

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Elvira G. Max

Claim Number: 300153/GO¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Elvira G. Max (the “Account Owner”), over which Henri Steinberg (the “Power of Attorney Holder”) held power of attorney, at the Zurich 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 the Account Owner as his father’s sister, Elvira Gisela Max, née Steimberg, who was born on 9 September 1907 in Hincesti, Romania, and was married to [REDACTED] on 16 June 1925 in Tighina, Romania. The Claimant indicated that his aunt, who was Jewish, resided in Tighina until 1928, when she moved to Husi, Romania, until 1930, when she moved to Vacereti 16 in Bucharest, Romania. The Claimant further indicated that his aunt was a merchant, and that she and her husband resided in Bucharest until 1935 or 1936, when they moved to Emile Duclaux 9 in Paris, France, because of the strong anti-Semitic environment that existed in Romania. The Claimant added that his aunt’s cousin, Henri Steinberg (Steimberg), also moved with them to Paris, and that she gave her cousin money to deposit in a Swiss bank on her behalf. The Claimant indicated that his aunt’s husband, [REDACTED], died in 1938 in Paris. The Claimant further indicated that his aunt was arrested by the Gestapo in 1942 and deported to Dachau, where she perished. The Claimant stated that all of his relatives have died and that he his aunt’s only heir.

¹ [REDACTED] (the “Claimant”) submitted five additional claims, which are registered under the Claim Numbers 300150, 300151, 300152, 300154, and 300155. The CRT will treat these claims in separate determinations.

The Claimant submitted copies of documents in support of his claim, including: (1) his own identification document, indicating that [REDACTED] was born on 11 July 1929 in Husi, and that [REDACTED] was his father, and (2) a legalization certificate, issued on 6 June 1939 by a Legal Division of the Jewish Community of Husi (*Comunitatea Evreilor Husi Judetul Falcu*), indicating that Elvira Gisela Max, née Steinberg (Steinberg), was born on 9 September 1907 in Hincesti, that she was married to [REDACTED] on 16 June 1925 in Tighina, that [REDACTED] was her brother, and that she resided in Paris in 1939.²

The Claimant indicated that he was born on 11 July 1929 in Husi. The Claimant previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Elvira Gisela Max, née Steinberg.

Information Available in the Bank’s Records

The CRT notes that 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 report an account belonging to Elvira G. Max during their investigation of the Bank. The documents evidencing an account belonging to Elvira G. Max were obtained from the Swiss Federal Archive and are further described below.

Documents obtained from the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (“the 1962 Survey”).

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to Elvira G. Max, numbered 162. These records indicate that the Account Owner was Elvira G. Max, who resided in Bucharest, Romania, and at 14 Rue de Martignac, b/Mme. Spodheim, Paris, France. In addition, these records identify the Power of Attorney Holder as Henri Steinberg, who resided at 5 Rue d’Odessa, b/Dr. W. Ferry, in Paris.

According to these records, the Account Owner held a *Depositenkonto* (a time deposit account), numbered 19106, which was opened on 30 July 1934, and had a value of 148.20 Swiss Francs (“SF”) as of 27 February 1964. According to a document, dated 25 October 1965, the Registration Office for Assets of Missing Foreigners (the “Registration Office”) (“*Meldestelle für Vermögen verschwundener Ausländer*”) requested that the Guardianship Authorities of the

² The CRT notes that the legalization certificate spells the name of the Claimant’s aunt as both Elvira Gisela Steinberg and Elvira Gisela Steinberg, and spells the name of the Claimant’s father as [REDACTED]; however, the Claimant’s identification document lists his father’s name as [REDACTED] and his name as [REDACTED].

city of Zurich (“*Vormundschaftsbehörde der Stadt Zürich*”) entrust the assets to a custodian, as prescribed by the 1962 Federal decree. The records indicate that such a custodian was appointed in 1966. The records from the Swiss Federal Archive do not refer to the ultimate disposition of the assets.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s aunt’s name matches the published name of the Account Owner. The Claimant identified the Account Owner’s cities of residence, and the name and the city and country of residence of the Power of Attorney Holder, which match unpublished information contained in the records of the Swiss Federal Archive.³

In support of his claim, the Claimant submitted copies of documents, including a legalization certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same cities recorded in the Swiss Federal Archive’s records as the name and cities of residence 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 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 arrested by the Gestapo in 1942 and deported to Dachau, where she perished.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and copies of documents, demonstrating that the Account Owner was the Claimant’s aunt. These documents include a legalization certificate, indicating that [REDACTED] was Elvira Gisela Max’s brother; and the Claimant’s identification document, indicating that [REDACTED] was [REDACTED]’s father.⁴ There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

³ The CRT notes that no information other than the Account Owner’s name was published on the List of Account Owners published in 2005 (the “2005 List”). However, specific information was available to public from the publication of the “Registration Decree of 1962 - Unclaimed Assets - Publication of names of Assets’ Owners and their representatives,” published on 18 November 1998 in the Official Journal of Switzerland.

⁴ The CRT notes that the legalization certificate spells the name of the Account Owner’s brother as [REDACTED]; however, the Claimant’s identification document lists his father’s name as [REDACTED]. However, given that the legalization certificate has various spellings of the Claimant’s family’s last name and that the names are very similar, the CRT concludes that these documents refer to the same person.

Given that the Account Owner perished in Dachau, that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 Presumption (h) and (i), as provided in Article 28 of the Rules Governing the Claims Resolution Process (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder 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 Owner was his aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account known as a *Depositenkonto*, a time deposit account, which the CRT treats as an account of unknown type. The records of the Swiss Federal Archives indicate that the value of the account as of 27 February 1964 was SF 148.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 448.20. 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 balance as determined by Article 29 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.

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 claims 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
23 March 2007