

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED 1],

Claimant [REDACTED 2],

Claimant [REDACTED 3],

and to Claimant [REDACTED 4],  
represented by Stephen M. Harnik

## **in re Accounts of Felix Perutz and Ludwig Pick**

Claim Numbers: 211884/MW; 219098/MW; 500939/MW; 501192/MW

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) to the published account of Felix Perutz, the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the published accounts of Ida Perutz,<sup>1</sup> and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the published accounts of Ludwig Pick. This Award is to the published accounts of Felix Perutz (“Account Owner Perutz”) and Ludwig Pick (“Account Owner Pick”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>2</sup>

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 owners, and the bank have been redacted.

---

<sup>1</sup> The CRT has already treated the claim to these accounts in a previous decision. See *In re Accounts of Ida Perutz*, which was approved by the Court on 28 January 2003.

<sup>2</sup> 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”), Felix Perutz is indicated as having one account and Ludwig Pick is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of three accounts, which were all jointly owned by Felix Perutz and Ludwig Pick.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1] and Claimant [REDACTED 3]

Claimant [REDACTED 1] and Claimant [REDACTED 3], who are siblings, submitted Claim Forms identifying Account Owner Perutz as their father, Felix Perutz, the son of [REDACTED] and [REDACTED], who was born on 17 February 1900 in Prague, Czechoslovakia and was married to [REDACTED], née [REDACTED], on 4 October 1935 in Mödling, Austria. Claimant [REDACTED 1] stated that her father, who was Jewish, resided in Vienna and Prague and owned a factory in Prague. According to Claimant [REDACTED 1], her father fled with his family to Budapest, Hungary, in 1938, and after the Second World War, in 1948, returned to Austria, where he remained until his death on 17 November 1972. Claimant [REDACTED 1] further indicated that her mother, [REDACTED], died on 27 December 1980 in Vienna. In support of her claim, Claimant [REDACTED 1] submitted documents, including her father's birth certificate, which shows that he was born in Prague on 17 February 1900; her parents' marriage certificate, which shows that Felix Perutz was a factory owner; her father's death certificate, which shows that Felix Perutz died on 17 November 1972; her own birth certificate and marriage certificate, which show that her father was Felix Perutz; and probate orders issued by a court in Vienna regarding her father's and mother's estates, which certify that Claimant [REDACTED 1] and her brother, Claimant [REDACTED 3], each received a three-eighth share of Felix Perutz's estate, and a one-half share each of [REDACTED]'s estate, and that [REDACTED] was entitled to a one-quarter share of Felix Perutz's estate. Claimant [REDACTED 1] stated that she was born on 15 August 1938 in Prague. Claimant [REDACTED 3] stated that he was born on 27 September 1936 in Prague.

### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying Account Owner Perutz as his mother's cousin, Felix Perutz, and Account Owner Pick as the husband of Felix Perutz's sister, Ludwig Pick. Claimant [REDACTED 2] stated that Felix Perutz's parents were [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 2] further stated that [REDACTED] owned a textile company named *Geb Brüder Perutz*. According to Claimant [REDACTED 2], Ludwig Pick was the husband of Felix Perutz's sister, [REDACTED], née [REDACTED]. Claimant [REDACTED 2] stated that Felix Perutz died in Vienna in approximately 1975. In support of his claim, Claimant [REDACTED 2] submitted a detailed family tree, which indicates that Felix Perutz and Ludwig Pick were his mother's cousins. Claimant [REDACTED 2] stated that he was born on 31 October 1932 in Prague.

### Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying Account Owner Pick as his father, Ludwig Pick, who was born on 14 January 1895 in Vienna, Austria and was married first to [REDACTED], née [REDACTED], and subsequently to [REDACTED], née [REDACTED]. Claimant [REDACTED 4] stated that his father, who was Jewish, lived at Carmerstrasse 18 in Berlin-Charlottenburg, Germany, and at Schottenring 3 in Vienna, and that his father also had numerous addresses in Prague, Switzerland, and Monaco between 1938 and 1939, before fleeing

to England in 1939. Claimant [REDACTED 4] stated that his father died on 9 June 1940 in London, the United Kingdom. Claimant [REDACTED 4] submitted documents from the Austrian State Archive, which are detailed below and which indicate that Ludwig Pick had a son named [REDACTED 4]. Claimant [REDACTED 4] stated that he was born on 8 January 1930 in Berlin.

