

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by [REDACTED]

**in re Accounts of Jeanne Wormser, S. Wormser, and Sally Wormser**

Claim Numbers: 500426/MBC; 500427/MBC

Award Amount: 378,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Jeanne Wormser (“Account Owner Jeanne Wormser”) and to the published accounts of S. Wormser and Sally Wormser (“Account Owner Sally Wormser”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>1</sup>

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 owners, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted two Claim Forms identifying Account Owner Sally Wormser as her maternal grandfather, Sally (or Samuel) Wormser, who was born on 9 April 1871 in Stuttgart, Germany, and Account Owner Jeanne Wormser as her maternal grandmother, Jeanne (Johanna or Ivana) Wormser, née Lélourdy, who was born on 15 November 1876 in Heming, France. The Claimant stated that her grandparents were married on 15 April 1903 in Heming. The Claimant indicated that her grandparents had two children: [REDACTED], née [REDACTED] (the Claimant’s mother), who was born on 5 February 1904 in Höxter, Germany, and [REDACTED], who was born in 1909 in Höxter. The Claimant stated that in 1910, her grandparents moved to Trbovlje, Yugoslavia (today Slovenia), where her grandfather, who was Jewish, was the director

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<sup>1</sup> The CRT notes that, on the February 2001 published 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”), Jeanne Wormser is indicated as having two accounts, S. Wormser is indicating as having one account, and Sally Wormser is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence that S. Wormser and Sally Wormser were the same individual (Account Owner Sally Wormser). Moreover, the CRT has concluded that the Bank’s records evidence the existence of five accounts: one account owned by Account Owner Jeanne Wormser, one account owned by Account Owner Sally Wormser, and three accounts jointly held by the Account Owners.

of a cement factory. According to the Claimant, after Nazi Germany occupied Yugoslavia in April 1941, her grandparents fled from Trbovlje to Ljubljana, Slovenia, which was then under Italian control. The Claimant stated that her grandparents were deported from Ljubljana to Agordo, Italy in 1942. The Claimant further stated that her grandparents escaped to Paris, France at the end of 1944. The Claimant indicated that her grandparents returned to Yugoslavia in 1946. The Claimant further indicated that her grandfather died on 23 December 1959 in Ljubljana, that her grandmother died on 3 October 1968 in Celje, Yugoslavia (today Slovenia), that her mother died on 22 August 1983 in Ljubljana, and that her uncle, [REDACTED], died in 1998 in Montpellier, France.

The Claimant submitted documents in support of her claims, including a certificate from the Stuttgart Rabbinate, identifying the Claimant's grandfather as Dr. S. Wormser; an extract from the baptism registry of Heming, identifying the Claimant's grandmother as Jeanne Marie Amelie Henriette Lélourdy; the Claimant's grandparents' marriage certificate, indicating that Samuel Wormser and Johanna Lélourdy were married in Heming on 15 April 1903; the Claimant's grandparents' certificates of residence, indicating that Dr. Saly Wormser and Jeanne Wormser resided in Trbovlje; a certificate issued in Ljubljana, indicating that Dr. Samuel Wormser and Jeanne Wormser acquired Yugoslavian citizenship as of 30 July 1934; an identification document from the French government, issued on 17 December 1945, indicating that Sally Wormser resided in Paris; the Claimant's mother's birth certificate, indicating that [REDACTED] was born to Dr. Sally Wormser and Johanna Wormser, née Lélourdy; and the Claimant's own birth certificate, indicating that she was born to [REDACTED] and [REDACTED]. In addition, the Claimant submitted documents relating to her grandparents' accounts at the Bank. These documents are described in detail below. The Claimant indicated that she was born on 22 May 1940 in Ljubljana.

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

### Records Identified by the ICEP Investigation

The Bank's records submitted by 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") consist of customer cards, an application for the opening of a custody account, a signature sample card, and printouts from the Bank's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about the accounts at issue ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of additional customer cards, an additional application for the opening of a custody account, a power of attorney form, general terms and conditions applying to accounts, and a spousal consent form.

According to these records, Account Owner Sally Wormser was Dr. Sally Wormser and Account Owner Jeanne Wormser was Frau (Mrs.) Jeanne Wormser, née Lélourdy. According to the Bank's records, the Account Owners initially resided in Trbovlje, Yugoslavia, then in 1941 in Ljubljana, Yugoslavia, before later moving to Agordo presso Belluno, Italy, and Longarone

presso Belluno, also in Italy. Further, the Bank's records indicate that, in 1944, the Account Owners fled to Switzerland, where they resided in Turbenthal, and that subsequently they moved to Paris, France.

