

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

## **in re Accounts of Siegfried Blumenthal**

Claim Numbers: 200686/DE; 214747/DE

This Certified Denial is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together “the Claimants”) to the published accounts of Siegfried Blumenthal (the “Account Owner”) at the Zermatt and Zurich branches of the [REDACTED] (“Bank I”).<sup>1</sup>

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 owner, and the bank have been redacted.

## **Information Provided by the Claimants**

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, Siegfried Blumenthal, who was born on 27 February 1886 in Austria and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 2], Claimant [REDACTED 1]’s cousin, submitted a Claim Form identifying Account Owner Blumenthal as his maternal uncle, Siegfried Blumenthal, who was a bank director from Brno, Czechoslovakia (today the Czech Republic).

Claimant [REDACTED 2] indicated that Siegfried and [REDACTED] divorced in the 1930s, and that they had two children, a daughter [REDACTED] (Claimant [REDACTED 1]) and a son [REDACTED].

According to Claimant [REDACTED 2], in 1937, Siegfried Blumenthal stayed with him and his

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<sup>1</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”), Siegfried Blumenthal [Brünn, Germany] is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts at the [REDACTED] held by Siegfried Blumenthal. The CRT further notes that while Brünn (today Brno) was annexed by Germany in 1939, prior to the annexation, the city was part of Czechoslovakia (Bohemia and Moravia).

family in Paterson, New Jersey in the United States before returning to Czechoslovakia.

Claimant [REDACTED 1] stated that her father, who was Jewish, held the professional title of director, and worked first as the director of the *Mährische Escomptebank* in Brno, and then as the director of the *Böhmische Escomptebank* in Prague, Czechoslovakia (today the Czech Republic). According to Claimant [REDACTED 1], she traveled on several occasions with her father to Bank I in Zurich, where the two would access Siegfried Blumenthal's safe deposit box and cut dividend coupons from securities stored in the safe.

Claimant [REDACTED 1] explained that her father also traveled to Prague in order to negotiate with the Nazis on behalf of the Jewish population of Moravia. Claimant [REDACTED 1] stated that her father was deported to Treblinka, where he perished in May 1942.

Claimant [REDACTED 1] submitted copies of several documents in support of her claim, including a letter dated 3 October 1945 from Claimant [REDACTED 1] to Bank I referring to herself and her brother. In the letter, Claimant [REDACTED 1] asked Bank I for information regarding accounts held by her father, Dir. Siegfried Blumenthal of Bruenn (Brno), Czechoslovakia, at Bank I; Claimant [REDACTED 1] indicated that her father had died in May 1942 in Poland during the "German occupation of Czechoslovakia." Specifically, Claimant [REDACTED 1] inquired whether her father still held an account or safe deposit box at Bank I, and indicated that her father had held a safe deposit box numbered 2019 at Bank I in earlier years. This letter also indicates that Claimant [REDACTED 1] had reason to believe that her father also held a numbered account at the Luxembourg bank *Société Financière des Ardennes A.A. Luxembourg*.

In addition to this document, Claimant [REDACTED 1] also submitted: 1) her own birth certificate, indicating that [REDACTED 1], the daughter of Bank Officer Siegfried Blumenthal and [REDACTED], née [REDACTED], was Jewish, and was born on 23 July 1915 in Brno; 2) her own wedding certificate, indicating that [REDACTED 1] previously resided at Úvoz c. 27 in Brno, that her parents were Siegfried and [REDACTED], née [REDACTED], and that she married [REDACTED] of England on 7 May 1935 in Brno; 3) a sample of her father's signature; and 4) her own passport, indicating that [REDACTED 1] was born in Brno on 23 July 1915.

Claimant [REDACTED 2] submitted documents in support of his claim, including a stamped envelope date-stamped 31 December 1937 from Director Siegfried Blumenthal of Ovoz 27, Brno, Czechoslovakia, addressed to his mother, Mrs. [REDACTED] of Paterson, New Jersey.

Claimant [REDACTED 2] indicated that she was born on 23 July 1915 in Brno. Claimant [REDACTED 2] indicated that he was born on 10 February 1921 in Naples, Italy.

Claimant [REDACTED 2] previously submitted two Initial Questionnaires ("IQ's") to the Court in 1999, and an ATAG Ernst & Young claim form ("ATAG Form") in 1998, asserting her entitlement to a Swiss bank account owned by her father, Siegfried Blumenthal.

Claimant [REDACTED 2] previously submitted an IQ to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his uncle, Siegfried Blumenthal.

