

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Henry Dreifuss

**Claimed Account Owners: Leopold Dreifuss, Kurt Dreifuss, Richard Dreifuss
and Max Dreifuss¹**

Claim Numbers: 220713/RT; 220714/RT

This determination is based on the claims of Henry Dreifuss (the “Claimant”) to Swiss bank accounts potentially owned by Leopold Dreifuss, Kurt Dreifuss, Richard Dreifuss and Max Dreifuss. The CRT did not locate an account belonging to Richard (Siegfried) Dreifuss and Max Dreifuss 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”).

This Certified Denial is to a Swiss bank account potentially owned by the Claimant’s relatives, Leopold Dreifuss and Kurt Dreifuss (the “Claimed Account Owners”).

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 Claimant

The Claimant submitted a claim stating that Kurt Dreifuss was his father’s cousin and that Leopold Dreifuss was his father’s uncle. The Claimant stated that Leopold and/or Kurt Dreifuss may have opened Swiss bank accounts on behalf of or for the benefit of his father, Richard Dreifuss, who was Jewish. The Claimant did not provide much information regarding his relatives but indicated that his family resided in Mannheim, Germany.

The CRT’s Investigation

The CRT matched the names of Leopold Dreifuss and Kurt Dreifuss to the names of all account owners and power of attorney holders in the Account History Database and identified accounts belonging to individuals, or over which individuals held power of attorney, whose names match,

¹ The Claimant should note that this determination relates only to the Claim Numbers and Claimed Account Owners stated above, and that the CRT is aware that the Claimant may have submitted other claims.

or are substantially similar to, the name of the Claimed Account Owners. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owners. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owners.

The CRT's Analysis

Identification of the Account Owners/Power of Attorney Holders

The list below contains names of account owners and power of attorney holders that match the names of the Claimed Account Owners and the reasons why the CRT has concluded that the Claimed Account Owners and an account owner/power of attorney holder are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: Kurt Dreifuss (Pirmasens, Germany)

Account Identification Number: 5033971

Specifically, the Claimant indicated that his relative, Kurt Dreifuss, resided in Mannheim and opened a Swiss bank account on behalf of or for the benefit of the Claimant's father. In contrast, the records do not show that the account was opened on behalf of, or for the benefit of anyone else but the account owner and the joint account owner. The Claimant further did not identify the joint account owner, who was closely related to the account owner. The records further show that the account owner resided in Pirmasens, which is approximately 100 kilometers from Mannheim.

Name: Kurt Dreifuss (France)

Account Identification Number: 1000372

Specifically, the Claimant indicated that his relative, Kurt Dreifuss, resided in Germany and opened a Swiss bank account on behalf of or for the benefit of the Claimant's father. In contrast, the records do not show that the account was opened on behalf of or for the benefit of anyone else but the account owner. The records further show that the account owner resided in France.

Name: Leopold Dreifuss (power of attorney holder)

Account Identification Number: 5033971

Specifically, the Claimant indicated that his relative, Leopold Dreifuss, resided in Mannheim and opened a Swiss bank account on behalf of or for the benefit of the Claimant's father. In contrast, the records do not show that the account was opened on behalf of or for the benefit of anyone else but the account owner. In addition, the CRT notes that the Claimant did not identify the account owner, 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 the account owner, as their relative, the Claimant 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. The CRT also notes that the account owner was closely related to the power of attorney holder, and, as noted previously, that the Claimant did not identify the account owner. The records further show that the account owner and the power of attorney holder resided in a different city, which is over 100 kilometers from Mannheim.

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org.

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 CRT now considers the Claimant's claim to the accounts of Leopold Dreifuss, Kurt Dreifuss, Richard Dreifuss and Max Dreifuss closed. Please note that this decision applies only to the Claim Numbers and Claimed Account Owners identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
12 February 2010