

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Barry Goldmeier
also acting on behalf of Ilse Katz and Lee Goldmeier

in re Account of Bertha Baumann

Claim Number: 220775/AZ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Barry Goldmeier (the “Claimant”) to the accounts of Jakob Baumann.² This Award is to the published account of Bertha Baumann (the “Account Owner”) at the [REDACTED] (the “Bank”).³

All awards 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

The Claimant submitted a Claim Form identifying the Account Owner as his maternal grandmother’s sister, Bertha Baumann, née Löwenthal, who was born on 5 December 1894 in Hösbach bei Aschaffenburg, Germany, and was married to Benno Baumann in Aschaffenburg in 1924. The Claimant indicated that his great-aunt and great-uncle, who were Jewish, lived in Aschaffenburg, where his great-uncle was a merchant and leather dealer, and that they had two

¹ The Claimant submitted fifteen additional claims, which are registered under the Claim Numbers 220773, 220774, 220776, 220777, 220778, 220779, 223278, 223279, 223363, 223364, 223365, 223366, 223367, 223368, and 223369. In a separate decision, the CRT treated the Claimant’s claim to the account of Julius Loewenthal. See *In re Account of Julius Loewenthal* (approved on 30 November 2005). In another decision, the CRT treated the Claimant’s claim to the account of Martha Loewenthal. See *In re Account of Martha Loewenthal* (approved on 27 January 2006). In an additional decision, the CRT treated the Claimant’s claim to the accounts of Eva Kahn. See *In re Accounts of Eva Kahn* (approved on 27 January 2006). Finally, the CRT treated the Claimant’s claim to the account of Henri Bernheim. See *In re Account of Henri Bernheim* (approved on 27 January 2006). The CRT will treat the remaining claims in separate determinations.

² In a separate decision, the CRT awarded the accounts of Jakob Baumann to the Claimant. See *In re Accounts of Jakob Baumann* (approved on 11 May 2005).

³ 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”), the name Bertha Baumann appears twice, and that on the List of Account Owners Published in 2005 (the “2005 List”), the name Bertha Baumann also appears. Upon careful review, the CRT has determined that the Claimant has not identified these other account owners as his relative.

children: Walter (Werner) Baumann, who was born on 9 October 1926 in Nuremberg (Mittelfranken), Germany, and Inge Baumann, who was born on 25 September 1930 in Aschaffenburg. Finally, the Claimant indicated that on 23 April 1942, his great-aunt and her children were deported to Izbica, Poland, where they perished.

In support of his claim, the Claimant submitted documents, including: 1) an extract from the book *Biographisches Handbuch der Juden in Stadt und Altkreis Aschaffenburg* (Biographical Handbook of Jews in the City and District of Aschaffenburg), published by the Historical Society of Aschaffenburg, containing the above information about his family members; and 2) his parents' marriage license, indicating that his mother, Trudy Goldmeier, née Kahn, was born in 1922 in Germany and that she was the child of Siegfried Kahn and Bella Kahn, née Loewenthal.

The Claimant indicated that he was born on 12 April 1946 in Brooklyn, New York, the United States. The Claimant is representing his maternal aunt, Ilse Katz, née Kahn, who was born on 21 February 1921 in Grefenhausen, Germany, and his brother, Lee Goldmeier, who was born on 26 March 1950 in Brooklyn.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Bertha Baumann. 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") indicated that the Account Owner resided in Germany. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was transferred to a suspense account on 30 June 1937. The balance of the account on the date of its transfer was 6.05 Swiss Francs ("SF"). The ICEP auditors reported that the account was closed to the Bank's profit and loss account at some unspecified time during the 1950s or 1960s.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-aunt's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's marital status, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including an extract from a book published by the Historical Society of Aschaffenburg, providing independent verification that the person who is claimed to be the Account Owner had the same name and marital status and resided in the same country recorded in the Bank's records as the name, marital status, and country of residence of the Account Owner.

The CRT notes that in the records of the Yad Vashem Memorial of Israel, there is a page of testimony submitted in 1978 by the Claimant's aunt, represented party Ilse Katz, regarding her maternal aunt, Bertha Baumann, née Loewenthal. In that testimony, Ilse Katz indicated that her aunt was born in approximately 1896 in Hosbach near Aschaffenburg, that she was the daughter of Leopold Loewenthal and Jette Loewenthal, née Gernsheimer, that she was married to Benno Baumann, and that she lived in Aschaffenburg. The Claimant's aunt further submitted testimony regarding Bertha Baumann's daughter Inge Baumann, and Bertha's sister and brother-in-law Siegfried Kahn and Bella Kahn, née Loewenthal (Ilse Katz's parents and the Claimant's maternal grandparents), all of whom lived in Aschaffenburg. The CRT notes that represented party Ilse Katz submitted her page of testimony to Yad Vashem in 1978, prior to the publication in February 2001 of the published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The CRT notes that, in addition to the testimony submitted by represented party Ilse Katz, Yad Vashem's database of victims of Nazi persecution includes an official archival record of a person named Bertha Baumann, née Loewenthal, and indicates that her date of birth was 5 December 1894, that she lived in Aschaffenburg, and that she perished in Izbica, which matches the information about the Account Owner provided by the Claimant.

The CRT notes that there are no other claims to this account.⁴ Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified 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 she was deported to Izbica, where she perished. In support of his claim, the Claimant submitted an excerpt from a publication of the Historical Society of Aschaffenburg, indicating that Bertha Baumann was Jewish and that she was deported to Izbica in 1942. As noted above, a person named Bertha Baumann, née Loewenthal, was included in the Yad Vashem database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's great-aunt. The CRT further notes that the Claimant submitted a copy of his parents' marriage certificate, which provides independent verification that the Claimant's maternal grandmother resided in the same country as the Account Owner, and that she had the maiden name Loewenthal. In addition, the CRT notes that the Claimant's aunt, represented party Ilse Katz, submitted testimony to Yad Vashem identifying Bella Kahn, née Loewenthal, as her mother and identifying Bertha Baumann, née Loewenthal, as her maternal aunt. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

⁴ The claims to the account of a different person named Bertha Baumann, published on the 2005 list (*see* note 3, *supra*), will be treated in a separate determination.

The Issue of Who Received the Proceeds

The auditors who conducted the ICEP Investigation reported that the account was closed to the Bank's profit and loss account.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his great-aunt, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the balance of the account on 30 June 1937 was SF 6.05. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 49,375.00.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, Claimant is representing his maternal aunt, Ilse Katz, who is the Account Owner's niece, and his brother, Lee Goldmeier, who, along with the Claimant, are children of another niece of the Account Owner. Accordingly, represented party Ilse Katz is entitled to one-half of the Award amount, and the Claimant and represented party Lee Goldmeier are each entitled to one-quarter of the Award amount.

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
17 November 2006