

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1],
also acting on behalf of [REDACTED 2]

Claimant [REDACTED 3],

and Claimant [REDACTED 4]

**in re Account of Max Bloch
and Account of Max Albert Bloch^{1,2}**

Claim Numbers: 002659/MG; 004552/MG; 208522/MG; 218281/MG^{3,4}

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”) (together “the Claimants”) to an account of Max Bloch.⁵ This Denial is to the published account of Max Bloch (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the account published as the account of Max Albert Bloch at the [REDACTED] (“Bank 2”).

All denials 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.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably those of Victims of Nazi Persecution (the “ICEP List”), Max Albert Bloch is indicated as owning one account. Upon careful review, the CRT has concluded that the relevant bank records evidence that Max Albert Bloch (the “Power of Attorney Holder”) in fact did not own an account, but held power of attorney over one account held by two other individuals (“Account Owner 2” and “Account Owner 3”).

² In an effort to locate any and all accounts that might have belonged to the Claimants' relative, the CRT has reviewed and analyzed all accounts whose owners' or power of attorney holders' names are substantially similar to that of the Claimants' relative, even if the Claimants did not specifically claim that particular account, and even if the Claimants could not identify the owners of the account as their relatives.

³ Claimant [REDACTED 4] submitted two Claim Forms, which were registered under the Claim Numbers 208522 and 215295. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 208522.

⁴ According to Article 37 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.

⁵ In their claims, the Claimants also claimed the account of Albert Bloch. The CRT has previously awarded an account belonging to Albert Bloch. See *In re Account of Dr. Albert Bloch*, which was approved by the Court on 02 January 2003.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Claim Forms asserting that his paternal uncle, Max Bloch, who was born between 1883 and 1885 in Tarnowitz, Germany (today Tarnowskie Gory, Poland), and was never married, owned a Swiss bank account. Claimant [REDACTED 1] indicated that Max Bloch, who was Jewish, worked in Breslau, Germany (today Wroclaw, Poland) for the company *Lippmann Bloch* until 1933, when he fled from Breslau to the Netherlands, where he worked as a general manager for a company named *Neep* in Amsterdam. Furthermore, Claimant [REDACTED 1] indicated that Max Bloch died in Amsterdam between 1938 and 1939. Claimant [REDACTED 1] indicated that he was born on 8 June 1918 in Tarnowitz.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form asserting that her paternal great-uncle, Max Samuel Bloch, who was born on 25 September 1882 in Tarnowitz, and was never married, owned a Swiss bank account. Claimant [REDACTED 4] indicated that Max Bloch, who was Jewish, worked in Breslau for the company *Lippmann Bloch*, and later for a company named *Neep* in Amsterdam, the Netherlands. Claimant [REDACTED 4] further indicated that Max Bloch died in Amsterdam on 6 September 1939. Claimant [REDACTED 4] indicated that she was born on 16 November 1952 in Tel Aviv, Israel.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form asserting that his paternal great-uncle, Max Bloch, owned a Swiss bank account. Claimant [REDACTED 3] explained that Max Bloch, who was Jewish, was a brother of [REDACTED], who was born in Tarnowitz and later resided in Amsterdam, where he was the director of the *Neep* company. Claimant [REDACTED 3] indicated that he was born on 17 March 1951 in Tel Aviv.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Max Bloch. 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 two accounts whose owner's or power of attorney holder's names match or are substantially similar to that provided by the Claimants. 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 1009427

Bank 1's records indicate that Account Owner 1 was Max Bloch, 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 5035472

Bank 2's records indicate that the account was held by Account Owner 2 and Account Owner 3, and that the Power of Attorney Holder was Max Albert Bloch, all of whom resided in Munich, Germany. Bank 2's records also indicate the Power of Attorney Holder's street address in Munich, and his other city and country of residence. Furthermore, Bank 2's records indicate the date of opening of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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 1009427, the CRT concludes that the Claimants have not identified Account Owner 1 as their relative. Although the name of their relative matches the published name of Account Owner 1, the information provided by the Claimants differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, according to the Claimants, their relative, who was born in Tarnowitz, Germany (today Tarnowskie Gory, Poland), worked in Breslau, Germany (today Wroclaw, Poland), until 1933, when he fled from Breslau to the Netherlands, where he died in 1939. In contrast, Bank 1's records show that Account Owner 1 resided in a city in Germany that is over 300 kilometers from either Tarnowitz or Breslau, which was not identified by the Claimants, and to which the Claimants did not establish any connection. The CRT notes that Breslau and Account Owner 1's city of residence are both German cities of similar size, rendering it unlikely that a resident of one of these cities would indicate as his or her city of residence the other city, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimants' relative are the same person.

As for Account 5035472, the CRT concludes that the Claimants have not identified Power of Attorney Holder Max Albert Bloch as their relative. Although the name of their relative is substantially similar to the published name of the Power of Attorney Holder, the information provided by the Claimants differs materially from the published and unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, according to the Claimants, their relative was born in Tarnowitz, worked in Breslau until 1933, and then fled from Breslau to the Netherlands, where he died in 1939. In contrast, Bank 2's records show that the Power of Attorney Holder resided in Munich, Germany, and in another country, neither of which the Claimants identified as their relative's place of residence, and to which the Claimants established no connection. Moreover, Claimant [REDACTED 4] indicated that the Claimants'

relative's middle name was Samuel. In contrast, Bank 2's records show that the Power of Attorney Holder's middle name was Albert. In addition, the CRT notes that the Claimants did not identify Account Owner 2 and Account Owner 3. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimants' relative are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified Account Owner 2 and Account Owner 3 as her relatives. All decisions are published upon release on the CRT's website at <http://www.crt-ii.org>.

In addition, the CRT notes that the Claimants did not identify Account Owner 2 and Account Owner 3 as their relatives, and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimants had identified the Power of Attorney Holder, but not Account Owner 2 and Account Owner 3, as their relative, the Claimants would not have been entitled to the account unless there was evidence in Bank 2's records that the Power of Attorney Holder and Account Owner 2 or Account Owner 3 were related.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimants 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
15 July 2005