

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Rita L. Hubbard
represented by David Hubbard

and to Claimant Peter L. Levy
represented by Stephen M. Harnik

in re Accounts of Fritz Levy

Claim Numbers: 217496/WT;¹ 402246/WT²

This Certified Denial is based upon the claim of Rita L. Hubbard, née Lövinsohn, (“Claimant Hubbard”) to the account of Ludwig Levy and *Ludwig Levy GmbH*, and upon the claim of Peter L. Levy, (“Claimant Levy”) (together the “Claimants”) to the account of Walter Herz. This Denial is to the unpublished accounts of Fritz Levy (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All denials 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

Claimant Hubbard

Claimant Hubbard submitted a Claim Form identifying the Account Owner as her maternal uncle, Fritz Levy, who was born on 11 August 1895 in Berlin, Germany, and was married to Paula Levy, and who had one child named Peter. Claimant Hubbard stated that her uncle, who was Jewish, was the manager and major shareholder in the family textile business, *Ludwig Levy GmbH*, which was located in Spremberg an der Warthe, Germany. Claimant Hubbard stated that the business was founded by her maternal grandfather, Ludwig Levy, who was married to Clara Levy, née Isaack. Claimant Hubbard explained that her family’s factories were confiscated by

¹ In a separate decision, the CRT treated the claim of Rita Hubbard (“Claimant Hubbard”) to the account of Ludwig Levy. See *In re Account of Ludwig Levy* (approved on 3 March 2006). Also, in a decision dated 18 January 2006, the CRT treated Claimant Hubbard’s claim to accounts potentially owned by *Ludwig Levy GmbH*, Erna Heimann, Edith Lövinsohn, Else Bergmann, Moses Levy, Friederike Levy, Ludwig Levy, Werner Lövinsohn, Max Heiman, Paula Levy, Peter Levy, Ursula Weil, Ernst Bergman, Rita Hubbard, Hella Roubick, Eleanor Wapner, and Clara Levy.

² In a separate decision, the CRT awarded the accounts of Walter Herz to Peter Levy (“Claimant Levy”). See *In re Accounts of Walter Herz* (approved on 18 December 2008).

the Nazis, and that in November 1938 her uncle fled to Switzerland and eventually joined his mother, Clara Levy, in Luxembourg. Claimant Hubbard stated that her uncle remained in Luxembourg until Clara Levy's death on 27 March 1940. In a letter to the CRT dated 12 October 2002, Claimant Hubbard stated that after Clara Levy's death, Fritz Levy fled Luxembourg to the Netherlands, where he lived in hiding during the Nazi occupation. Claimant Hubbard stated that her uncle moved to the United States between 1947 and 1950, and that he died on 29 December 1954 in New York, New York.

In support of her claim, Claimant Hubbard submitted numerous documents, including:

- (1) her own birth certificate, indicating that Rita Lövinsohn was born on 10 July 1919 in Frankfurt an der Oder, Germany, to Werner and Edith Lövinsohn, née Levy;
- (2) a certificate of inheritance issued on 22 July 1958 by the Probate Court of Kane County in Elgin, Illinois, indicating that Werner Lonsen died on 8 February 1953, that he was married to Edith Lonsen, and that he had two children: Rita Hubbard, née Lonsen (the Claimant), and Hella Lonsen;³
- (3) the Claimant's mother's birth certificate, indicating that Edith Levy was the daughter of Ludwig and Klara Levy;
- (4) photographs of Claimant Hubbard's family members and her uncle's business; and
- (5) a list made by Claimant Hubbard's grandmother, Clara Levy, on stationery bearing the letterhead of Claimant Hubbard's grandfather's firm, indicating that Ludwig and Clara Levy had four children: Erna, Edith, Fritz and Else Levy, and which indicates that Fritz Levy was born on 11 August in 1895 in Berlin.

Claimant Hubbard indicated that she was born on 10 July 1919 in Frankfurt an der Oder.

Claimant Levy

Claimant Levy, who is Claimant Hubbard's cousin, submitted a Claim Form identifying the Account Owner as his father, Fritz Levy. In a telephone conversation with the CRT on 22 June 2009, Claimant Levy stated that his father, who was Jewish, was born in 1895 in Berlin and was married to Anna Levy, née Lazar. Claimant Levy stated that his father owned a textile factory located in Spremberg an der Warthe, which was founded by Claimant Levy's paternal grandfather, Ludwig Levy. Claimant Levy stated that after his father's factory was confiscated in 1939, he fled with his family to Switzerland, Luxembourg, and then to the United States, where he died on 29 December 1954 in New York.

Claimant Levy indicated that he was born on 22 June 1928 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of two customer cards, a safe deposit box registry card, and an extract from a register of accounts that were frozen during the 1945 freeze of assets held in

³ Claimant Hubbard indicated that once in the United States her family surname was changed from Lövinsohn to Lonsen.

Switzerland by the citizens of Germany and the territories incorporated into the Third Reich (the “1945 Freeze”). 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 these accounts (“Voluntary Assistance”). The Bank provided the CRT with a custody account portfolio holding card (“*Depotvalorenkarte*”) detailing the assets held within the custody account.

