

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Denial**

to Claimant Shmuel Otto Baer  
also acting on behalf of Esriel Emil Baer, Manfred Baer,  
Batia Betty Nathansen and Naftaly Zwi Heinrich Baer

**in re Accounts of Max Baer; M. Baer; Max Behr;  
Max Beer and Max Beier<sup>1</sup>**

Claim Number: 003290/AY<sup>2</sup>

This Certified Denial is based on the claim of Shmuel Otto Baer (the Claimant ) to the published accounts of Max Baer. This Denial is to the published account of Max Baer (“Account Owner 1”) at the [REDACTED] (“Bank 1”); to the published account of Max Baer (“Account Owner 2”) at Bank 1; to the published account of Max Baer (“Account Owner 3”) at Bank 1; to the unpublished account of Max Baer (“Account Owner 4”) at [REDACTED] AG (“Bank 2”); to the published account of Max Baer (“Account Owner 5”) at the [REDACTED] (“Bank 3”); to the published accounts of M. Baer (“Account Owner 6”) at Bank 1; to the published accounts of Max Behr (“Account Owner 7”) at Bank 1; to the published account of Max Beer (“Account Owner 8”) at Bank 3; and to the published account of Max Beier (“Account Owner 9”) at the [REDACTED] (“Bank 4”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that his great-uncle, Max Baer (or Behr, Bär, Ber or Beer), who was born on 25 November 1861 in Halberstadt, Germany, owned a Swiss bank account. The Claimant indicated that his great-uncle was never married and resided at Spiegelstrasse 6 and at Bakenstrasse 28, both in Halberstadt. The Claimant stated that his great-

---

<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

<sup>2</sup> The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 003290.

uncle, who was Jewish, was a partner in a metal trading business named *Samuel Baers Söhne, Halberstadt*, and probably also in his uncle's bank, named *Berson J. Baer Bankgeschäft*, also located in Halberstadt. The Claimant stated that his great-uncle was deported to Theresienstadt on 22 November 1942, where he perished. The Claimant indicated that he was born on 3 April 1920 in Halle an der Saale, Germany.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his great-uncle, Max Baer.

The Claimant submitted documents in support of his application, including: (1) a copy of a list, published in the book *Juden in Halberstadt (Nachauflage, 1991)*, supporting the Claimant's information regarding his great-uncle's deportation from Halberstadt; (2) family photographs and a photograph of the family's house on Spiegelstrasse 6 in Halberstadt.

### **Information Available in the Banks' Records**

The CRT notes that the Claimant submitted a claim to accounts belonging to his relative, Max Baer (or Behr, Bär, Ber, Beer). The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported nine accounts whose owners' names match or are substantially similar to that provided by the Claimant. The CRT also located three additional accounts that were not reported by the auditors. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Account 1000037

Bank 1's records indicate that Account Owner 1 was Max Baer, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

#### Account 1000038

Bank 1's records indicate that Account Owner 2 was Max Baer, who resided in Germany. Bank 1's records also indicate Account Owner 2's city of residence and the name of a person who jointly held the account at issue, who appears to be related to Account Owner 2. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

#### Account 1000389

Bank 1's records indicate that Account Owner 3 was Max Baer, who resided in Germany. Bank 1's records also indicate Account Owner 3's city of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

#### Accounts 3016922 and 3016922.1

Bank 2's records indicate that Account Owner 4 was Max Baer. Bank 2's records also indicate the name and the title of a power of attorney holder and the date and place of the signing of the power of attorney form. Finally, Bank 2's records contain Account Owner 4's and the power of attorney holder's signatures.

#### Account 5034196

Bank 3's records indicate that Account Owner 5 was Max Baer, who resided in Sankt Ingbert, Germany, and that the Power of Attorney Holder was Else Baer-Hahn. Bank 3's records also indicate the Power of Attorney Holder's date and place of birth. Furthermore, Bank 3's records indicate the dates of the signing of the power of attorney form. Finally, Bank 3's records contain Account Owner 5's signature.

#### Accounts 1000202 and 1000202.1

Bank 1's records indicate that Account Owner 6 was M. Baer, who was located in Germany. The Bank's records also indicate that Account Owner 6 was not a private person.<sup>3</sup> In addition, Bank 1's records indicate the name of the person who was associated with the accounts and Account Owner 6's city. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

#### Account 1000065 and 1000065.1

Bank 1's records indicate that Account Owner 7 was Max Behr, who resided in Germany. Bank 1's records also indicate Account Owner 7's city of residence and the name of a joint account owner. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

#### Account 5030099

Bank 3's records indicate that Account Owner 8 was Max Beer, who resided in Vienna, Austria. Bank 3's records also indicate Account Owner 8's street address and the name of his spouse. Furthermore, Bank 3's records indicate the date of opening of the account at issue.

