

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

## **in re Accounts of Leopold Erber**

Claim Numbers: 219316/SB<sup>1,2</sup>

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the published accounts of Leopold Erber (the “Account Owner”) 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 Claimant**

The Claimant submitted a Claim Form asserting that his grandfather’s cousin, Leopold Erber, who was born on 27 August 1891, and was married to [REDACTED] on 26 December 1934 in Germany, owned a Swiss bank account. The Claimant stated that his grandfather’s cousin, who was Jewish, resided in Berlin, Germany, from 1934 to 1939, when he fled Germany for Shanghai, China. The Claimant further stated that in 1946 his grandfather’s cousin moved to New York City, the United States, where he died on 9 June 1996. The Claimant indicated that he was born on 16 January 1957 in Los Angeles, the United States.

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<sup>1</sup> The Claimant submitted six Claim Forms to the accounts of Eva Kauffmann, Alfred Kauffmann and Hildegard Kauffmann, which were registered under the Claim Numbers 217259, 217269, 217279 and 220948, 220949 and 220947 respectively. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Numbers 217259, 217269, 217279.

<sup>2</sup> The Claimant submitted additional claims to the accounts of Eva Kauffmann, Alfred Kauffmann, Hildegard Kauffmann, Albert Kauffmann, Peter Kauffmann, Fritz Kauffmann, Leo Freundlich, Alfred Gottschalk, Herta Kauffmann, Georg Anker, Felix Kauffmann, Magala Kauffmann, Johannes Ellgass, Adolf Lenow, Georg Kauffmann, Helene Haase, Hans Kauffmann, Gertrud Anker, Bertha Gottschalk, Helene (Lene) Wolffberg, Lydia (Lidi) Ellgass, Levin Berthold and Lottie Rosa Levin (Wasilewa), which are registered under the Claim Numbers 217259, 217269, 217279, 217829, 217839, 217849, 219314, 219315, 219316, 400197, 500274, 500307, 500308, 500309, 500310, 500311, 500685, 501016, 501054, 501086, 300469, 500275, 500276, 500277, 500278, 500280 and 500281, respectively. The CRT has awarded the accounts of Eva Kauffmann, Alfred Kauffmann, Hildegard Kauffmann, Peter Kauffmann and Fritz Kauffmann to the Claimant in separate decisions. See *In re Account of Eva Kauffmann* and *In re Account of Alfred Kauffmann*, (both approved on 24 June 2004), *In re Account of Hildegard Kauffmann* (approved on 28 July 2004), *In re Account of Peter Kauffmann* (approved on 30 August 2002), and *In re Account of Fritz Kauffmann* (approved on 24 June 2004). The CRT will treat the remaining claims to these accounts in separate determinations.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Leopold Erber. 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 two accounts whose owner's name matches that 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 1009707 and 1009708

The Bank's records indicate that the Account Owner was Leopold Erber, who resided in Austria. The Bank's records also indicate the Account Owner's city of residence in Austria and another city and country of residence. The Bank's records also indicate the names of two other persons who, together with the Account Owner, jointly owned the accounts at issue. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts 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 Governing the Claims Resolution Process, as amended (the "Rules").

### Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his relative matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his grandfather's cousin resided in Berlin, Germany from 1934 to 1939. In contrast, the Bank's records indicate that during this time the Account Owner had a permanent residence in a city in Austria, a city to which the Claimant established no connection. The CRT also notes that the Claimant did not identify the two persons who jointly owned the accounts at issue with the Account Owner, even though they appear to be closely related to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative are the same person.

### 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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

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  
29 December 2005