

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of A. Leopold

Claim Numbers 218479/MBC; 778275/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) and the claim of [REDACTED 1] (“Claimant REDACTED 1”) (together the “Claimants”) to an account of Hermann Israel and Berta Leopold.² This Award is to the unpublished account of A. Leopold (the “Account Owner”) at the Davos branch of the [REDACTED 1] (the “Bank”).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 Claimants

Claimant [REDACTED 2] submitted a Claim Form and Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as Claimant [REDACTED 1]’s first husband and Claimant [REDACTED 1]’s father, Anton Leopold, who was born on 2 April 1911 in Vranov nad Toplou, Czechoslovakia (now Slovakia), and was married to Claimant [REDACTED 2]. The Claimants indicated that Anton Leopold and his family, who were Jewish, lived in Vranov nad Toplou. Claimant [REDACTED 1] also indicated that his father lived away

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered Eng-0319-070, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 778275.

² The CRT did not locate an account belonging to Hermann Israel or Berta Leopold in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

from his family at times in Bratislava, Czechoslovakia (now Slovakia) and Prague, Czechoslovakia (now Czech Republic). According to the Claimants, during the Second World War Anton Leopold's parents, [REDACTED] and [REDACTED], and his sister, [REDACTED], were deported from Vranov nad Toplou to a concentration camp, where they perished. Claimant Leopold indicated that his father joined the resistance when the Nazis invaded Czechoslovakia. According to the Claimants, Anton Leopold died on 2 May 1967 in New York, New York, the United States.

In support of her claim, Claimant [REDACTED 2] submitted documents, including her marriage certificate from the State of Israel, indicating that her husband was Anton Leopold and that he was Jewish; and certificates of identification of her husband from the District of Vranov nad Toplou regarding civil status and responsibility, indicating that his name was Anton Leopold.

Claimant [REDACTED 2] indicated that she was born on 16 November 1921 in Huedin, Romania. Claimant [REDACTED 1] indicated that he was born on 28 August 1950.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database and suspense account balance sheet. According to these records, the Account Owner was A. Leopold. The Bank's records do not indicate the Account Owner's place of residence.

The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records indicate that the account was transferred to a suspense account on 22 May 1983, where it remains today. The amount in the account on the date of its transfer was 540.00 Swiss Francs ("SF").

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 Claimants in one proceeding.

Identification of the Account Owners

The Claimants' relative's first initial and last name match the unpublished first initial and last name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of her claim, Claimant [REDACTED 2] submitted documents, including her marriage certificate, indicating that her husband was Anton Leopold; and her husband's certificates

regarding civil status and responsibility, indicating that his name was Anton Leopold, providing independent verification that the person who is claimed to be the Account Owner had the same first initial and family name recorded in the Bank's records as the first initial and family name of the Account Owner. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified 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 lived in Czechoslovakia during the time of the Nazi invasion. Additionally, the Claimants indicated that the Account Owner's parents and sister perished in a concentration camp during the Second World War.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related the Account Owner by submitting specific information and documents demonstrating that the Account Owner was Claimant [REDACTED 2]'s husband and Claimant Leopold's father. Claimant [REDACTED 2] submitted her marriage certificate, indicating that her husband was Anton Leopold. The CRT notes that the Claimant [REDACTED 2] indicated that she is Claimant Leopold's mother. There is no information to indicate that the Account Owner has other surviving heirs who have filed claims.

The Issue of Who Received the Proceeds

The Bank's records indicate that on 22 May 1983 the account was transferred to a suspense account, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her husband and Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his father, and these relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held an account of an unknown type. The Bank's records indicate that the value of the account of unknown type as of 22 May 1983 was SF 540.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 605.00, which reflects standardized bank fees charged to the account between 1945 and 1983. Consequently, the adjusted balance of the account at issue is SF 1,145.00. 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 SF 3,950.00 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

Division of the Award

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. Accordingly, Claimant [REDACTED 2] and Claimant [REDACTED 1] are each entitled to one-half of the total award amount.

Scope of the Award

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

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

Claims Resolution Tribunal
27 February 2007