#### *Account 41948*

The Bank's records indicate that Account Owner Sally Wormser held a custody account, numbered 41948, that was opened on 2 May 1938 and closed on 20 May 1941. The Bank's records further indicate that the custody account contained 300 shares of *Trifailer*, and that Account Owner Sally Wormser instructed the Bank to transfer the coupons of these shares to a bank in Ljubljana. The Bank's records do not indicate the value of these shares. According to the Bank's records, Account Owner Sally Wormser, who was a citizen of Yugoslavia, resided initially in Trbovlje, and later at Gosposvetska 12/II in Ljubljana. The Bank's records indicate that custody account 41948 was closed on 20 May 1941. The Bank's records relating to this account further indicate that, although the account was closed on 20 May 1941, Account Owner Sally Wormser was still in contact with the Bank on 21 July 1941. There is no evidence in the Bank's records that Account Owner Sally Wormser closed the account and received the proceeds himself.

#### *Account 44249*

The Bank's records indicate that Account Owner Jeanne Wormser held a custody account, numbered 44249, which was opened on 21 August 1941 and into which Account Owner Jeanne Wormser deposited 100 shares of a Hungarian company named *Salgo-Tarjaner Steinkohlen-Bergbau A.G.* ("*Salgo-Tarjaner*"), 50 shares of another Hungarian company called *Rimamurany Salgo-Tarjaner Eisenwerks-A.G.* ("*Rimamurany*"), 306.95 Hungarian Pengö ("*HP*") and approximately 60.00 Swiss Francs ("*SF*"). According to the Bank's records, at the time of the opening of the account, Account Owner Jeanne Wormser used the address at Gosposvetska 12 in Ljubljana and a further address care of Mr. [REDACTED] [*sic*] at Podjunska 11 in Ljubljana. The Bank's records indicate that the Bank was subsequently ordered to send correspondence to Account Owner Sally Wormser, *Hotel Roma*, Agordo presso Belluno. The Bank's records further indicate that the custody account was closed on 19 January 1942.

#### *Account 44501*

The Bank's records indicate that the Account Owners opened a joint custody account and a demand deposit account in Swiss Francs, both numbered 44501, on 20 January 1942. According to the Bank's records, the Account Owners notified the Bank on 4 March 1943 that they had moved from Agordo presso Belluno to Longarono presso Belluno. The Bank's records indicate that, on 3 January 1944, the Bank was ordered to send correspondence to *Pension Friedheim* in Turbenthal, Switzerland. In a letter dated 29 March 1944, Account Owner Sally Wormser informed the Bank that he had fled from Italy to Switzerland and that he planned to reside at *Pension Friedheim* until 15 April 1944. The Bank's records further indicate that the Account Owners gave the Bank instructions regarding correspondence on 2 March 1944, 16 May 1944, 28 December 1945, and 12 February 1953, but the contents of these instructions are not recorded. The Bank's records also indicate that the Account Owners moved to France some time

after 16 May 1944, and that they resided at 5 rue du Canada in Paris. According to the Bank's records, the number of the custody account was changed from 44501 to 225, but the date of or reason for that change is not recorded. The Bank's records indicate that the custody account was closed on 25 July 1957. The date of closure of the demand deposit account is not recorded. The value of the accounts on the date of their closure is not known. There is no evidence in the Bank's records that the Account Owners or their heirs closed this account and received the proceeds themselves.

### Records Provided by the Claimant

Further documents regarding the Account Owners' accounts were submitted to the CRT by the Claimant. These records consist of correspondence between the Bank and the Account Owners from the years 1942 and 1943, account statements, and a letter from the Swiss Clearing Office to Account Owner Sally Wormser.

These records contain a letter from the Bank to the Account Owners, dated 21 January 1942, in which the Bank informed the Account Owners, who at that time resided in Agorno presso Belluno, that pursuant to the Account Owners' instructions, the Bank closed custody account 44249 held by Account Owner Jeanne Wormser and transferred the securities contained therein to a newly opened custody account, numbered 44501, to be jointly held by the Account Owners. The securities transferred from account 44249 were 250 shares of *Rimamurany* and 100 shares of *Salgo-Tarjaner*. In a subsequent letter, dated 19 May 1942, the Bank informed the Account Owners that the custody account maintenance fees for Account Owner's Jeanne Wormser's custody account had not been paid before its closure and that the fees in the amount of SF 150.00 would be debited to the demand deposit account associated with the new custody account jointly held by the Account Owners.

