

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Kommanditgesellschaft Mendelssohn & Co. i. L.,
represented by von Trott zu Solz Lammek

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of *Mendelssohn & Co. i. L.*

Claim Numbers: 501771/RS, 205199/RS, 785948/RS¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of *Kommanditgesellschaft Mendelssohn & Co. in Liquidation*, (“Claimant M. & Co. i. L.”) to the account of *Kommanditgesellschaft Mendelssohn & Co. i. L.*, the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) to the account of Fritz Mannheimer,² and the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) (together the “Claimants”) to the account of Dr. Fritz Mannheimer.³ This Award is to the unpublished account of *Mendelssohn & Co. i. L.* (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

¹ Claimant [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG 0621 107, 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 785948.

² The CRT did not locate an account belonging to Fritz Mannheimer 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”).

³ In a letter dated 1 June 2007, the CRT treated the claim of Claimant [REDACTED 1] to the accounts of Fritz Mannheim. In that letter, Claimant [REDACTED 1] was informed, *inter alia*, that the CRT had been unable to identify any accounts belonging to Fritz Mannheimer in the Account History Database prepared pursuant to the ICEP Investigation. That letter explained explicitly that they pertained to the fact that the CRT could not identify such accounts in the Account History Database; the letters did not consider records outside of the Account History Database, including records from German archival sources that were obtained by the CRT. This decision addresses the accounts identified in those archival records.

All awards 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 owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant M. & Co. i. L.

Claimant M. & Co. i. L. submitted a Claim Form identifying the Account Owner as itself, the company *Kommanditgesellschaft Mendelssohn & Co. i. L.* (“M. & Co. i. L.”).

In support of its claim, Claimant M. & Co. i. L. submitted the 5 September 1997 decision of a German administrative body, the Regional Authority for the Settlement of Unresolved Property Issues (*Landesamt zur Regelung offener Vermögensfragen* also known as *LAVOR*) (the “1997 Regional Authority decision”), which primarily addresses the ownership of several pieces of real estate in central Berlin that had belonged to the *Mendelssohn & Co.* bank until 1939.⁴

Further, the 1997 Regional Authority decision contains various details about the fate of *Mendelssohn & Co.* following the accession to power of the Nazi regime in Germany. According to the decision, four of the six partners of *Mendelssohn & Co. Berlin* were considered to be Jewish under the Nuremberg laws, and consequently, the bank was considered to be a Jewish bank. The decision indicates that on 1 December 1938, ownership of *Mendelssohn & Co. Berlin*, which was organized as a general partnership (*offene Handelsgesellschaft*), was transferred to the *Deutsche Bank*; on 5 December 1938 *Mendelssohn & Co.* the aryanization was considered complete, as the four Jewish partners, Rudolf Loeb, Dr. Fritz Mannheimer, Dr. Paul Kempner, and Marie von Mendelssohn, were forced to relinquish their partnerships on that date and the decision was taken to dissolve the partnership by the end of the year. Therefore *Mendelssohn & Co.* was in liquidation as of 31 December 1938. The departure of the four Jewish partners was entered into the Company Register (*Handelsregister*) on 15 December 1938 and on 16 January 1939, *Mendelssohn & Co. Berlin* was eliminated from the register of companies.

According to the 1997 Regional Authority decision, on 15 April 1939, *Mendelssohn & Co.* in liquidation (“*Mendelssohn & Co. i. L.*” or “*M & Co. i. L.*”) sold property located at Jägerstrasse 49-51 in central Berlin to the Financial Authorities of the German Reich (*Reichsfinanzverwaltung*) for a price of 2,200,000.00 Reichsmark (“RM”). The 1997 Regional Authority decision indicates that the sales agreement states that *Mendelssohn & Co. i. L.* had been aryanized according to a 30 November 1938 order of the Reich Commissioner for the Financial Sector (*Reichskommissar für das Kreditwesen*).

