

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Shmuel Levi

**in re Accounts of Leopold David
and
Account of Mimi Möller
(Power of Attorney Holder Leo David)¹**

Claim Numbers: 001250/SB; 004419/SB^{2,3}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Leo (Leon) David.⁴ This Denial is to the published and unpublished accounts of two individuals named Leopold David (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”), respectively, and to the published account of Mimi Möller (“Account Owner 3”), over which Leo David (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 3”).

All denials 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.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her paternal uncle, Leo David, who was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, resided in Satu Mare, Romania. The Claimant further stated that her uncle died

¹ 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’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted an additional claim, which is registered under the Claim Number 004418. The CRT will treat this claim in a separate determination.

³ 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 two claims of the Claimant in one proceeding.

⁴ The CRT did not locate an account belonging to Leo (Leon) David 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.

in 1945 in Prague, Czechoslovakia (today the Czech Republic). The Claimant indicated that she was born on 16 December 1926 in Danesti, Romania.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Leo David. 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 three accounts whose owners' or power of attorney holder's names match that provided by the Claimant. Upon review of the bank documents, the CRT also located six 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.

Accounts 1001384 and 1001384.1 to 1001384.6

Bank 1's records indicate that Account Owner 1 was Leopold David, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence in Germany and another city and country of residence. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Account 4020315

Bank 2's records indicate that Account Owner 2 was Leopold David. Bank 2's records also indicate Account Owner 2's city and country of residence.

Account 5026101

Bank 3's records indicate that Account Owner 3 was Mimi Möller, and that the Power of Attorney Holder was Leo David. Bank 3's records also indicate Account Owner 3's and the Power of Attorney Holder's cities and countries of residence. Finally, Bank 3's records contain Account Owner 3's and the Power of Attorney Holder's signatures.

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 Accounts 1001384 and 1001384.1 to 1001384.6, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her uncle matches the

published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her uncle resided in Romania and Czechoslovakia. In contrast, Bank 1's records show that Account Owner 1 resided in Germany and another country which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 1 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 4020315, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her uncle matches the unpublished name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her uncle resided in Romania and Czechoslovakia. In contrast, Bank 2's records show that Account Owner 2 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 2 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5026101, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her uncle matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in Bank 3's records. Specifically, the Claimant stated that her uncle resided in Romania and Czechoslovakia. In contrast, Bank 3's records show that the Power of Attorney Holder resided in a different country. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's uncle are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 3 as her relative, 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 Claimant had identified the Power of Attorney Holder, but not Account Owner 3, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 3's records that the Power of Attorney Holder and Account Owner 3 were related.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant 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 Claimant 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 Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The Claimant should be aware that the CRT will carry out further research on her claims 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
27 February 2007