Award to Claimant [REDACTED 1], Claimant [REDACTED 3], and the parties they represent for one custody account owned by the Account Owner (the “July 2004 Award”). In this Award Amendment, the CRT adopts and amends its findings in the July 2004 Award. Based on the CRT’s review of the Initial Questionnaire (“IQ”) submitted by Claimant [REDACTED 5] and comparison of the information that each of the Claimants has provided, the CRT amends the division of the July 2004 Award amount in order to address the entitlement of Claimant [REDACTED 5].

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<sup>1</sup> Claimant [REDACTED 3] submitted an additional claim to the published account of [REDACTED], which is registered under the Claim Number 220758. The CRT will treat the claim to this account in a separate decision.

<sup>2</sup> Claimant [REDACTED 5] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0730031, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those IQs which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 790408.

In the July 2004 Award, the CRT determined that Claimant [REDACTED 1] and Claimant [REDACTED 3] plausibly identified the Account Owner, that they plausibly demonstrated that they and the parties they represent are related to the Account Owner, and that they 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 also determined that the Account Owner owned one custody account. Additionally, the CRT determined that it was plausible that the Account Owner did not receive the proceeds of his account, and that the current value of the account was 162,500.00 Swiss Francs ("SF").

As for the division of the July 2004 Award amount, the CRT noted that Claimant [REDACTED 3] submitted the Account Owner's certificate of inheritance, indicating that the Account Owner's heirs, in equal shares (1/3), are his children: [REDACTED], née [REDACTED], [REDACTED] and Dr. [REDACTED]. Additionally, Claimant [REDACTED 1] submitted a probate order with respect to the estate of his father, [REDACTED], according to which, the latter's sole heir is his wife, [REDACTED 2].

Based on these documents and on Article 23 of the Rules Governing the Claims Resolution Process (the "Rules"), in the July 2004 Award the CRT determined that Claimant [REDACTED 3] and her sister, represented party [REDACTED 4], née [REDACTED], as the children of the Account Owner's son [REDACTED], were entitled to share equally one-half of the total award amount, or one-fourth of the total award amount each; and that represented party [REDACTED 2], as the named heir of the Account Owner's son [REDACTED], was entitled to the other half of the July 2004 Award amount.

### **Information Provided by Claimant [REDACTED 5]**

Claimant [REDACTED 5] submitted an IQ identifying the Account Owner as her maternal grandfather, Louis Winkler. Claimant [REDACTED 5] stated that she and her parents fled Germany following her father's release from Dachau, where he had been imprisoned for four weeks after *Kristallnacht* (the "night of broken glass" pogrom of November 1938). Claimant [REDACTED 5] indicated that she was born in Munich, Germany, on 14 March 1931.

### **The CRT's Analysis**

#### **Basis for Amending the Award to Include Claimant [REDACTED 5]**

In the July 2004 Award, the CRT noted that Claimant [REDACTED 3], who had plausibly identified the Account Owner as her paternal grandfather, also named Claimant [REDACTED 5] as a grandchild of the Account Owner (*i.e.*, as the daughter of the Account Owner's daughter, [REDACTED], née [REDACTED]). Furthermore, the CRT notes that Claimant [REDACTED 5] filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned

by Louis Winkler, prior to the publication of his name in February 2001 on 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”).

Therefore, considering the foregoing, and considering Article 27(1) of the Rules, which directs the CRT to seek the most equitable and fair result under the circumstances, the CRT determines that Claimant [REDACTED 5] is entitled to share in the July 2004 Award amount.

#### Division of the Award Amendment

As noted above, Claimant [REDACTED 3] submitted the Account Owner’s certificate of inheritance, which names his three children as his heirs in equal shares; and Claimant [REDACTED 1] submitted [REDACTED]’s will, naming [REDACTED 2] as his sole heir.

According to Article 23(2)(a) of the Rules, if a Claimant has submitted the Account Owner’s will or other inheritance documents pertaining to the Account Owner, the Award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. Moreover, according to Article 23(2)(b) of the Rules, if none of the named beneficiaries has filed a claim, the CRT shall make an Award to any claimant who has submitted an unbroken chain of wills or other inheritance documents pertaining to the Account Owner. According to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. Finally, Article 23(1)(c) of the Rules provides that 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.

Therefore, Claimant [REDACTED 5], as the child of the Account Owner’s daughter [REDACTED], is entitled to one-third of the total award amount; Claimant [REDACTED 3] and represented party [REDACTED 4], as the children of the Account Owner’s son [REDACTED], are entitled to one-sixth of the total award amount each; and Claimant [REDACTED 1]’s mother, represented party [REDACTED 2], as the named heir of the Account Owner’s son [REDACTED], is entitled to the remaining one-third of the total award amount. As noted in the July 2004 Award, because [REDACTED]’s will names [REDACTED 2] as his sole heir, [REDACTED]’s son, Claimant [REDACTED 1], is not entitled to share in the award.

## **Certification of the Award Amendment**

The CRT certifies this Award Amendment for approval by the Court.

Claims Resolution Tribunal  
30 December 2004