According to entries in the Company Register, on 15 December 1941, *Mendelssohn & Co. i. L.* was transformed into a limited partnership (*Kommanditgesellschaft*). On 5 April 1949, the seat of the firm was moved to Frankfurt am Main, and on 9 March 1981 the official completion of the

⁴ *Teilbescheid Betr.: Durchführung des Gesetzes zur Regelung offener Vermögensfragen (VermG), hier: Unternehmen KG Mendelssohn & Co. i. L. und Grundstück in Berlin-Mitte, Jägerstr. 51.*

liquidation of the firm is recorded and the firm is expunged from the Register. However, on 2 April 1992 the firm was re-registered as a firm in liquidation with Robert von Mendelssohn, with a later addition Christian Köhler-Ma, Esq., as liquidators.⁵

In addition, the 1997 Regional Authority decision states that in a 29 November 1993 decision, an unnamed German court held that M. & Co. i. L. was the legal successor to *Mendelssohn & Co.* The Regional Authority also held that M. & Co. i. L. had a legal claim for damages for the aryanization and forced liquidation of the bank. Further, the Regional Authority noted that the claim of M. & Co. i. L. had been accepted as valid and that the other claimants had made their claim as legal heirs of [three of] the former partners at the time of aryanization, *i.e.*, Marie von Mendelssohn, Rudolf Loeb and Paul Kempner. Finally, the decision states that verification of inheritance documents was not considered necessary in as much as the claimants had registered their agreement to restitution being made to the firm and that division of ownership interest had been agreed internally.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as *Mendelsohn Bank* [*sic*], the company of which her paternal uncle, Fritz Mannheimer, acted as an Executive. In her Claim Form, Claimant [REDACTED 2] indicated that Fritz Mannheimer, who was Jewish, was born in Stuttgart, Germany, and was the brother of Claimant [REDACTED]'s father, [REDACTED]. Claimant [REDACTED 2] further indicated that *Mendelsohn Bank* had business operations in Germany, Holland, and France. She also indicated that Fritz Mannheimer resided until 1940 at Hobbemastraat 20, in Amsterdam, the Netherlands. According to Claimant [REDACTED 2], Fritz Mannheimer died in 1940 in Amsterdam, Holland.

Claimant [REDACTED 2] indicated that she was born on 22 April 1922 in Berlin, Germany.

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire, in which he indicated that his maternal uncle, Dr. Fritz Mannheimer, was a successful private banker who lived in Amsterdam prior to the Second World War. Claimant [REDACTED 1] did not specifically identify the name of the bank with which his uncle was associated.

In his Claim Form, Claimant [REDACTED 1] indicated that in early June 1939, Dr. Fritz Mannheimer deposited 5,000.00 Pound Sterling (“£”) and a further 2,500.00 United States Dollars (“US \$”) at a Swiss bank in Zurich; the money was meant to assist Claimant [REDACTED 1]'s parents, who were Jewish, in fleeing from Germany. Claimant [REDACTED 1] indicated that he had traveled from England to Amsterdam in order to meet with his uncle in an effort to convince him to transfer those funds to his parents. Claimant [REDACTED 1] stated that Dr. Fritz Mannheimer, who was Jewish, indicated that he had friends in the banking industry in Switzerland who would contact Claimant [REDACTED 1]'s parents, and assist them in entering Switzerland. However, Claimant [REDACTED 1] further stated that in May 1940, his

⁵ According to the decision, Robert von Mendelssohn died on 5 July 1997, leaving his wife as heir.

father, [REDACTED], was deported to Camp de Gurs, France, and that in approximately August 1942 he was deported to Auschwitz concentration camp.

According to Claimant [REDACTED 1], Dr. Fritz Mannheimer, who resided at 20 Hobbemastraat in Amsterdam, was the largest private banker in Europe in the 1930s. Claimant [REDACTED 1] also stated that Dr. Fritz Mannheimer had served as a financial adviser to the German Kaiser Wilhelm in Berlin, and had fled with him to the Netherlands in 1919.

Claimant [REDACTED 1] indicated that he was born on 3 January 1922.

