

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
represented by Friedrich von Strömk & Partner

and Claimant [REDACTED 2]
also acting on behalf of [REDACTED]

**in re Account of Lotte Dobrin
(Power of Attorney Holder Moritz Dobrin)**

Claim Numbers: 202235/AX; 218523/AX¹

This Certified Denial is based on the claims of [REDACTED1], née [REDACTED], (“Claimant [REDACTED 1]”) and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Lotte Dobrin (the “Account Owner”), over which Moritz Dobrin (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).

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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form asserting that her grandfather, Moritz Dobrin, who was born in 1872 in Schlochau, Germany, owned a Swiss bank account. According to Claimant [REDACTED 1], Moritz Dobrin’s first wife died in or before 1906, and he later married [REDACTED], née [REDACTED]. Claimant [REDACTED 1] stated that Moritz Dobrin, who was Jewish, owned the company *Karlshader Feinbäckerei* located in Berlin, where he resided at Hagenstrasse 19, from 1910 until 1938, and then at Koenigsalle 34A. Claimant [REDACTED 1] stated that her grandfather was deported to the Theresienstadt concentration camp, that he survived the Holocaust and that he died in London, England in 1951. Claimant

¹ 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 Claimants in one proceeding.

[REDACTED 1] stated that she does not know a person named Lotte Dobrin. Claimant [REDACTED 1] indicated that she was born on 13 January 1928.

Claimant [REDACTED 2]

Claimant [REDACTED 2], who is a cousin of Claimant [REDACTED 1], submitted a Claim asserting that his grandfather, Moritz Dobrin, was a beneficial owner of a Swiss bank account. Claimant [REDACTED 2] submitted information substantially similar to that of Claimant [REDACTED 1]. Claimant [REDACTED 2] also stated that he did not know a person name Lotte Dobrin. Claimant [REDACTED 2] indicated that he was born on 24 July 1937 in London, England.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted a claim to an account belonging to their relative, Moritz Dobrin. 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 one account whose power of attorney holder's name matches that provided by the Claimants. The 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 5029207

The Bank's records indicate that the Account Owner was Lotte Dobrin, who resided in Berlin, and that the Power of Attorney Holder was Moritz Dobrin. The Bank's records also indicate the name of the Account Owner's spouse and the name of the Power of Attorney Holder's spouse. In addition, the Bank's records indicate the Account Owner's street address and the Power of Attorney Holder's street address. Furthermore, the Bank's records indicate the date on which the power of attorney form was signed, and also contain the Account Owner's and 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 Owner and the Power of Attorney Holder

The CRT concludes that the Claimants have not identified the Power of Attorney Holder as their relative. Although the name of their grandfather 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 the Bank's records. Specifically, both Claimants stated that their grandfather was married to [REDACTED], née [REDACTED]. In contrast, the Bank's records indicate that the Power of Attorney Holder was married to a different person. Additionally, Claimant [REDACTED 1] stated that her grandfather resided at Hagenstrasse 19 and then Koenigsalle 34A, both in Berlin, whereas the Bank's records indicate that the Power of Attorney Holder resided at a different address. In addition, the CRT notes that the Claimants stated that they do not identify Lotte Dobrin, the Account Owner. Consequently, the CRT is unable to conclude that the Account Power of Attorney Holder and the Claimant's relative are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

In addition, the CRT notes that the Claimants did not identify the Account Owner as their 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 Claimants had identified the Power of Attorney Holder, but not the Account Owner, as their relative, the Claimants would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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
31 October 2005