

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

[REDACTED 2],

and [REDACTED 3]

in re Accounts of Léon Nordman and Lucie Nordman

Claim Numbers: 214236/AC; 216002/AC;¹ 221931/AC

Award Amount: 351,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”), and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published accounts of Léon Nordman (“Account Owner Léon Nordman”) and Lucie Nordman (“Account Owner Lucie Nordman”) (together the “Account Owners”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney, at the Geneva and Basel branches of the [REDACTED] (the “Bank”).²

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

The Claimants, who are cousins, submitted substantially similar Claim Forms identifying the Account Owners as their grandparents, Léon Nordman (Nordmann) and Lucie Nordman (Nordmann), née Wertheimer. The Claimants stated that Léon Nordman was born on 31 January 1851 in Hégenheim, France, and that Lucie Wertheimer was born on 30 November 1863 in

¹ Claimant [REDACTED 2] submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 216633. The CRT will treat the claim to this account in a separate decision.

² 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”), Léon Nordman is indicated as having one account, *Mme.* (Mrs.) Léon Nordmann is indicated as having one account, and Lucie Nordman is indicated as having three accounts. Upon careful review, the CRT has concluded that the Bank’s records indicate that Léon and Lucie Nordman (Nordmann) jointly owned one account, and that Lucie Nordman (Nordmann) owned two accounts.

Geneva, Switzerland. The Claimants explained that Léon Nordman and Lucie Wertheimer, who were Jewish, had five children: [REDACTED], who was born in 1895; [REDACTED], who was born in 1896; [REDACTED] (Claimant [REDACTED 1]’s mother) and [REDACTED] (Claimant [REDACTED 2]’s mother), who were born in 1899; and [REDACTED] (Claimant [REDACTED 3]’s father), who was born in 1906. The Claimants stated that Léon and Lucie Nordman lived at Place de la Republique in Saint Etienne, France, where, according to Claimant [REDACTED 2], Léon Nordman owned a ribbon factory. According to the information provided by Claimant [REDACTED 2], Lucie Nordman’s parents and sister, [REDACTED], lived in Geneva.

The Claimants indicated that Léon Nordman died in 1924 in Saint Etienne. The Claimants stated that in 1944, Lucie Nordman and her daughter, [REDACTED], were deported to Auschwitz, where they perished. The Claimants explained that [REDACTED] died without issue in 1955 in Lyon, France, that [REDACTED] died in 1988 in Vesoul, France, and [REDACTED] died in 1985 in Paris, France. The Claimants stated that they are the sole surviving heirs of Léon and Lucie Nordman.

In support of their claims, the Claimants submitted documents, including: (1) a copy of their grandmother’s nationality certificate, indicating that Lucie Wertheimer, who was a French citizen, was married to Léon Nordman and resided at 16 rue de la République in Saint Etienne; (2) a copy of their grandfather’s birth certificate, indicating that Léon Nordemann was born on 31 January 1851 in Hegenheim;³ (3) a copy of Claimant [REDACTED 3]’s father’s birth certificate, indicating that [REDACTED] was the son of Léon Nordman and Lucie Wertheimer, and that he was born in Saint Etienne; (4) a copy of a certificate from the French consulate in Switzerland, indicating that Lucie Wertheimer was born in Geneva; and (5) an extract from a civil status register, indicating that Lucie Nordmann, née Wertheimer, perished in Auschwitz.

Additionally, Claimant [REDACTED 2] submitted her parents’ marriage certificate and her birth certificate, indicating that her parents were [REDACTED] and [REDACTED], and Claimant [REDACTED 3] submitted an extract from a civil status register, indicating that his parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 1] indicated that she was born on 30 May 1927 in Nevers, France. Claimant [REDACTED 2] indicated that she was born on 5 May 1925 in Lyon, France. Claimant [REDACTED 3] indicated that he was on 18 February 1944 in Charolles, Saone et Loire, France.

Claimant [REDACTED 2] previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by her parents, [REDACTED] and [REDACTED], née [REDACTED].

³ The CRT notes that some of the documents submitted by the Claimants indicate that their relatives’ names were alternatively spelled “Nordman” or “Nordemann.”

Information Available in the Bank's Records

The Bank's records consist of two customer cards, a power of attorney form, an account statement, a list of dormant accounts, and a printout from the Bank's database. According to these records, the Account Owners were Léon Nordman (Nordmann) and his wife, Lucie Nordman (Nordmann), née Wertheimer, who resided at 16 rue de la République, in Saint Etienne, France.