Background information regarding *Mendelssohn & Co.*

Harold James, a member of the Commission of Historians for Research of the history of the *Deutsche Bank* in the Nazi era, discusses the aryanization of *Mendelssohn & Co.* in two recent studies.⁶ James notes that *Mendelssohn & Co.*, which was founded in 1795 by [REDACTED], was one of Germany's oldest banks, and was, prior to 1939, the country's "most significant private bank."⁷ While the bank was owned and managed by the Jewish Mendelssohn family for generations, in the 1920s, three outside partners joined the firm.⁸ Those three partners were Rudolf Löb, Dr. Paul Kempner, and Dr. Fritz Mannheimer, all of whom were Jewish and who together had a minority participation of about one-quarter in the bank, while three-quarters of the capital remained with the Mendelssohn family. James notes that Dr. Fritz Mannheimer, as well as being a partner of *Mendelssohn & Co.*, was the principal partner of *Mendelssohn & Co., Amsterdam*.⁹

The CRT notes that *The Bankers' Almanac and Year Book for 1936-37* includes listings for *Mendelssohn & Co., Amsterdam* and *Mendelssohn & Co., Berlin*. That listing indicates that *Mendelssohn & Co., Amsterdam* was established in 1920, and that its stated address was Heerengracht 412, Amsterdam, Holland. According to the almanac listing, the Personally Liable Partners in *Mendelssohn & Co., Amsterdam* in 1936 and 1937 were: Rudolf Löb, Dr. Fritz Mannheimer, Dr. Paul Kempner, Paul Stach, and Robert von Mendelssohn.

The almanac listing indicates that *Mendelssohn & Co., Berlin* was incorporated in 1795; the bank's stated address was Jägerstrasse 49/52, Berlin W. 8, Germany. According to that listing, the Partners in the *Mendelssohn & Co., Berlin* in 1936 and 1937 were: Mrs. Giuletta von Mendelssohn, Mrs. Marie von Mendelssohn ("these ladies not having authority to act for the firm"), Rudolf Löb, Dr. Fritz Mannheimer, Dr. Paul Kempner, and Robert von Mendelssohn.

James notes that in 1938, the Reich Commissioner for the Financial Sector advised the partners of *Mendelssohn & Co. Berlin* to prepare for its aryanization. According to James, the Reich Commissioner indicated that the *Reichs-Kredit-Gesellschaft* would be willing to purchase the bank; however, the bank's partners indicated that their preference was to deal with the *Deutsche*

⁶ James, Harold. *The Deutsche Bank and the Nazi Economic War against the Jews*, 2001: Cambridge University Press. See also: James, Harold. *The Nazi Dictatorship and the Deutsche Bank*, 2004: Cambridge University Press.

⁷ James, *The Deutsche Bank and the Nazi Economic War against the Jews*, at 70.

⁸ *Id.*

⁹ *Id.*

Bank. Accordingly, an aryization plan was drafted, under which the *Deutsche Bank* would assume most of the assets and liabilities held by *Mendelssohn & Co., Berlin*. James writes:

According to the takeover plan, 68 m. RM in assets and liabilities were to be transferred to Deutsche Bank, and [42] m RM were not taken over.¹⁰ The customers (“the customer business in its entirety”) were all assumed by Deutsche Bank. Deutsche Bank did not pay a particular sum for the new business: the assets and liabilities were simply transferred and the outstanding balance paid. The remaining firm (Mendelssohn in Liquidation) kept the capital of the bank and foreign assets and some German assets that could not be liquidated.¹¹

James posits that “by a strict definition,” *Mendelssohn & Co., Berlin* was not in fact “aryanized,” as the bank was not technically sold; rather, some, but not all, of the bank’s assets were simply transferred to *Deutsche Bank*. Moreover, during the transfer, “assets were precisely matched with the liabilities.”¹²

The Reich Economic Ministry approved the transfer plan, and on 1 December 1938, *Mendelssohn & Co., Berlin* was put in liquidation. On 5 December 1938, Rudolf Löb, Dr. Paul Kempner, Dr. Fritz Mannheimer, and Marie von Mendelssohn (the latter of whom was considered under the Nuremberg Laws to be a Jewish “half-caste,” according to James)¹³ all relinquished their partnerships in the bank. James notes that the journal *Bank-Archiv* commented that the liquidation “‘heralds the final phase of the Aryanization of the private-banking industry,’ while emphasizing that the special role of Deutsche Bank made this an ‘exception.’”¹⁴