### **Information Available in the Bank's Records**

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owners were Ludwig Pick, who resided in Berlin, Germany, and Felix Perutz. 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") indicated that Account Owner Perutz resided in Prague, Czechoslovakia. The Bank's records indicate that the Account Owners jointly held a custody account, numbered 32733, which was opened in 1931 and closed on 10 April 1933.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). On 14 April 2004, the Bank provided the CRT with additional documents. These documents consist of a customer card, a joint account opening contract signed on 2 July 1931, and a document confirming deposits of securities with the Bank signed on 17 July 1931. The additional documents indicate that Account Owner Pick resided at Carmenstrasse 18 in Berlin, and that Account Owner Perutz resided at Havlickovo 15 in Prague. These records indicate that in addition to the custody account, numbered 32733, the Account Owners held two demand deposit accounts, one of which was denominated in Pound Sterling. The Bank's records additionally indicate that from 25 July 1932, the Account Owners instructed that correspondence was no longer to be sent to Account Owner Pick in Berlin, but was to be sent to Account Owner Perutz in Prague instead. The Bank's records indicate that the custody account and the two demand deposit accounts were closed on 10 April 1933. The amount in these accounts on the date of their closure is unknown. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

### **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Ludwig Pick, numbered 46279. The documents indicate that Ludwig Pick, who was born on 14 January 1895, lived at Schottenring 3 in Vienna, Austria, and was married to [REDACTED]. The documents also contain a letter from Ludwig Pick to the Austrian authorities, which states that Ludwig Pick's son, [REDACTED 4], who was a minor at the time, held a promissory note, due in 1951, from his uncle Felix Perutz who lived at Havlickovo 15 in Prague for the amount of 31,400.00 Reichsmark ("RM"). The records indicate that Ludwig Pick signed his 1938 Census

record in Berlin, Germany on 29 June 1938. These records make no mention of assets held in a Swiss bank account.

## **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 four claims of the Claimants in one proceeding.

### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Claimant [REDACTED 1]'s and Claimant [REDACTED 3]'s father's and Claimant [REDACTED 2]'s mother's cousin's name, city and country of residence match the published name, city and country of residence of Account Owner Perutz. The name, city and country of residence of Claimant [REDACTED 4]'s father match the published name, city and country of residence of Account Owner Pick and Claimant [REDACTED 2]'s mother's cousin's name matches that of Account Owner Pick. Claimant [REDACTED 4] identified his father's street address in Berlin, which substantially matches unpublished information about Account Owner Pick contained in the Bank's records.<sup>3</sup> In support of her claim, Claimant [REDACTED 1] submitted her father's birth certificate, which states that Felix Perutz was born in Prague; her parents' marriage certificate; her father's death certificate; her own birth and marriage certificates, showing that her father was Felix Perutz; and probate orders regarding her father's estate. These documents provide independent verification that the person who is claimed to be Account Owner Perutz had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of Account Owner Perutz.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city of residence than the city of residence of Account Owner Pick, and did not identify Account Owner Perutz.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. Claimant [REDACTED 1] stated that Account Owner Perutz was Jewish, and was forced to flee Czechoslovakia to Hungary. Claimant [REDACTED 4] stated that Account Owner Pick was Jewish, and that he fled in 1938 moving to various addresses in different countries on his way to the United Kingdom, where he arrived in 1939. The CRT notes Account Owner Pick was required to register his assets in the 1938 Census.

---

<sup>3</sup> The CRT notes that Claimant [REDACTED 4] identified his father's address as Carmerstrasse 18 in Berlin, while the Bank's records indicate that Account Owner Pick resided at Carmenstrasse 18 in Berlin. The CRT finds that this is a minor discrepancy which does not affect Claimant [REDACTED 4]'s identification of Account Owner Pick.