According to these records, the Account Owner was Fritz Levy. These records indicate that the Account Owner owned a custody account, numbered V4500, a demand deposit account denominated in United States Dollars (“US \$”), and a safe deposit box which was opened on 16 August 1938. One of the customer cards shows that the Account Owner resided in Schleifmuhl, Luxembourg, and was updated on an unknown date to show that the Account Owner resided in “New York City.” According to these records, the safe deposit box was closed on 13 March 1939; the custody account was closed on 19 April 1940; and the demand deposit account denominated in US dollars was closed on 10 January 1948.

The extract from the account register relating to the 1945 Freeze indicates that the Bank registered an account belonging to Fritz Levy, whose address was care of *Manufacture de Draps et de Tricots* in Schleifmuehl, Luxembourg. This extract indicates that on the date the account was frozen it held 155,415.00 Swiss Francs (“SF”). The extract also indicates that a letter relating to this account had been sent either to or from the Account Owner on 24 December 1947. Although this account register does not indicate which of the Account Owner’s accounts was frozen in the 1945 Freeze, given that the two other accounts owned by the Account Owner were closed by 1945, the CRT concludes that the account that was frozen was the Account Owner’s demand deposit account denominated in US dollars.

The document obtained through Voluntary Assistance indicates that the custody account, numbered V4500, held a sealed sack which contained two gold bars, one with a weight of 13.9552 kilograms and one with a weight of 13.9717 kilograms, with a combined declared worth of SF 127,000.00. This document indicates that the sack was deposited (“*deponiert*”) into the custody account on 14 March 1939, and that it was delivered (“*ausgeliefert*”) on 19 April 1940.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of 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 Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner.⁴ Claimant Hubbard’s uncle’s name and Claimant Levy’s father name matches the unpublished name of the Account Owner. The

⁴ The CRT notes that Claimant Hubbard identified the Account Owner’s wife as Paula Levy, and Claimant Levy identified the Account Owner’s wife as Anna Levy, née Lazar. However, given that the Account Owner’s wife was

Claimants stated that the Account Owner resided in Luxembourg and New York, which matches unpublished information about the Account Owner contained in the Bank's records. Moreover, the Account Owner's unpublished correspondence address in Schleifmuehl, Luxembourg, was a textile factory, which correlates with information supplied by the Claimants that their relative owned textile factories.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the countries of residence of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he fled Germany after his family's factories were confiscated. Claimant Levy stated that he and his family fled to Switzerland, then Luxembourg, and ultimately the United States.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant Hubbard's uncle and Claimant Levy's father. These documents include Claimant Hubbard's birth certificate, indicating that her parents were Werner and Edith Lövinsohn, née Levy; Claimant Hubbard's mother's birth certificate, indicating that Edith Levy's parents were Ludwig and Klara Levy; and a list that Claimant Hubbard's grandmother made of family members and their dates of birth, indicating that Ludwig and Clara Levy had four children: Erna, Edith, Fritz and Else Levy. The CRT additionally notes that the Claimants identified extensive unpublished information regarding the Account Owner contained in the Bank's records. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In this case, the Claimants stated that their relative fled Germany for Switzerland, then Luxembourg, and ultimately, the United States. The CRT notes that the Bank's records indicate that the safe deposit box was opened on 16 August 1938 and closed on 13 March 1939, and that the custody account was opened the following day, on 14 March 1939 and then closed on 19 April 1940. Thus, it is clear that the Account Owner was in safety at the time he opened and then closed the safe deposit box and, on the following day, opened the custody account, and that he actively managed the assets in these accounts. Accordingly, with regard to the safe deposit box that was closed on 13 March 1939, given that the Account Owner opened a custody account on the following day, the CRT concludes that the safe deposit box was closed by the Account Owner and that he received the proceeds.

related to Claimant Hubbard through marriage, and that the Account Owner died in 1954, the CRT finds that this discrepancy does not adversely affect Claimant Hubbard's identification of the Account Owner.

With regard to the custody account, the CRT notes that the account was opened on 14 March 1939 and closed on 19 April 1940. As noted above, given that the account was opened one day after the Account Owner closed his safe deposit box, the CRT concludes that this account was opened after the Account Owner had fled Germany and while he resided in either Switzerland or Luxembourg. The CRT notes that the Bank's records show that the Account Owner was in contact with the Bank after fleeing to both Luxembourg and later to the United States, as the Bank records reflect these addresses. The CRT further notes that the custody account was closed on 19 April 1940, which is prior to the Nazi occupation of Luxembourg, where the Account Owner resided at this time, and where the Bank's records reflect the Account Owner as residing. Therefore, the CRT concludes that the Account Owner closed the custody account and received the proceeds of that account himself.

With regard to the demand deposit account, the Bank's records show that the account was frozen in the 1945 Freeze, that the Bank communicated with the Account Owner regarding this account on 24 December 1947, and that the account was subsequently closed on 10 January 1948. The CRT notes that the Bank's records indicate that the Account Owner informed the Bank of his move to New York, which, according to information provided by the Claimants, occurred some time between 1947 and 1950. Accordingly, the CRT concludes that the Account Owner was in contact with the Bank after the Second World War, that the Account Owner had access to the demand deposit account once he arrived in New York and after it was released from the 1945 Freeze, and that he closed this account and received the proceeds himself.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimants may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimants should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimants should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
17 September 2010