According to James, Giulietta von Mendelssohn left the bank in early 1942, thus leaving Robert von Mendelssohn], who was also considered a “half-caste,” M. & Co. i. L.’s only partner. Accordingly, in 1943, *Mendelssohn & Co. i. L.* was renamed *von Mendelssohn & Co., i. L.*¹⁵ In that same year, James writes, “the liquidation had almost been completed, and there remained only some Hungarian investments, real estate, and ‘compensation claims vis-à-vis the German Reich’ on the asset side, with 4 m. RM in liabilities.”¹⁶

¹⁰ The extract from English version of the book, cited here, shows “2 m RM” for the capital retained by the rump firm, however as confirmed by the author, the correct number is RM 42 million, which also appears as such in the German version of the book. James, *Die Deutsche Bank und die “Arisierung,”* C.H. Beck, Munich, 2001, p. 74.

¹¹ James, *The Nazi Dictatorship and the Deutsche Bank*, at 71-72.

¹² James, *The Deutsche Bank and the Nazi Economic War against the Jews*, at 70.

¹³ *Id.*, at 72.

¹⁴ James, *The Nazi Dictatorship and the Deutsche Bank*, at 72.

¹⁵ *Id.*, at 72-73.

¹⁶ *Id.* at 73.

Information Available in the Bank's Record

The record for the Account Owner's account at the Bank was obtained from the Brandenburg State Main Archive (*Brandenburgische Landeshauptarchiv*), which contains files of the President of the Regional Tax Office in Berlin (*Oberfinanzpräsident Berlin "OFP Berlin"*) and is described in detail below.

Information Available from German Archival Sources

In the records of the OFP Berlin in the Brandenburg State Main Archive (*Brandenburgische Landeshauptarchiv*), there are documents concerning the assets of *Mendelssohn & Co. i. L.*, numbered 4772.

These records include a form entitled "Offering of foreign securities according to the second regulation implementing the 16 March 1939 law regarding foreign exchange regulation" (*Anbietung ausländischer Wertpapiere gemäss der Zweiten Durchführungsverordnung zum Gesetz über die Devisenbewirtschaftung vom 16 März 1939*), which is addressed to the *Reichsbank* in Berlin. The form was stamped on 15 April 1939 with a *Mendelssohn & Co. i. L.* stamp, indicating that that company was the owner of the securities. The form is also stamped in a space requesting the account owner's address by a *Mendelssohn & Co.* stamp, which indicates that the bank's stated address was Berlin W. 8, Jägerstrasse 49/52. The form indicates that M. & Co. i. L. held 5,000 shares of *Comp. Génér. des Tabacs S.A. Basel Aktien* in a blocked syndicate custody account at the Bank.¹⁷

The record does not contain information about the disposition of this account. There is no evidence in the archival record that the Account Owner closed the account and received the proceeds itself.

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 three claims of the Claimants in one proceeding.

¹⁷ The form also indicates that M. & Co. i. L. held numerous other non-German securities at Dutch, English, Estonian, and German banks. However, given that those securities were not held in Swiss banks, they are not within the jurisdiction of the CRT, and consequently are not addressed in this award. Further, the CRT notes that the German archival record provides no further details regarding the "syndicate" that held the custody account at the Bank. Accordingly, the CRT is treating that custody account as an account solely held by the Account Owner.

Identification of the Account Owner

Claimant M. & Co. i. L. and Claimant [REDACTED 2] have plausibly identified the Account Owner. The name of Claimant M. & Co. i. L., and the name of the bank with which Claimant [REDACTED]'s uncle was associated as a partner, matches the unpublished name of the Account Owner.¹⁸ Claimant M. & Co. i. L. identified the Account Owner's street address in Berlin, which matches unpublished information about the Account Owner contained in the archival record.

In support of its claim, Claimant M. & Co. i. L. submitted documents, including the 1997 Regional Authority decision, providing independent verification that the company that is claimed to be the Account Owner had the same name, and had its seat at the same address and in the same city recorded in the archival record as the name, address, and city of registration of the Account Owner.