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

Bank I's records consist of a report from 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"). According to this record, the Account Owner was Director Siegfried Blumenthal, who resided in Brno, Czechoslovakia (now the Czech Republic). This record indicates that the Account Owner held a numbered custody account, numbered 18132. This record indicates that the account was opened on 21 March 1934 and was closed on 25 September 1934. The amount in the account on the date of its closure is unknown.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). Bank I provided the CRT with additional documents. These documents include a bank ledger listing custody accounts that were closed or transferred prior to 31 December 1937, indicating that Dir. Siegfried Blumenthal had held a custody account numbered 18132 that was closed some time prior to 31 December 1937; and a printout from the Bank's database, indicating that custody account 18132 belonged to Dir. Siegfried Blumenthal and was opened on 21 March 1934 and closed on 25 September 1934.

The records received through Voluntary Assistance also include a copy of the letter dated 3 October 1945 from Claimant [REDACTED 1] to Bank I that Claimant [REDACTED 1] submitted with her Claim Form, and in which Claimant [REDACTED 1] inquired regarding accounts held by her deceased father at Bank I. The copy of the letter in the records contains a hand-written notation next to the reference to a safe deposit box numbered 2019, indicating that that account was closed on 6 January 1939 by [REDACTED 1].

The Voluntary Assistance also included a number of agreements relating to accounts held by Dir. Siegfried Blumenthal at *Société Financière des Ardennes A.A. Luxembourg*, which is not a Swiss Bank. These documents include a document dated 31 March 1937 on letterhead belonging to *Société Financière des Ardennes A.A. Luxembourg* but written by Siegfried Blumenthal, indicating that his daughter, Miss [REDACTED 1], had married [REDACTED] and had changed her name to [REDACTED 1]. The letter contains her new signature '[REDACTED 1].'

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of 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 two claims of the Claimants in one proceeding.

### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED 1]'s

father's name and city of residence and Claimant [REDACTED 2]'s uncle's name and city of residence match the published name and city of residence of the Account Owner. Claimant [REDACTED 1]'s father and Claimant [REDACTED 2]'s uncle's professional title and family members' names also match unpublished information about the Account Owner contained in Bank I's records.

Claimant [REDACTED 1] also submitted a sample of her father's signature, which matches the signature sample contained in Bank I's records.

In support of her claim, Claimant [REDACTED 1] submitted documents, including a copy of a letter she wrote to Bank I which was included in Bank I's records, and her wedding certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in Bank I's records as the name and city of residence of the Account Owner.

The CRT notes that the name Siegfried Blumenthal appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999 and an ATAG Form in 1998, and that Claimant [REDACTED 2] filed an IQ with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Siegfried Blumenthal, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimants have based their present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT notes that the other claims to these accounts were disconfirmed because that claimant provided a different city and country of residence than the city and country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he was deported to Treblinka, where he perished. Claimant [REDACTED 1] also submitted a letter that she wrote to Bank I, indicating that the Account Owner died in May 1942 in Poland during the "German occupation of Czechoslovakia."

#### The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that they

are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father and Claimant [REDACTED 2]'s uncle. Claimant [REDACTED 1] submitted her wedding certificate, indicating that she is the daughter of Siegfried Blumenthal; and a copy of a letter contained in Bank I's records indicating that she was the daughter of Siegfried Blumenthal and that she was seeking information regarding his accounts. The CRT notes that the Claimants indicated that they may have another surviving relative, but that because he is not represented in the Claimants' claims, the CRT will not treat his potential entitlement to the Account Owner's accounts in this decision.

The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in Bank I's records; and that the Claimants filed IQ's with the Court in 1999, identifying the relationship between the Account Owner and themselves, prior to the publication in February 2001 of the ICEP List.

#### The Issue of Who Received the Proceeds

Bank I's records indicate that the Account Owner held two accounts, a custody account numbered 18132 that was closed on 25 September 1934, and a safe deposit box that was closed by Claimant [REDACTED 1] on 6 January 1939.

With regard to custody account 18132, this account was closed on 25 September 1934, approximately four-and-a-half years prior to the Nazi occupation of Brno on 15 March 1939. Therefore, the CRT concludes that the Account Owner closed and received the proceeds of custody account 18132 himself.

With regard to the safe deposit box held by the Account Owner at Bank I, the Bank's records contain a notation indicating that Claimant [REDACTED 1], the Account Owner's daughter, closed that account herself on 6 January 1939. The CRT therefore concludes that the Account Owner or his daughter, Claimant [REDACTED 1], received the proceeds of that account.

With regard to the accounts held by the Account Owner at *Société Financière des Ardennes A.A. Luxembourg*, the CRT notes that since these accounts were not held at a Swiss bank, it does not have jurisdiction over any accounts and therefore does not make any determination as to the disposition of those accounts.

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimants may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimants should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimants should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
3 June 2009