

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 5],

to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 6],

to Claimant [REDACTED 3]
also acting on behalf of [REDACTED 7],

and to Claimant [REDACTED 4]¹

in re Accounts of Mendel Katz and Abraham Mathias Rand

Claim Numbers: 003825/AV; 216573/AV;² 221926/AV; 222829/AV

Original Award Amount: 26,750.00 Swiss Francs

Award Amendment Amount: 13,375.00 Swiss Francs

This Certified Award Amendment is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”), and [REDACTED 3] (“Claimant [REDACTED 3]”) to the accounts of Abraham Mathias Rand and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the accounts of Mendel Katz. This Award Amendment is to the published accounts of Mendel Katz (“Account Owner Katz”) and Abraham Mathias Rand (“Account Owner Rand”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).

All award amendments are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

¹ On 13 July 2004, the Court approved an award to Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) for the accounts of Mendel Katz, Salomon Finkenthal, F. Gottesmann, and Abraham Mathias Rand (the “July 2004 Award”), which is the subject of this Award Amendment.

² [REDACTED 4] (“Claimant [REDACTED 4]”) submitted additional claims to the accounts of Abraham Katz and [REDACTED], which are registered under the Claim Numbers 216495 and 219509, respectively. The CRT awarded the accounts of [REDACTED] to Claimant [REDACTED 4] in a separate decision. See *In re Accounts of [REDACTED]* (approved on 7 August 2003). The CRT will treat the claims to the account of Abraham Katz in a separate decision.

Procedural History

On 13 July 2004, the Court approved an Award to Claimant [REDACTED 1] for the Account Owners' accounts (the "July 2004 Award"). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant [REDACTED 4]. Subsequent review of Claimant [REDACTED 4]'s claim indicates that she is entitled to share in the original award amount, as detailed below.

The July 2004 Award

In the July 2004 Award, the CRT determined that the Account Owners owned one custody account and one demand deposit account. The CRT further determined that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] plausibly identified Account Owner Rand, that they plausibly demonstrated that they are related to Account Owner Rand, and that they made a plausible showing that Account Owner Rand was a Victim of Nazi Persecution. Additionally, the CRT determined that the Account Owners received the proceeds of their custody account, but determined that it is plausible that the Account Owners did not receive the proceeds of their demand deposit account. The CRT noted that the Bank's records did not indicate the value of the demand deposit account, and therefore presumed that its value was 2,140.00 Swiss Francs ("SF"), and determined that the July 2004 Award amount was SF 26,750.00. Finally, the CRT determined that Claimant [REDACTED 1] and represented party [REDACTED 5] were each entitled to one-half of the award amount.

Information Provided by Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying Account Owner Katz as Mendel Katz, the cousin of her father, [REDACTED]. According to Claimant [REDACTED 4], her father's cousin, who was Jewish, resided in Cernauti, Romania (today Chernovitsi, the Ukraine). Claimant [REDACTED 4] stated that her father's cousin perished in the Holocaust. Claimant [REDACTED 4] submitted her passport, indicating that she was born in Romania.

Claimant [REDACTED 4] indicated that she was born on 26 June 1927 in Cernauti. Claimant [REDACTED 4] previously submitted two Initial Questionnaires to the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Karl Leo Rosenmann, Gusta Rosenmann, Toni Landman-Katz, and [REDACTED].³

Information Available in the Bank's Records

As detailed in the July 2004 Award, the Bank's records indicate the names and city and country of the Account Owners. The records indicate that the Account Owners held one custody

³ As noted above, the CRT awarded the accounts of [REDACTED] to Claimant [REDACTED 4] in a separate decision. The CRT will treat the claims to the other accounts in separate determinations.

account, which was closed on 4 February 1939, and one demand deposit account, which was closed on an unknown date.

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 four claims of the Claimants in one proceeding.

Claimant [REDACTED 4]'s Identification of Account Owner Katz

Claimant [REDACTED 4]'s father's cousin's name and city and country of residence match the published name and city and country of residence of Account Owner Katz. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Mendel Katz, and indicates that he resided in Cernauti, Romania, which matches the information about Account Owner Katz provided by Claimant [REDACTED 4]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that the name Mendel Katz appears only once on the February 2001 published list of accounts prepared pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") and determined by ICEP to be probably those of victims of Nazi persecution (the "ICEP List"). Finally, the CRT notes that Claimant [REDACTED 4] filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED], prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED 4] had reason to believe that her relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 4]. Taking all of these factors into account, the CRT concludes that Claimant [REDACTED 4] has plausibly identified Account Owner Katz.