The CRT notes that Claimant [REDACTED 1] did not specifically identify the Account Owner by name. However, Claimant [REDACTED 1] did identify the name of his uncle, Dr. Fritz Mannheimer, and indicated that he was a successful private banker based in Amsterdam. The CRT notes that *The Bankers' Almanac and Year Book for 1936-37* indicates that in 1936 and 1937, Dr. Fritz Mannheimer was a partner of *Mendelssohn & Co. Amsterdam* and *Mendelssohn & Co., Berlin*. The CRT notes that the 1997 Regional Authority decision submitted by Claimant M. & Co. i. L. also indicates that Dr. Fritz Mannheimer was a partner of *Mendelssohn & Co, Berlin*. The CRT further notes that Claimant [REDACTED 1] was a minor at the outbreak of the Second World War, and that Claimant [REDACTED 1] resided in Germany and England, whereas Dr. Fritz Mannheimer resided in Amsterdam, and therefore determines that it is plausible that Claimant [REDACTED 1] would not know the name of the bank of which his uncle was a partner, and that Claimant [REDACTED 1]'s failure to identify the Account Owner does not adversely affect the plausibility of his identification of Dr. Fritz Mannheimer, who was a partner of the Account Owner.

The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner and its Jewish partners were Victims of Nazi Persecution. Claimant M. & Co. i. L. submitted the 1997 Regional Authority decision, in which the court indicated that *Mendelssohn & Co.* was considered by the Nazi regime to be a Jewish company. That decision indicates that the *Mendelssohn & Co., Berlin* was aryanized; during that process, which occurred in late 1938 and early 1939, the Jewish partners of the bank were forced to renounce their ownership stakes and all ties with the bank, and the majority of *Mendelssohn & Co., Berlin's* assets and liabilities were transferred to the *Deutsche Bank*. Harold James' studies of the aryanization process indicate that the Jewish partners of the bank did not receive payment for their ownership stakes in the bank. In the 1997 Regional Authority decision, the German administrative body also held that the Account Owner

¹⁸ The CRT notes that Claimant [REDACTED 2] identified the name of the bank with which her uncle was associated as *Mendelssohn Bank*.

had a legal claim for damages for the forced liquidation and aryazation of the bank and that all decisions taken regarding the bank's assets from the date of the relinquishment of their functions by the Jewish partners were not consistent with the wishes of these partners, and that therefore a restitution claim was justified. The decision also states that this view had already been validated by the Administrative Court of Berlin in its finding of 14 December 1995.¹⁹

The Claimants' Relationships to the Account Owner

Claimant M. & Co. i. L. has plausibly demonstrated that it is the Account Owner by submitting specific information and documents. These documents include the 1997 Regional Authority decision. The CRT further notes that Claimant M. & Co. i. L. identified unpublished information about the Account Owner as contained in the German archival record.

Claimant Luss and Claimant Schlessinger have plausibly demonstrated that they are related to a former partner of *Mendelssohn & Co.* by submitting specific information, demonstrating that Dr. Fritz Mannheimer was Claimant [REDACTED 2]'s paternal uncle, and Claimant [REDACTED 1]'s maternal uncle. The CRT notes that additional research conducted by the CRT indicates that Dr. Fritz Mannheimer has other surviving relatives, but that because they are not represented in Claimant [REDACTED 2]'s claim or Claimant [REDACTED 1]'s claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

Given that *Mendelssohn & Co.* was aryazized in late 1938 and early 1939; that many of the assets belonging to *Mendelssohn & Co.* were transferred to *Deutsche Bank*; that the account in which the securities were held was reported by the Account Owner to the Reichsbank in 1939 in a form entitled "Offering of foreign securities"; that the German archival record indicates that the custody account in which the securities were held was blocked; that there is no record of the payment of the Account Owner's account to the bank or its former partners, nor any record of a date of closure of the account; that the former partners of the Account Owner would not have been able to obtain information about the 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 Presumptions (d), (h), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or its former partners. 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 Claimant M. & Co. i. L. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules.