These records indicate that the Account Owners jointly owned a custody account, numbered 1286, that was opened on 27 October 1906. The Bank's records do not show when the account was closed, nor do they indicate its value. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The Bank's records indicate that Account Owner Lucie Nordman, a French citizen who was widowed by 1930, owned a custody account and one demand deposit account. These accounts were opened no later than April 1930. According to these records, Account Owner Lucie Nordman's sister, *Mlle* (Miss) [REDACTED], who resided in Geneva, Switzerland, at 13 cours des Bastions, held power of attorney over these two accounts. The Bank's records indicate that in April 1940, the custody account contained one privileged share of *Société pour la Fabrication de Pâte de Bois*. The value of the share is not indicated. The Bank's records further indicate that the Bank was informed of Account Owner Lucie Nordman's death, and that the accounts were transferred to a custodian on 30 January 1954, and closed no later than November 1956. According to the Bank's records, the demand deposit account was put in the name of the Estate of Lucie Nordman and was transferred on an unknown date to a suspense account for dormant assets, where it remains. The balance of the account as of 16 July 1955 was 412.00 Swiss Francs ("SF"). There is no evidence in the Bank's records that the Power of Attorney Holder or the heirs of Account Owner Lucie Nordman closed the custody account and received the proceeds themselves.

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.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The Claimants' grandparents' names and city and country of residence match the published names and city and country of residence of the Account Owners. The Claimants also identified Account Owner Lucie Nordman's maiden name, which also matches published information. Furthermore, the Claimants identified the Account Owners' street address, Account Owner Lucie Nordman's nationality, and the name and city and country of residence of the person who held power of attorney over Account Owner Lucie Nordman's accounts, which matches unpublished information in the Bank's records. Finally, the Claimants indicated that Léon Nordman predeceased Lucie Nordman, and that information is consistent with the unpublished information contained in the Bank's records that Account Owner Lucie Nordman was a widow.

In support of their claims, the Claimants submitted their grandmother's nationality certificate, copies of the birth certificates of Léon Nordmann and [REDACTED], an extract from a civil status registry about Lucie Nordmann, née Wertheimer, and a certificate regarding Lucie Wertheimer, issued by the French consulate in Switzerland, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's records as the names and city of residence of the Account Owners. The CRT notes that there are no other claims to these accounts.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Lucie Nordman, née Wertheimer, and indicates that her date of birth was 30 November 1863, which matches the information about Account Owner Lucie Nordman provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Status of Account Owner Lucie Nordman as a Victim of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Lucie Nordman was a Victim of Nazi Persecution. The Claimants stated that Lucie Nordman was Jewish, and that she perished in Auschwitz in 1944.

As noted above, a person named Lucie Nordman, née Wertheimer, was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting documents demonstrating that they are the Account Owners' grandchildren. The Claimants submitted their grandmother's nationality certificate, indicating that Lucie Wertheimer was married to Léon Nordman, the birth certificate of [REDACTED], and an extract from a civil status registry regarding Lucie Nordmann, née Wertheimer. In addition, Claimant [REDACTED 2] submitted her parents' marriage certificate and her birth certificate, and Claimant [REDACTED 3] submitted an extract from a civil status registry. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owners jointly held a custody account, and that Account Owner Lucie Nordman held a custody account and a demand deposit account.

With respect to the demand deposit account held by Account Owner Lucie Nordman, the Bank's records indicate that the account was transferred to a suspense account for dormant assets, where it remains.

With respect to the joint custody account held by the Account Owners, for which no closing date is indicated, and to the custody account held by Account Owner Lucie Nordman, which was closed by November 1956, given that Account Owner Léon Nordman died in 1924; that Account Owner Lucie Nordman perished in Auschwitz in 1944; that there is no record of the payment of the Account Owners' accounts to them or their heirs, nor date of closure for the joint custody account; that the Account Owners' heirs would not have been able to obtain information about their accounts 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 (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 Owners, 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their grandparents, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the demand deposit account that was transferred to a suspense account, and that it is plausible that neither the Account Owners, nor the Power of Attorney Holder, nor their heirs received the proceeds of the other accounts.

Amount of the Award

In this case, the Account Owners jointly held a custody account, and Account Owner Lucie Nordman held a custody account and a demand deposit account. With regard to the demand deposit account, the Bank's records indicate that the value of that account as of 16 July 1955 was SF 412.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 165.00, which reflects standardized bank fees charged to the account between 1945 and 1955. Consequently, the adjusted balance of the account at issue is SF 577.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the account 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 an amount of SF 26,750.00 for this account.

With regard to the two custody accounts, 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 ICEP Investigation, in 1945 the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 26,000.00. 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 amount of SF 325,000.00 for these accounts.

Consequently, the total award amount is SF 351,750.00.

Division of the Award

According to the principles of distribution set forth in Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimants are the grandchildren of the Account Owners. Accordingly, the Claimants are each entitled to one-third of the award.

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
31 December 2005