Status of Account Owner Katz as a Victim of Nazi Persecution

Claimant [REDACTED 4] has made a plausible showing that Account Owner Katz was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that Account Owner Katz was Jewish, and that he perished in the Holocaust. As noted above, a person named Mendel Katz was included in the CRT's database of victims.

Claimant [REDACTED 4]'s Relationship to Account Owner Katz

Claimant [REDACTED 4] has plausibly demonstrated that she is related to Account Owner Katz by submitting specific biographical information, demonstrating that Account Owner Katz was Claimant [REDACTED 4]'s father's cousin. The CRT notes that Claimant [REDACTED 4] identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 4] submitted a copy of her passport, which provides independent verification that Claimant [REDACTED 4] bears the same family name as Account Owner Katz and that she resided in Romania. Finally, the CRT notes that the foregoing

information is of the type that family members would possess and indicates that Account Owner Katz was well known to Claimant [REDACTED 4] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 4] is related to Account Owner Katz, as she has asserted in her Claim Form. There is no information to indicate that Account Owner Katz has other surviving heirs.

The Issue of Who Received the Proceeds

As detailed in the July 2004 Award, the CRT has concluded that the Account Owners received the proceeds of their custody account, but that it is plausible that the demand deposit account's proceeds were not paid to the Account Owners or their heirs.

Basis for the Award Amendment

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 4]. First, Claimant [REDACTED 4]'s claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 4] has plausibly demonstrated that she is Account Owner Katz's cousin, and that relationship justifies an Award. Third, the CRT determined in the July 2004 Award that it is plausible that neither the Account Owners nor their heirs received the proceeds of the demand deposit account.

Amount of the July 2004 Award

As detailed in the July 2004 Award, for purposes of that award, the Account Owners held one demand deposit account. 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 upon the investigation conducted by the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), in 1945 the average value of a demand deposit account was SF 2,140.00.

According to Article 31 of the Rules, account values are multiplied by an adjustment factor to bring award amounts up to current value. At the time of the July 2004 Award, the adjustment factor was 12.5, and the resulting award amount was SF 26,750.00.

New Division of the Award

According to Article 25(1) of the Rules, if an account is a joint account 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. In this case, Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] are related to Account Owner Rand and Claimant [REDACTED 4] is related to Account Owner Katz. The CRT therefore presumes that Account Owner Rand and Account Owner Katz each owned one-half of the demand deposit account.

With respect to Account Owner Katz's presumptive share of the account, according to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1)(a-f)

has submitted a claim, the CRT may make an award to any relative of the account owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case, Claimant [REDACTED 4] is the daughter of Account Owner Katz's cousin. Accordingly, Claimant [REDACTED 4] is entitled to one-half of the total award amount.

With respect to Account Owner Rand's presumptive share of the demand deposit account, in the July 2004 Award, the CRT determined that Claimant [REDACTED 1] and represented party [REDACTED 5], as the descendants of Account Owner Rand's parents, have a better entitlement to the account than Claimant [REDACTED 2], Claimant [REDACTED 3], and the parties they represent. Accordingly, Claimant [REDACTED 1] and represented party [REDACTED 5] are each entitled to one-fourth of the total award amount.

Amount and Division of the Award Amendment

Recognizing that almost two years have passed since the July 2004 Award, and that there is no indication that Claimant [REDACTED 1] was aware that another equally entitled person had filed a claim, the CRT determines that Claimant [REDACTED 4] is entitled to a payment from the Settlement Fund equaling her share of the award amount. As noted above, the total 1945 value of the Account Owners' account was SF 2,140.00. Claimant [REDACTED 4] is entitled to one-half of this amount, or SF 1,070.00. 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 an Award Amendment amount of SF 13,375.00.

Claimant [REDACTED 4] is entitled to the full amount of the Award Amendment.

Scope of the Award Amendment

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 Amendment

The CRT certifies this Award Amendment for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 May 2006