¹⁹ 1997 Regional Authority decision, p. 8.

Second, Claimant M. & Co. i. L. has plausibly demonstrated that it is the Account Owner; that relationship justifies an award. Third, the CRT has determined that it is plausible that neither the Account Owner nor *Mendelssohn & Co.*'s former partners received the proceeds of the claimed account.

The CRT notes that Claimant M. & Co. i. L. is more entitled to the award than Claimant [REDACTED 2]. As noted above, the 1997 Regional Authority decision states that in a 29 November 1993 decision, an unnamed German court held that M. & Co. i. L. was the legal successor to *Mendelssohn & Co.* The Regional Authority also held that M. & Co. i. L. had a legal claim for damages for the aryanization and forced liquidation of the bank. Further, the Regional Authority noted that the claim of M. & Co. i. L. had been accepted as valid, that [REDACTED] had made his claim as a former partner, and that the other claimants had made their claim as legal heirs of [three of] the former partners at the time of aryanization, *i.e.*, Marie von Mendelssohn, Rudolf Loeb and Paul Kempner. Finally, the decision states that verification of inheritance documents was not considered necessary in as much as the claimants had registered their agreement to restitution being made to the firm and that division of ownership interest had been agreed internally.

Amount of the Award

According to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, stocks are valued at market value. The Account Owner's 1939 form entitled "Offering of foreign securities" indicates that the Account Owner's custody account held 5,000 shares of *Comp. Génér. Des Tabacs S.A. Basel Aktien*. However, no market trades are listed in the financial press or stock exchange reports in the relevant years for these securities. According to the *Stock Exchange Official Yearbook 1940*, the company appears to have been in trouble, with a debit balance of 41 million French Francs ("FF") outweighing the capitalization of FF 40 million.²⁰ This may help explain why no official trades were registered on the exchanges. Thus, these securities must be considered of no value. The CRT notes, however, that the archival record does not indicate whether these stocks constituted the entire contents of the Account Owner's custody account, or whether it also contained additional assets. The CRT therefore considers the account to be of unknown value.

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 on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). 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 a total award amount of SF 162,500.00.

²⁰ The information regarding the valuation of this security was obtained from *The Stock Exchange Official Yearbook*, p. 1126-27 (London: Thomas Skinner, 1940).

Division of the Award

According to Article 23(3) of the Rules, if the Account Owner is a legal entity or other entity (such as a corporation, association, organization, etc.), the Award will be made in favor of those Claimants who establish a right of ownership to the assets of the entity. In this case, Claimant M. & Co. i. L. is the corporate Account Owner, and Claimant [REDACTED 2] and Claimant [REDACTED 1] are relatives of one of the former partners of the Account Owner's legal predecessor, *Mendelssohn & Co.*

As noted above, the 1997 Regional Authority decision states that in a 29 November 1993 decision, an unnamed German court held that M. & Co. i. L. was the legal successor to *Mendelssohn & Co.* The Regional Authority also held that M. & Co. i. L. had a legal claim for damages for the aryанизation and forced liquidation of the bank. Further, the Regional Authority noted that the claim of M. & Co. i. L. had been accepted as valid, that Robert von Mendelssohn had made his claim as a former partner, and that the other claimants had made their claim as legal heirs of [three of] the former partners at the time of aryанизation, *i.e.*, Marie von Mendelssohn, Rudolf Loeb and Paul Kempner. Finally, the decision states that verification of inheritance documents was not considered necessary in as much as the claimants had registered their agreement to restitution being made to the firm and that division of ownership interest had been agreed internally.

Given that Claimant M. & Co. i. L. was recognized in the 1997 Regional Authority decision as the legal successor of the Account Owner, and that M. & Co. i. L. has previously been entrusted to internally divide restitution per ownership interest, the CRT concludes that Claimant M. & Co. i. L. is entitled to the total award amount and that the heirs of Dr. Fritz Mannheimer, namely Claimant [REDACTED 2] and Claimant [REDACTED 1], are not entitled to share in the award, unless as so decided by M. & Co. i. L. as the legal successor of the Account Owner in accordance with the historical record.

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
18 December 2008