

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Edith Marianne Feinstein  
also acting on behalf of Gertrude Koenig

and to Claimant Ruth Lindner

## **in re Accounts of Rudolf Deutsch and Julius Deutsch**

Claim Numbers: 216790/MBC; 221086/MBC

This Certified Denial is based upon the claim of Edith Marianne Feinstein, née Deutsch, (“Claimant Feinstein”) to the published accounts of Rudolf Deutsch and upon the claim of Ruth Lindner (“Claimant Lindner”) (together the “Claimants”) to the unpublished account of Irma Lindner, née Deutsch.<sup>1</sup> This Denial is to the published account of Rudolf Deutsch (“Account Owner Rudolf Deutsch”) and the unpublished accounts of Julius Deutsch (“Account Owner Julius Deutsch”) at the [REDACTED] (the “Bank”).<sup>2</sup>

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 Claimants**

### Information provided by Claimant Feinstein

Claimant Feinstein submitted a Claim Form identifying the Account Owners as her father, Rudolf Deutsch, and her paternal uncle, Julius Deutsch, who were both Jewish. Claimant Feinstein indicated that her father was born on 9 October 1884 in Bielsko, Poland, and was married to Olga Deutsch, née Steinberg, in 1921. Claimant Feinstein stated that Rudolf and Julius Deutsch were the sons of Moritz Deutsch and Hulda Deutsch, née Luft, and that they had several brothers and sisters, one of whom was Irma Lindner, née Deutsch. Claimant Feinstein identified her father as a textile manufacturer and the owner of a factory located in Kamitz, on

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<sup>1</sup> The CRT did not locate an account belonging to Irma Lindner, née Deutsch, 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”).

<sup>2</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 those of Victims of Nazi Persecution (the “ICEP List”), Rudolf Deutsch is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account.

the outskirts of Bielsko, and added that her father traveled to Switzerland several times. According to Claimant Feinstein, her father resided in Bielsko from 1932 to 1939 at Piastowska 16. Claimant Feinstein stated that at the outbreak of the Second World War, in September 1939, her father was on a business trip in the United Kingdom, and that she, her mother and her sister were in France on vacation. Claimant Feinstein further stated that her father managed to obtain visas for the family to Australia, and that the family fled there in February 1940. Claimant Feinstein stated that the Nazis seized all her father's assets, including their house, their land and the machinery in her father's factory. Claimant Feinstein stated that her family resided in Sydney, Australia, until 1948, and that from 1949 until his death on 19 March 1954 her father resided in New York, the United States.

Claimant Feinstein stated that Julius Deutsch was born on 14 January 1893 in Bielsko, and that he was with her father in the United Kingdom at the outbreak of the Second World War. According to Claimant Feinstein, her uncle fled to the United States in June 1940 and resided there until 1988, when he died.

In support of her claim, Claimant Feinstein submitted various documents, including a copy of her father's identity card indicating that he was born in Bielsko, Poland, and bearing his signature; a letter from her father to her sister Gertrude Koenig, on her father's company's official letterhead and signed "father" dated 27 September 1950; a letter from the United States Department of Justice regarding her father's naturalization in 1953, which records her father's date and place of birth in Bielsko, Poland; a copy of her father's death certificate, which indicates that his parents were Moritz and Hilda Deutsch and that Olga Deutsch was his wife; and a copy of the death certificate of Olga Deutsch, indicating that the Claimant is her daughter. Claimant Feinstein indicated that she was born on 28 January 1930 in Bielsko. Claimant Feinstein is representing her sister, Gertrude Koenig, née Deutsch, who was born in Bielsko on 1 December 1923.

#### Information provided by Claimant Lindner

Claimant Lindner, who is Claimant Feinstein's cousin, submitted a Claim Form identifying the Account Owners as her paternal great-uncles, Rudolf and Julius Deutsch. According to Claimant Lindner, Rudolf and Julius Deutsch were the sons of Moritz Deutsch and Hulda Deutsch, née Luft, and their sister, Irma Lindner, née Deutsch, was her paternal grandmother. Claimant Lindner indicated that Julius Deutsch was born on 14 June 1893, and that he owned a textile-manufacturing factory in Bielsko, Poland, named *Linko*. Claimant Lindner stated that Julius Deutsch fled Europe to the United States, where he resided until his death on 1 February 1988. Furthermore, Claimant Lindner stated that Julius Deutsch was first married to Felicia Holander in 1943, and that, in October 1972, he married his second wife, Maria Janina Frank. Claimant Lindner stated that Julius Deutsch did not have any children. Furthermore, Claimant Lindner indicated that her great-uncle, Rudolf Deutsch, was married to Olga Deutsch. Claimant Lindner submitted a copy of the death certificate of her father, Valentine Lindner, indicating that his mother was Irma Lindner, and a copy of the birth certificate of her grandmother, Irma Lindner, indicating that her parents were Moritz and Hilda Deutsch. Claimant Lindner stated that she was born on 20 January 1941 in Serov, Russia.

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

### Account held by Account Owner Rudolf Deutsch

The Bank's records consist of a customer card, a printout from the Bank's database, and a signature sample. According to these records, Account Owner Rudolf Deutsch was Rudolf Deutsch, who resided in Bielsko, Poland.

