

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Marie Feldmann

Claim Number: 736982/SB¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the Claimant) to the account of Manya Feldman.² This Denial is to the published accounts of two individuals named Marie Feldmann (“Account Owner 1” and “Account Owner 2”) both at the [REDACTED] (the “Bank”).³

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 an Initial Questionnaire asserting that her mother, Manya Feldman, née Zhivotinskaya, who was born in 1890, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her mother, who was Jewish, resided in Odessa, Ukraine until 1941, when she was evacuated to Uzbekistan. The Claimant further stated that her mother returned to Odessa after the end of the Second World War and that she died in Odessa in 1956. The Claimant indicated that she was born on 29 August 1920 in Odessa.

¹ [REDACTED] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 she submitted three Initial Questionnaires, numbered RUS 0172147, ENG 0286026 and ENG 0747100, to the Court in the United States. Although these Initial Questionnaires were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaires were forwarded to the CRT and have been assigned claim numbers 736982, 777415 and 788662, respectively. The CRT will treat claims 777415 and 788662 in separate determinations.

² The CRT did not locate an account belonging to Manya Feldman 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).

³ In this claim, the Claimant also claimed the account of Pasha Pinkus. The CRT will treat the claim to this account in a separate determination.

The Claimant submitted documents in support of her claim, including her birth certificate which indicates her date and place of birth, and the name of her parents.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Manya Feldman. 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 owners' names are substantially similar to 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.

Account 1001460

The Bank's records indicate that Account Owner 1 was Marie Feldmann, who resided in Paris, France. The Bank's records also indicate the dates of opening and closing of the account at issue.

Account 1009398

The Bank's records indicate that Account Owner 2 was Marie Feldmann. The Bank's records also indicate Account Owner 2's city and country of residence.

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 Owners

As for Account 1001460, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her mother is substantially similar to the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her mother resided in the Ukraine. In contrast, the Bank's records show that Account Owner 1 resided in Paris, France. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's mother are the same person.

As for Account 1009398, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her mother is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs

materially from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that her mother resided in the Ukraine. In contrast, the Bank's records show that Account Owner 2 resided in another country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's mother 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, which 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 her 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
6 May 2006