

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Lev Ditmann

in re Accounts of Anna Epstein and Account of S.L. Epstein¹

Claim Number: 214195/MW

This Certified Denial is based on the claim of Lev Ditmann (the “Claimant”) to the accounts of Hanna Epstein, Solomon Epstein, and Lazar Epstein. The CRT did not locate an account belonging to Hanna Epstein, Solomon Epstein or Lazar Epstein 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 This Denial is to the published accounts of Anna Epstein (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the unpublished account of S.L. Epstein (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the names of the banks has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his maternal grandparents, Solomon Epstein and Hanna Epstein, owned Swiss banks accounts. The Claimant stated that her grandfather was born on 1 May 1885 in Tallinn, Estonia, and was married to Hanna Epstein, née Nishshansky, who was born on 11 August 1885, on 10 February 1915 in Estonia. The Claimant indicated that his grandfather, who was Jewish, owned a luxury clothing store named *Le Jockey Club* until September 1941 when his grandfather was arrested. The Claimant’s grandfather was imprisoned in a concentration camp, where he perished sometime between September and December 1941. The Claimant indicated that he was born on 29 December 1947 in Tallinn.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Solomon Epstein.

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’ names are substantially similar to those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

The Claimant submitted documents in support of his application, including: (1) a document indicating the fate of Estonian Jews during the Holocaust in 1941, which indicates that Solomon Epstein, who was Jewish and born on 1 May 1885 in Tallinn, Estonia, died between 1941 and 1942; and (2) an extract from an investigation of Solomon Epstein, which indicates that he was arrested on 4 September 1941 and that he was imprisoned in September 1941.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives, Solomon Epstein and Hanna Epstein. The auditors who carried out the ICEP Investigation reported three accounts whose owners' names are substantially similar to those provided by the Claimant. 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 1009705 and 1009706

Bank 1's records indicate that Account Owner 1 was Anna Epstein, who resided in France. Bank 1's records also indicate Account Owner 1's city of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

Account 5029528

Bank 2's records indicate that Account Owner 2 was S.L. Epstein. Bank 2's records also indicate Account Owner 2's city of residence, spouse's name, country of residence, and street address, and the name of the Power of Attorney Holder and the relationship of the Power of Attorney Holder to Account Owner 2. Furthermore, Bank 2's records indicate the dates of opening and closing of the account at issue.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for the Accounts 1009705 and 1009706, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his maternal grandmother is substantially similar to the published name of Account Owner 1, the information provided by the Claimant differs from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that Hanna Epstein resided in Estonia. In contrast, Bank 1's records show that Account Owner 1 resided in a particular city in France. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandmother is the same person.

As for Account 5029528, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his maternal grandfather, Solomon Epstein, matches the unpublished first initial and last name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about the Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that Solomon Epstein resided in Estonia, and was married to Hanna Epstein. In contrast, Bank 2's records show that Account Owner resided in a different country and was married to a different person. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather is the same person. Moreover, it should be noted that the CRT has determined that another claimant has plausibly identified Account Owner 2 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii-org.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant 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 Claimant 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 Claimant should be aware that the CRT will carry out further research on his claim 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
13 October 2004