

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1], also acting on behalf of
[REDACTED 2] de Langlade, [REDACTED 3], [REDACTED 4], [REDACTED 5],
[REDACTED 6] and [REDACTED 7]

in re Account of Lucie Ernesta Henriette de Langlade and Louis Charles Pierre de Langlade

Claim Number: 213929/PY

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of Lucie Ernesta Henriette de Langlade. This Award is to the joint account of Lucie Ernesta Henriette de Langlade (“Account Owner Lucie de Langlade”) and Louis Charles Pierre de Langlade (“Account Owner Louis de Langlade”) (together the “Account Owners”), published under the name of Account Owner Louis de Langlade, at the Basel branch of 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 Account Owner Lucie de Langlade as his paternal grandmother, Lucie Ernesta Henriette de Langlade, née Stern, and Account Owner Louis de Langlade as his father, Louis Charles Pierre de Langlade. The Claimant stated that his grandmother was born on 20 October 1882 in Paris, France, and was married to [REDACTED] on 9 April 1904 in Paris; and that his father was born on 27 April 1905 in Paris, and was married to [REDACTED 2] de Langlade, née Journet, on 5 June 1931, also in Paris. The Claimant stated that his grandmother, who was Jewish, resided in Paris at 10 Rue Léonard de Vinci until 1944. The Claimant explained that in the beginning of January 1944, his grandmother was interned at Drancy, and on 20 January 1944, she was deported to Auschwitz, where she perished on 24 January 1944. In support of his claim, the Claimant submitted his paternal grandparents’ family booklet, which indicates that Lucie de Langlade was the mother of Louis de Langlade; and his father’s family booklet, which in turn indicates that the Claimant and his siblings are the children of Louis de Langlade, and that Louis de Langlade was married to [REDACTED]

2] Journet. The family booklets also indicate that Lucie de Langlade and Louis de Langlade resided in Paris. In addition, the Claimant submitted various certificates stating that Lucie de Langlade was interned at Drancy, as well as a certificate stating that Lucie de Langlade was presumed to have died in Auschwitz.

The Claimant indicated that he was born on 9 June 1938 in Paris. The Claimant is representing his mother, [REDACTED 2] de Langlade, who was born on 18 January 1909 in Paris. The Claimant is also representing his brothers, [REDACTED 3], [REDACTED 4], [REDACTED 5] and [REDACTED 7], who were born on 18 January 1934, 21 December 1934, 4 November 1941 and 25 November 1946, respectively, in Paris. The Claimant is also representing his sister, [REDACTED 6], née [REDACTED], who was born on 28 February 1943, also in Paris.

Information Available in the Bank's Records

The Bank's records consist of customer cards. According to these records, the Account Owners were Lucie Ernesta Henriette de Langlade, née Stern, and Louis Charles Pierre de Langlade, the Baroness and the Baron de Langlade, and the Power of Attorney Holder was the Baroness Louis de Langlade, née Journet, Account Owner Louis Langlade's wife. The Bank's records indicate that the Account Owners and Power of Attorney Holder all resided at 10, rue Léonard de Vinci, in Paris, France.

The Bank's records indicate that the Account Owners jointly held a safe deposit box numbered 53. The Bank's records indicate that the safe deposit box was opened on 2 July 1933. The Bank's records do not show when this account was closed, or to whom it was paid, 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 safe deposit box 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. There is no evidence in the Bank's records that the Account Owners, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His grandmother's name and country and city of residence match the published name and country and city of residence of Account Owner Lucie de Langlade. His mother's name, including maiden name, matches the published name of the Power of Attorney Holder, and his father's name matches the unpublished name of Account Owner Louis de Langlade. The Claimant identified his parents' and grandmother's precise street address in Paris, which matches

unpublished information about the Account Owners contained in the Bank's records. The Claimant also identified the relationship between Account Owner Louis de Langlade and the Power of Attorney Holder, which also matches unpublished information contained in the Bank's records. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Lucie de Langlade, and indicates that her date of birth was 20 October 1882 and place of birth was Paris, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners and Power of Attorney Holder.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Lucie de Langlade was a Victim of Nazi Persecution. The Claimant stated that Account Owner Lucie de Langlade was Jewish, and that she was interned at Drancy before being deported in January 1944 to Auschwitz, where she perished. As noted above, a person named Lucie de Langlade was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he, together with his mother and his siblings, whom he represents, are related to the Account Owners by submitting a detailed family tree, specific biographical information and numerous documents. These documents include the Claimant's paternal grandparents' family booklet, which indicates that Lucie de Langlade was the mother of Louis de Langlade, and his father's family booklet, which in turn indicates that the Claimant and his siblings are the children of Louis de Langlade, and that Louis de Langlade was married to [REDACTED 2] Journet. The family booklets also indicate that Lucie de Langlade and Louis de Langlade resided in Paris. The CRT notes that the Claimant identified unpublished information about the residences and relationships of the Account Owners and Power of Attorney Holder, as contained in the Bank's records, which is also evidenced by the documents submitted by the Claimant. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners and Power of Attorney Holder were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners and Power of Attorney Holder, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

Given that Account Owner Lucie de Langlade was interned in two concentration camps and perished in Auschwitz in 1944; that there is no record of a date of closure of this account nor any record of the payment of this account to the Account Owners; that the Account Owners and their heirs would not have been able to obtain information about this closed 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 of the safe deposit box were not paid to the Account Owners or their 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 Owners were his grandmother and father, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holder nor their heirs received the proceeds of the safe deposit box.

Amount of the Award

In this case, the Account Owners held one safe deposit box. 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 safe deposit box was 1,240.00 Swiss Francs. 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 15,500.00 Swiss Francs.

Division of the Award

According to Article 25(1) of the Rules, if an account is a joint account, as is the case here, and claimants related to each of the Account Owners have submitted claims to the account, it shall be presumed that each account owner was the owner of an equal share of the account. Consequently, each of the Account Owners is presumed to have held a half-share in the safe deposit box.

According to Article 23(1)(b) of the Rules, if the account owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and any descendants who have submitted a claim shall receive the other half in equal shares by representation. As such, [REDACTED 2] de Langlade, who is Account Owner Louis de Langlade's wife, is entitled to one-half of his half-share in the safe deposit box, *i.e.*, she is entitled to one-quarter of the value of the safe deposit box. The remainder of Account Owner Louis de Langlade's half-share in the safe deposit box is to be divided equally among the Claimant and the Claimant's siblings, who are the children of Account Owner Louis de Langlade, so that the Claimant, his brothers [REDACTED 3],

[REDACTED 4], [REDACTED 5], [REDACTED 7], and his sister [REDACTED 6], are each entitled to one twenty-fourth of the value of the safe deposit box.

Furthermore, according to Article 23(1)(c) of the Rules, if an account owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the account owner, in equal shares by representation. The Claimant and his siblings, who are all grandchildren and direct descendants of Account Owner Lucie de Langlade, are better entitled to Account Owner Lucie de Langlade's half-share in the safe deposit than their mother, [REDACTED 2] de Langlade, who is related to Account Owner Lucie de Langlade through marriage. Consequently, Account Owner Lucie de Langlade's half-share in the safe deposit box is to be divided equally between the Claimant and his siblings, such that each of them receive, in addition to the one-twenty-fourth of the value of the safe deposit box, as stated above, a further one-twelfth share.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
28 May 2004