Further, in a letter, dated 16 March 1942, the Bank informed the Account Owners that pursuant to the Account Owners' instructions, the Bank had sold the subscription rights derived from the 250 shares of *Rimamurany* and had opened a demand deposit account to deposit the proceeds in "blocked Pengö" (*gesperrte Inland-Pengö*), which was held in the name of the Bank but for the account of the Account Owners at the *Pester Ungarische Commercial-Bank* in Budapest, Hungary. The Claimant also submitted a receipt showing that the proceeds from the sale of the subscription rights amounted to HP 2,537.50 after the deduction of fees. Further, the Claimant submitted an account statement showing that the balance of the Pengö account as of 31 December 1942 was HP 2,750.00.

The Claimant submitted a letter from the Bank to the Account Owners, dated 22 January 1943, in which the Bank confirmed the receipt of a letter from the Account Owners, dated 12 December 1942, in which the Account Owners requested the Bank to cover a negative balance in their demand deposit account by using the positive balance of the demand deposit account in blocked Pengö. In its letter, the Bank informed the Account Owners that the balance of the account in blocked Pengö could not be used, as the currency had a very limited liquidity. The Bank further informed the Account Owners that it could not execute the Account Owners' order to transfer the securities deposited in custody account 44501 to Ljubljana, and suggested that the Account

Owners sell some of these securities to cover the negative balance in their demand deposit account.

Another letter from the Bank to the Account Owners, dated 6 March 1943, confirms the change of address of the Account Owners from Agordo presso Belluno to Longarone presso Belluno. In this letter, the Bank informed the Account Owners that it could not transfer their securities to Ljubljana, because the Decree of the Federal Council of 6 July 1940 concerning money transfers between Switzerland and other countries also applied to Yugoslavia as of 13 May 1941, and that therefore the Account Owners' accounts were blocked.

In a letter, dated 19 April 1943, the Bank informed the Account Owners that it could not cash in the coupons of the shares held by the Account Owners, because only coupons from securities held by Swiss nationals could be cashed in at that time. In another letter of the same date, the Bank confirmed the Account Owners' order to sell 50 shares of *Salgo-Tarjaner* at a minimum price of SF 8.50 per share and informed the Account Owner that it would not be possible to sell these shares at that price, as the average price was approximately SF 5.00. In the letter, the Bank suggested that, in order to cover the debit in their demand deposit account, the Account Owners should instruct the Bank to sell the shares at the best possible price. The Bank also informed the Account Owners that they needed to apply to the Swiss Clearing Office for a waiver allowing them to transfer their securities to Ljubljana.

In a letter, dated 19 May 1943, the Bank informed the Account Owners that it could not make an application to the Swiss Clearing Office on behalf of the Account Owners for unblocking their assets until the negative balance in their account was covered. The Bank also stated that it would execute the Account Owners' order to send the coupons from their shares to "*Hermes*" *Ung. Allg. Wechselstuben A.G.* ("*Hermes*") in Budapest only after the negative balance was covered. In another letter, dated 12 July 1943, the Bank informed the Account Owners that due to the special circumstances of the case, the Bank had sent the coupons to *Hermes*.

In a letter, dated 21 July 1943, the Swiss Clearing Office informed Account Owner Sally Wormser that it could not authorize the transfer of the securities from the Account Owners' custody account at the Bank to Ljubljana, as the assets of Yugoslav nationals in Switzerland served as security for Swiss asset claims against Yugoslavia.

In a letter, dated 9 August 1943, the Bank informed the Account Owners that *Hermes* had confirmed the receipt of the coupons of the Account Owners' shares. Further, the Bank wrote that *Hermes* would only be allowed to deposit the proceeds of the coupons in an account at the Hungarian Office for Foreign Credits (*Kasse für Auslandskredite*), as the transfer of assets outside of Hungary was not allowed. Therefore, *Hermes* was awaiting the Account Owners' instructions as to whether the coupons should be redeemed under these conditions.

## **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 two claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandfather's and grandmother's names match the published names of Account Owner Sally Wormser and Account Owner Jeanne Wormser, respectively. The Claimant indicated that her grandparents resided in Agordo and Paris, which matches published information about the Account Owners contained in the Bank's records. The Claimant further indicated that her grandparents resided in Trbovlje and Ljubljana, and identified Account Owner Sally Wormser's title, which matches unpublished information about the Account Owners contained in the Bank's records. The CRT notes that the Bank's records contain a care of address in the name of "[REDACTED]" for one of the accounts, and concludes that this was likely the result of a misreading of the handwritten instruction sheet, and this individual should be "[REDACTED]," that is, [REDACTED], the Account Owners' son-in-law and the Claimant's father.