#### Account 2016820

Bank 4's records indicate that Account Owner 9 was Max Beier, who resided in Germany. Bank 4's records also indicate Account Owner 9's city of residence and his street address. Furthermore, Bank 4's records contain an indication as to Account Owner 9's date of death, as well as the names and addresses of some of his heirs.

---

<sup>3</sup> The account was published under "Account Owners - People" on the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). After careful review of Bank 1's records, the CRT has found that Account Owner 1 was not a private person.

## **The CRT's Analysis**

### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

### Identification of the Account Owners

As for Account 1000037, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his great-uncle matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in another city, which is located more than 500 kilometers away from Halberstadt. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's great-uncle are the same person.

As for Account 1000038, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his great-uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt, Germany. In contrast, Bank 1's records show that Account Owner 2 resided in another city, which is located more than 500 kilometers away from Halberstadt. The CRT also notes that the Claimant did not identify the person who jointly held the account at issue as his relative. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's great-uncle are the same person.

As for Account 1000389, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his great-uncle matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 1's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt, Germany. In contrast, Bank 1's records show that Account Owner 3 resided in another city, which is located more than 400 kilometers away from Halberstadt. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's great-uncle are the same person.

As for Accounts 3016922 and 3016922.1, the CRT concludes that the Claimant has not identified Account Owner 4 as his relative. Although the name of his great-uncle matches the unpublished name of Account Owner 4, the information provided by the Claimant differs materially from the unpublished information about Account Owner 4 available in Bank 2's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt, Germany. In contrast, the power of attorney form was signed in a different country to which the Claimant did not establish a connection. The CRT also notes that the Claimant did not identify the power of attorney holder as his relative. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's great-uncle are the same person.

As for Account 5034196, the CRT concludes that the Claimant has not identified Account Owner 5 as his relative. Although the name of his great-uncle matches the published name of Account Owner 5, the information provided by the Claimant differs materially from the published information about Account Owner 5 available in Bank 3's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt, Germany. In contrast, Bank 3's records show that Account Owner 5 resided in Sankt Ingbert, which is located more than 500 kilometers away from Halberstadt. The CRT also notes that the Claimant did not identify the published Power of Attorney Holder as his relative. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's great-uncle are the same person.

As for Accounts 1000202 and 1000202.1, the CRT concludes that the Claimant has not identified Account Owner 6 as his relative. Although his great-uncle's first initial and last name match the published name of Account Owner 6, the information provided by the Claimant differs materially from the unpublished information about Account Owner 6 available in Bank 1's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt, Germany. In contrast, Bank 1's records show that Account Owner 6 was not a private person and was located in another city. Furthermore, the CRT notes that the Claimant did not identify the person who was associated with the accounts. Consequently, the CRT is unable to conclude that Account Owner 6 and the Claimant's great-uncle are the same person.

As for Accounts 1000065 and 1000065.1, the CRT concludes that the Claimant has not identified Account Owner 7 as his relative. Although the name of his great-uncle is substantially similar to the published name of Account Owner 7, the information provided by the Claimant differs materially from the unpublished information about Account Owner 7 available in Bank 1's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt, Germany. In contrast, Bank 1's records show that Account Owner 7 resided in another city, which is located more than 400 kilometers away from Halberstadt. The CRT also notes that the Claimant did not identify the name of the person who jointly held the account at issue as his relative. Consequently, the CRT is unable to conclude that Account Owner 7 and the Claimant's great-uncle are the same person.

As for Account 5030099, the CRT concludes that the Claimant has not identified Account Owner 8 as his relative. Although the name of his great-uncle is substantially similar to the published name of Account Owner 8, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 8 available in Bank 3's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt, Germany. In contrast, Bank 3's records show that Account Owner 8 resided in Vienna, Austria. Furthermore, the Claimant stated that his great-uncle was never married, whereas Bank 3's records indicate the name of Account Owner 8's spouse. Consequently, the CRT concludes that Account Owner 8 and the Claimant's great-uncle are not the same person.

As for Account 2016820, the CRT concludes that the Claimant has not identified Account Owner 9 as his relative. Although the name of his great-uncle is substantially similar to the published name of Account Owner 9, the information provided by the Claimant differs materially from the unpublished information about Account Owner 9 available in Bank 4's records. Specifically, the Claimant stated that his uncle lived and worked in Halberstadt,

Germany. In contrast, Bank 4's records show that Account Owner 9 resided in another city, which is located more than 400 kilometers away from Halberstadt. The CRT also notes that the Claimant did not identify the names of Account Owner 9's heirs indicated in Bank 4's records. Consequently, the CRT is unable to conclude that Account Owner 9 and the Claimant's great-uncle are the same person.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

The Claimant 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 the Claimant or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
31 August 2004