According to the Bank's records, Account Owner Rudolf Deutsch held a safe deposit box, numbered 1868, which was opened on 28 February 1938. The Bank's records indicate that Account Owner Rudolf Deutsch granted a power of attorney over the safe deposit box to his brother, Account Owner Julius Deutsch. The Bank's records further indicate that the safe deposit box was closed on 24 April 1939.

### Accounts held by Account Owner Julius Deutsch

The Bank's record submitted to the CRT by 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") consists of a printout from the Bank's database. According to this record, Account Owner Julius Deutsch was Julius Deutsch, who resided in Bielsko. This record indicates that the Bank provided Account Owner Julius Deutsch with a loan.

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 these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents indicate that Account Owner Julius Deutsch received from the Bank by signing a pledge certificate on 21 December 1931.

The additional Bank documents also indicate that Account Owner Julius Deutsch held one demand deposit account in United States Dollars that was opened on 16 February 1940 using a care of address in New York, New York, the United States. These records indicate that Account Owner Julius Deutsch contacted the Bank on 1 June 1940 from Lisbon, Portugal. According to the Bank's records, a transfer of 5,000.00 United States Dollars ("US \$") was made to the Bank's branch in New York on an unknown date. A typed note on the customer card indicates that the Bank undertook research in September 1966 in response to a letter from Account Owner Julius Deutsch, informing him that the account had been closed on 13 June 1940 by way of transfer of US \$3,003.02 to New York.

The additional Bank documents also indicate that on 24 March 1955, Account Owner Julius Deutsch, as Executor of the Estate of Rudolf Deutsch, contacted the Bank and that, at that time, he resided at 136, Liberty Street in New York.

## **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 two claims of the Claimants in one proceeding.

### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The name, city and country of residence of their relative, Rudolf Deutsch, match the published name, city and country of residence of Account Owner Rudolf Deutsch. Furthermore, the name, city and country of residence of their relative, Julius Deutsch, match the unpublished name, city and country of residence of Account Owner Julius Deutsch. The Claimants identified Julius and Rudolf Deutsch's relationship as brothers, which match unpublished information contained in the Bank's records. The Claimants indicated that Julius Deutsch moved to the United States in 1940, which matches unpublished information contained in the Bank's records. Finally, Claimant Feinstein submitted a sample of her father's signature, which matches the signature sample of Account Owner Rudolf Deutsch contained in the Bank's records.

In support of her claim, Claimant Feinstein submitted a letter from the United States Department of Justice regarding her father's naturalization in 1953 which records her father's date and place of birth in Bielsko, Poland as well as his identity card recording his place of birth in Bielsko. These documents provide independent verification that the person who is claimed to be Account Owner Rudolf Deutsch had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of Account Owner Rudolf Deutsch.

The CRT notes that the other claims to these accounts were disconfirmed because the Claimants provided different countries of residence than the countries of residence of the Account Owners.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, and that they fled Europe due to Nazi persecution during the Second World War.

### The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents demonstrating that Account Owner Rudolf Deutsch was Claimant Feinstein's father and Claimant Lindner's great-uncle, and that Account Owner Julius Deutsch was Claimant Feinstein's uncle and Claimant Lindner's great-uncle. Claimant Feinstein submitted her father's death certificate indicating that his parents were Moritz and Hilda Deutsch, and that Olga Deutsch was his wife, and the death certificate of Olga

Deutsch, indicating that Claimant Feinstein is her daughter. Claimant Lindner submitted the death certificate of her father, Valentine Lindner, indicating that his mother was Irma Lindner, as well the birth certificate of Irma Lindner, née Deutsch, indicating that her parents were Moritz and Hilda Deutsch.

The CRT further notes that the Claimants identified unpublished information about Account Owner Julius Deutsch, as contained in the Bank's records, which supports the plausibility that the Claimants are related to Account Owner Julius Deutsch, as they have asserted in their Claim Forms.

There is no information to indicate that the Account Owners have other surviving heirs other than the party which Claimant Feinstein is representing.

#### The Issue of Who Received the Proceeds

In this case, Account Owner Rudolf Deutsch owned one safe deposit box, numbered 1868, which was opened in Zurich on 28 November 1938. The Bank's records further indicate that the safe deposit box was closed on 24 April 1939. The CRT notes that the safe deposit box was closed before the German invasion of Poland on 1 September 1939. Therefore, the CRT determines that Account Owner Rudolf Deutsch or Account Owner Julius Deutsch, who had power of attorney over the safe deposit box, was able to access the safe deposit box, and concludes that Account Owner Rudolf Deutsch or Account Owner Julius Deutsch closed the safe deposit box and received the proceeds themselves.

The Bank's records indicate that Account Owner Julius Deutsch held a loan with the Bank and a demand deposit account in US dollars.

With regard to the demand deposit account, the Bank's records indicate that this was closed by way of transfer to New York in June 1940, which the CRT notes is the same time that Account Owner Julius Deutsch fled to the United States. The CRT further notes that the Account Owner Julius Deutsch provided the Bank with an address in the United States, and contacted the Bank from Lisbon shortly before the account was closed.

The CRT notes that the Bank's records do not indicate whether or not the loan taken out by Account Owner Julius Deutsch was paid back. Given that this banking relationship involved money owed by Account Owner Julius Deutsch to the Bank, and that Account Owner Julius Deutsch was in contact with the Bank before, during, and after the Second World War, the CRT concludes that no Award is appropriate for this banking relationship.

#### 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 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 Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
17 March 2008