In support of her claim, the Claimant submitted documents, including her mother's birth certificate, identifying her father as Dr. Sally Wormser; a certificate of citizenship, issued in Ljubljana, identifying the Claimant's grandmother as Jeanne Wormser; a certificate of residence, indicating that the Claimant's grandparents resided in Trbovlje; and an identification document issued by the French government, indicating that Sally Wormser resided in Paris. These documents provide independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same cities recorded in the Bank's records as the names and cities of residence of the Account Owners. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Samuel Wormser, and indicates that his date of birth was 9 April 1871 and that he was a Yugoslavian national, which matches the information about Account Owner Sally Wormser provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Moreover, the CRT notes that the name Jeanne Wormser appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. Finally, the CRT notes that there are no other claims to these accounts.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that Account Owner Sally Wormser was Jewish, that the Account Owners fled from Trbovlje to Ljubljana after Nazi Germany occupied Yugoslavia in April 1941, that they were deported from Ljubljana to Agordo in 1942, and that they

subsequently fled to Paris. As noted above, a person named Samuel Wormser was included in the CRT's database of victims.

### The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's grandparents. These documents include the Claimant's mother's birth certificate, indicating that [REDACTED] was born to Dr. Sally Wormser and Johanna Wormser, and the Claimant's own birth certificate, indicating that she was born to [REDACTED] and [REDACTED]. There is no information to indicate that the Account Owners have other surviving heirs.

### The Issue of Who Received the Proceeds

The Bank's records indicate that Account Owner Sally Wormser held one custody account, numbered 41948, that was closed on 20 May 1941, that Account Owner Jeanne Wormser held a custody account, numbered 44249, that was closed on 19 January 1942, and that the Account Owners jointly held a custody account, numbered 44501, that was closed on 25 July 1957, as well as a demand deposit account in Swiss Francs and a demand deposit account in Hungarian Pengő, for both of which the closure date is not available.

#### *Account 41948*

The CRT notes that the Bank's records indicate that Account 41948 was closed on 20 May 1941, at which time, according to information provided by the Claimant, Account Owner Sally Wormser may have been outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the account was closed; that Account Owner Sally Wormser fled his country of origin due to Nazi persecution; that Account Owner Sally Wormser may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety; that Account Owner Sally Wormser and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 Account Owner Sally Wormser 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.

#### *Account 44249*

The Bank's records submitted by the Claimant indicate that, in January 1942, pursuant to the

Account Owners' instructions, Account 44249 was closed and the assets contained therein transferred to Account 44501.

#### *Account 44501*

The CRT notes that the Bank's records indicate that the Account Owners had contact with the Bank regarding this account in 1942 and 1943; and that the Bank's records indicate an address for the Account Owners in Turbenthal as of 15 April 1944, and in Paris, where the Account Owners fled at the end of 1944, indicating that the Account Owners were in contact with the Bank regarding the account at least as late as 1944. However, given that the securities in the account were frozen pursuant to the Swiss Federal Council resolution of 13 May 1941 as security against Swiss assets held in Yugoslavia; that the Account Owners repeatedly and unsuccessfully attempted to transfer the shares in the account to Yugoslavia during the Second World War; that the Account Owners resided in a Communist country in Eastern Europe after the Second World War; that there is no record of the payment of the Account Owners' account to them; that the Account Owners and their heirs would not have been able to obtain information about their account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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), (i), 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 Owners or their heirs.

#### *Demand Deposit Accounts in Swiss Francs and in Pengö*

Given that there is no record of the payment of the demand deposit accounts to the Account Owners nor any record of a date of closure of these accounts; that the Account Owners and their heirs would not have been able to obtain information about their accounts 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 Owners or their heirs.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were her maternal grandparents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of custody account 41948, custody account 44249, and of two demand deposit accounts.

### Amount of the Award

In this case, the Award is for one custody account held by Account Owner Sally Wormser and for one custody account and two demand deposit accounts jointly held by the Account Owners. 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 SF 13,000.00, and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 30,280.00. 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, to produce a total award amount of SF 378,500.00.

### **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 claims 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  
24 October 2008