

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Denis Delcros

to Claimant [REDACTED 2]

and to Claimant [REDACTED 3]

in re Account of F. Pfeiffer

Claim Numbers: 218132/AC; 218216/AC; 220335/AC; 220336/AC; 221280/AC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of [REDACTED] and [REDACTED],¹ the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) to the accounts of [REDACTED] and [REDACTED],² and the claim of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of [REDACTED].³ This Award is to the unpublished account of F. Pfeiffer (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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.

¹ The CRT previously issued an award to Claimant [REDACTED 1] for these accounts. See *In re Accounts of [REDACTED] and [REDACTED]*, which was approved by the Court on 9 August 2002.

² The CRT did not locate an account belonging to Claimant [REDACTED 2]’s relative, [REDACTED], 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). Claimant [REDACTED 2] should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 2] or upon information from other sources. The CRT will treat the claim to the account of Johann Pfeiffer in a separate decision.

³ The CRT did not locate an account belonging to Claimant [REDACTED 3]’s relative, [REDACTED], in the Account History Database prepared pursuant to the ICEP Investigation. Claimant [REDACTED 3] should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 3] or upon information from other sources.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his maternal aunt, France Pfeiffer, who was born on 20 September 1922 in Lyon, France. Claimant [REDACTED 1] explained that his grandparents, [REDACTED] and [REDACTED], née [REDACTED], had three children: France Pfeiffer, [REDACTED], and [REDACTED], who was his mother. According to Claimant [REDACTED 1], the Pfeiffer family was Jewish. Claimant [REDACTED 1] stated that his grandfather's factory was confiscated in 1939, and the family fled from their residence in Mulhouse to the Lyon region for the duration of the Second World War, only returning to Mulhouse after the liberation. Claimant [REDACTED 1] stated that his aunt died on 24 May 1946 in Mulhouse, and that his mother and his other aunt, [REDACTED], are also deceased.

Claimant [REDACTED 1] submitted documents, including: 1) a copy of his grandparents' marriage certificate, indicating that [REDACTED], the son of [REDACTED], married [REDACTED] on 28 April 1923; 2) a copy of his grandmother's death certificate, indicating that [REDACTED], the wife of [REDACTED], died on 27 November 1964; 3) a copy of his grandfather's death certificate, indicating that [REDACTED], the son of [REDACTED] and the widower of [REDACTED], died on 29 March 1969; 4) a copy of his mother's birth certificate, indicating that [REDACTED] was born on 1 August 1930, and that her parents were [REDACTED] and [REDACTED]; 5) a copy of his parents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 27 April 1951, that they later divorced, and that [REDACTED] was the daughter of [REDACTED] and [REDACTED]; 6) a copy of his mother's death certificate, indicating that [REDACTED] died on 21 December 1992, and that her parents were [REDACTED] and [REDACTED]; 7) a copy of his own birth certificate, indicating that he was born on 17 April 1953 and that his parents were [REDACTED] and [REDACTED]; and 8) a copy of his marriage certificate, indicating that he was born on 17 April 1953, and that his parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 1] stated that he was born on 17 April 1953 in Mulhouse.

Claimant [REDACTED 2] and Claimant [REDACTED 3]

Claimant [REDACTED 2] and Claimant [REDACTED 3], who are siblings, submitted Claim Forms identifying the Account Owner as their paternal grandmother, Frieda (Friedericke) Pfeifer, née Bormass, who was born on 27 November 1874, and was married to [REDACTED] on 24 January 1899 in Wiesbaden, Germany. In their Claim Forms, they indicated that their grandparents, who were Jewish, resided in Landau, Germany, and that their grandfather, [REDACTED], was a tobacco farmer, processor, and merchant. Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that their grandparents had two children: [REDACTED], née [REDACTED], and their father, [REDACTED] (who subsequently changed his name to [REDACTED]). According to information provided by Claimant [REDACTED 2] and Claimant [REDACTED 3], their grandmother died in a streetcar accident on 20 January 1928 in Frankfurt, Germany, after which their grandfather, who was her heir, resided in Landau until 1934, when he

moved to Baden-Baden, Germany. Claimants [REDACTED 2] and [REDACTED 3] stated that their grandfather was deported to the Gurs concentration camp, where he was interned until his release in 1941. Claimant [REDACTED 2] and Claimant [REDACTED 3] indicated that their aunt, [REDACTED], was murdered by the Nazis. According to Claimant [REDACTED 2] and Claimant [REDACTED 3], their father, who had studied law at the University of Bern in Switzerland before the Second World War, worked as a lawyer in Berlin, Germany before fleeing in 1933 to Paris, France, where he used the false name “[REDACTED].” Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that the family held accounts with Swiss banks. Furthermore, in a letter to the CRT dated 2 December 2003, Claimant [REDACTED 2] stated that his father told him that the accounts may have been held under the alternate spelling of their family name, “Pfeiffer.”

Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted documents, including: 1) a copy of their grandfather’s birth certificate, indicating that [REDACTED], the son of [REDACTED] and [REDACTED], was born on 13 June 1865 in Niederhochstadt, Germany; 2) a copy of their grandfather’s death certificate, indicating that [REDACTED] died on 29 September 1941 in Penne, France, and that he had a son named [REDACTED]; 3) a copy of a certificate issued by the University of Bern, indicating that [REDACTED] attended the University of Bern from 1924 until 1926; 4) a copy of a certificate issued by the Landau police, indicating that [REDACTED], born 12 May 1903, was the son of [REDACTED] and Frieda Pfeifer, née Bormass; 5) a copy of [REDACTED]’s French identity card, indicating that he was born on 12 May 1903, and that his parents were [REDACTED] and Frida Pfeifer; 6) a copy of a certificate issued by the police department of Chatou, France, dated 12 November 1944, indicating that [REDACTED] used the pseudonym [REDACTED] during the Second World War; 7) a copy of their father’s will, dated 5 February 1986, indicating that [REDACTED] bequeathed his residual estate to his children, [REDACTED] and [REDACTED 2]; 8) a copy of their father’s death certificate, indicating that [REDACTED], who was born 12 May 1903, died on 7 January 1987, that he was the son of [REDACTED] and Frieda Bormass, and that he had a daughter named [REDACTED 3]; 9) a copy of Claimant [REDACTED 3]’s birth certificate, indicating that [REDACTED 3] was born on 6 October 1948, and that her parents were [REDACTED] and [REDACTED]; and 10) a copy of Claimant [REDACTED 2]’s birth certificate, indicating that [REDACTED 2] was born on 2 August 1952, and that his parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 2] stated that he was born on 2 August 1952 in New York, the United States, and Claimant [REDACTED 3] stated that she was born on 6 October 1948, also in New York.

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

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was F. Pfeiffer. The Bank's record does not contain information about the

Account Owner's domicile. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated.

The Bank's record indicates that the account was considered dormant by the Bank and was transferred on 25 June 1973 to the Bank's suspense account, where it remains today. According to this record, on the date of its transfer, the account had a balance of 13.05 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 five claims of the Claimants in one proceeding.

Identification of the Account Owner

The first initial and last name of Claimant [REDACTED 1]'s aunt and of Claimant [REDACTED 2]'s and Claimant [REDACTED 3]'s grandmother each match the unpublished first initial and last name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his or her first initial and last name.

In support of their claims, Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted documents, including: 1) a copy of a certificate issued by the Landau police, indicating that [REDACTED] was the son of Frieda Pfeifer; 2) a copy of [REDACTED]'s French identity card, indicating that he was the son of Frida Pfeifer; and 3) a copy of their father's death certificate, indicating that [REDACTED] was the son of Frieda Bormass, providing independent verification that the person who is claimed to be the Account Owner had the same first initial and last name recorded in the Bank's records as the first initial and last name of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and

that her family fled Nazi-occupied Mulhouse for the Lyon region during the Second World War, where they remained for the duration of the War.

The CRT notes that while according to Claimants [REDACTED 2] and [REDACTED 3], the Account Owner was not a Victim of Nazi Persecution, the Account Owner's husband, who was her heir, and children were Victims of Nazi Persecution. Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that the Account Owner's family was Jewish, that her husband was interned in the Gurs concentration camp between 1940 and 1941, that her daughter was murdered by the Nazis, and that her son fled Nazi Germany for France in 1933, where he lived under an assumed name for the duration of the War.

The Claimants' Relationship to the Account Owner

Each of the Claimants has plausibly demonstrated that he or she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s aunt, or Claimant [REDACTED 2]'s and Claimant [REDACTED 3]'s grandmother. The documents submitted by Claimant [REDACTED 2] and Claimant [REDACTED 3] include: 1) a copy of a certificate issued by the Landau police, indicating that [REDACTED] was the son of [REDACTED] and Frieda Pfeifer, née Bormass; 2) a copy of [REDACTED]'s French identity card, indicating that his parents were [REDACTED] and Frida Pfeifer; 3) a copy of their father's will, indicating that [REDACTED] bequeathed his residual estate to his children, [REDACTED] and [REDACTED 2]; 4) a copy of their father's death certificate, indicating that [REDACTED] was the son of [REDACTED] and Frieda Bormass, and that he had a daughter named [REDACTED 3]; 5) a copy of Claimant [REDACTED 3]'s birth certificate, indicating that her parents were [REDACTED] and [REDACTED]; and 6) a copy of Claimant [REDACTED 2]'s birth certificate, indicating that his parents were [REDACTED] and [REDACTED].

The CRT notes that Claimant [REDACTED 1] identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that Claimant [REDACTED 1] submitted the following documents: 1) a copy of his grandparents' marriage certificate; 2) a copy of his grandmother's death certificate; 3) a copy of his grandfather's death certificate; 4) a copy of his mother's birth certificate; 5) a copy of his parents' marriage certificate; 6) a copy of his mother's death certificate; 7) a copy of his own birth certificate; and 8) a copy of his marriage certificate, and that Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted: 1) a copy of their grandfather's birth certificate; 2) a copy of their grandfather's death certificate; 3) a copy of a certificate issued by the University of Bern; 4) a copy of a certificate issued by the Landau police; 5) a copy of [REDACTED]'s French identity card; 6) a copy of a certificate issued by the police department of Chatou, France; 7) a copy of their father's will; 8) a copy of their father's death certificate; 9) a copy of Claimant [REDACTED 3]'s birth certificate; and 10) a copy of Claimant [REDACTED 2]'s birth certificate. The CRT notes that these documents provide independent verification that the Claimants' maternal relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 1] as a family

member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred on 25 June 1973 to the Bank's suspense account, where it remains.

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 1] has plausibly demonstrated that the Account Owner was his aunt, and Claimant [REDACTED 2] and Claimant [REDACTED 3] have plausibly demonstrated that the Account Owner was their grandmother, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his or her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 25 June 1973 was SF 13.05. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 435.00, which reflects standardized bank fees charged to the account between 1945 and 1973. Consequently, the adjusted balance of the account at issue is SF 448.05. 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.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each claimant has established a plausible relationship to a person with the same name as the Account Owner.

Further, 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. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the total award amount, and Claimant [REDACTED 2] and Claimant [REDACTED 3] are each entitled to one-quarter 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
15 July 2005