## The Claimants' Relationship to the Account Owners

Claimant [REDACTED 1] and Claimant [REDACTED 3] have plausibly demonstrated that they are related to Account Owner Perutz by submitting specific information and documents, demonstrating that Account Owner Perutz was Claimant [REDACTED 1]'s and Claimant [REDACTED 3]'s father. These documents include Claimant [REDACTED 1]'s birth and marriage certificates, which state that her father was Felix Perutz; and probate orders regarding Felix Perutz's estate certifying that Claimant [REDACTED 1] and Claimant [REDACTED 3] were Account Perutz's children.

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owners by submitting specific information, demonstrating that the Account Owner Perutz was his mother's cousin, and that Account Owner Pick was his mother's cousin's husband. The CRT notes that the information provided by Claimant [REDACTED 2] is consistent with that provided by Claimant [REDACTED 1] and Claimant [REDACTED 4], and that Claimant [REDACTED 2] submitted a detailed family tree, which supports the plausibility that Claimant [REDACTED 2] is related to the Account Owners, as he has asserted in his Claim Form.

Claimant [REDACTED 4] has plausibly demonstrated that he is related to Account Owner Pick by submitting specific information and documents, demonstrating that Account Owner Pick was Claimant [REDACTED 4]'s father. Claimant [REDACTED 4] submitted the 1938 Census record for Ludwig Pick, stating that Ludwig Pick had a son named [REDACTED 4].

There is no information to indicate that the Account Owners have other surviving heirs.

## The Issue of Who Received the Proceeds

The CRT notes that the accounts were joint accounts held by Account Owner Pick, who resided in Berlin, Germany, and by Account Owner Perutz, who resided in Prague, Czechoslovakia, which the CRT notes did not come under Nazi control until 1939. However, given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that Account Owner Pick remained in Germany until 1938, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) " and Appendix C,<sup>4</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners 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.

---

<sup>4</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1], Claimant [REDACTED 3], and Claimant [REDACTED 4]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] and Claimant [REDACTED 3] have plausibly demonstrated that Account Owner Perutz was their father, and Claimant [REDACTED 4] has plausibly demonstrated that Account Owner Pick was her father, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts. Further, the CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2], as Account Owner Perutz's children, and Claimant [REDACTED 4], as Account Owner Pick's son, have a better entitlement to the accounts than Claimant [REDACTED 2], whose mother was the Account Owners' cousin.

### Amount of the Award

In this case, the Account Owners held one custody account and two demand deposit 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 13,000.00 Swiss Francs ("SF"), and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 17,280.00. 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 a total award amount of SF 216,000.00.

### Division of the Award

According to Article 25(1) of the Rules, if an account is a joint account, which is the case here, and Claimants related to each of the Account Owners have submitted claims to the Account, it shall be presumed that each Account Owner was owner of an equal share of the account. Consequently, each of the Account Owners shall be presumed to have a one-half share of the account.

With regard to Account Owner Perutz's share of the account, according to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. Claimant [REDACTED 1] submitted a probate order issued by a court in Vienna, which indicates that Claimant [REDACTED 1] and Claimant [REDACTED 3] are each entitled to three-eighths of Felix Perutz's estate. Therefore, Claimant [REDACTED 1] and Claimant [REDACTED 3], as the only beneficiaries of Account Owner Perutz to have filed claims, are entitled to share equally Account Owner Perutz's share of the account. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 3] are each entitled to one-quarter of the total Award amount.

With regard to Account Owner Pick's share of the account, according to 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. Claimant [REDACTED 4], as the child of Account Owner Pick, is therefore more entitled to Account Owner Pick's share of the account than Claimant [REDACTED 1], Claimant [REDACTED 3] and Claimant [REDACTED 2], who are related to Account Owner Pick by marriage. Accordingly, Claimant [REDACTED 4] is 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  
9 March 2005