

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1],
also acting on behalf of [REDACTED 2], [REDACTED 3],
and [REDACTED 4]

in re Accounts of Julius Freudenberger and Ella Freudenberger

Claim Numbers: 220017/MD;¹ 224420/MD

This Certified Denial is based upon the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Julius Freudenberger (“Account Owner Julius Freudenberger”) and Ella Freudenberger (“Account Owner Ella Freudenberger”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards 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 three Claim Forms identifying Account Owner Ella Freudenberger as his maternal grandmother’s sister, Ella Freudenberger, née Dalberg, and Account Owner Julius Freudenberger as her husband, Julius Freudenberger. The Claimant stated that Ella and Julius Freudenberger owned a pharmacy in Würzburg, Germany, and a laboratory named *Kynazon Werk* in Frankfurt, Germany. The Claimant stated further that his relatives resided in Würzburg until 1935, at which time they moved to Frankfurt. The Claimant explained that Julius and Ella Freudenberger owned real estate in Bavaria, Germany, and in Amsterdam, the Netherlands, and that they might have also used an address in Amsterdam.

The Claimant stated that Julius and Ella Freudenberger were Jewish, that they were deported to Bergen-Belsen concentration camp in 1943, and that they perished there in 1945. The Claimant explained that Julius and Ella Freudenberger did not have any children.

According to the family tree submitted by the Claimant, Ella Freudenberger had two siblings: [REDACTED], née [REDACTED]; and [REDACTED], née [REDACTED]. The Claimant

¹ The Claimant submitted an additional Claim Form, which was registered under the Claim Number 224421. The CRT has determined that Claim Forms 220017 and 224421 are duplicate claims and is treating them under the consolidated Claim Number 220017.

explained that [REDACTED] died without issue. According to the Claimant, [REDACTED] had two children: [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that [REDACTED] had two children: [REDACTED 2] and [REDACTED 1] (the Claimant); and that [REDACTED] also had two children: [REDACTED 3] and [REDACTED 4]. The Claimant stated that [REDACTED] died in 1996 and that [REDACTED] died in 1997. The Claimant indicated that he was born on 16 May 1951 in San Francisco, California, the United States. The Claimant represents his brother, [REDACTED 2], who was born on 30 May 1947 in San Francisco; his cousin [REDACTED 3], who was born on 22 September 1946 in Fresno, California; as well as his cousin, [REDACTED 4], who was born on 13 November 1947 in Fresno.

In support of his claims, the Claimant submitted numerous documents, including:

- [REDACTED]'s birth certificate, showing that he was a son of [REDACTED], née [REDACTED];
- the birth certificate of [REDACTED], showing that she is a daughter of [REDACTED];
- the birth certificate of [REDACTED 4], showing that he is a son of [REDACTED];
- [REDACTED]'s death certificate;
- the birth certificate of [REDACTED], showing that she was a daughter of [REDACTED], née [REDACTED];
- the Claimant's birth certificate, showing that he is a son of [REDACTED], née [REDACTED];
- [REDACTED]' death certificate;
- the death certificate of [REDACTED], née [REDACTED].

The Claimant stated that his maternal uncle, [REDACTED], searched for accounts belonging to Julius Freudenberger with the Swiss Banking Ombudsman. The Claimant submitted correspondence, dated between 1995 and 1997, between the Swiss Banking Ombudsman and [REDACTED] and the Claimant.

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

Information Available in the Bank's Records

The Bank's records consist of two customer cards and a letter from the *Association of Swiss Jewish Refugee Relief Organizations* (the "Association"). These records indicate that the Account Owners were Julius and Ella Freudenberger-Dalberg, who temporarily resided in Zurich, Switzerland. According to these records, the Account Owners jointly rented a safe deposit box, numbered S 906, which was closed on 16 February 1935. The contents of the safe deposit box are not known.

Further, the Bank's records indicate that Account Owner Julius Freudenberger was a pharmacist who resided in Würzburg, Germany. The Bank's records indicate that Account Owner Julius Freudenberger held a demand deposit account that was closed on 20 February 1935 and a

custody account, numbered L 39410, which was closed on 16 February 1935. The value of these accounts on the date of their closure is not known.

The Bank's records include a letter from the Association to the Bank, dated 1 April 1949, written on behalf of [REDACTED], the sister of Account Owner Ella Freudenberger, in which the Bank was requested to provide information about a safe deposit box owned by Julius Freudenberger and Ella Freudenberger, née Dalberg. In this letter, the Association informed the Bank that the Account Owners lived in Würzburg until 1936, that they subsequently moved to the Netherlands, and that they were deported from there by the Nazis. A Bank employee noted on this letter that Account Owner Julius Freudenberger received the proceeds from custody account L 39410 in person at the Bank on 15 February 1935, and that the custody account was closed on 16 February 1935. Further, there is a note on the letter that the safe deposit box was closed on 15 February 1935, without specifying who closed it. The Bank's records do not contain the Bank's response to that letter. There is no information in the Bank's records as to who closed the demand deposit account.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) 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 Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's relatives' names match the published names of the Account Owners. The Claimant identified his relatives' city of residence as Würzburg, his great-aunt's maiden name as Dalberg, and the name of Ella Freudenberger's sister, Paula Teiber, which all match unpublished information about the Account Owners contained in the Bank's records.

In support of his claims, the Claimant submitted documents, including his mother's birth certificate and Paula Teiber's death certificate, providing independent verification that Account Owner Ella Freudenberger had the same maiden name as the Claimant's maternal grandmother, and showing that he is related to Paula Teiber, a person referenced in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution include persons named Julius Freudenberger and Ella Freudenberger Dalberg, and indicates that their place of residence was Frankfurt, which matches the information about the Account Owners provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimant's uncle searched for accounts belonging to Julius Freudenberger in 1995, and that the Claimant filed an Initial Questionnaire with the Court in

1999, asserting his entitlement to a Swiss bank account owned by Julius and Ella Freudenberger, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based his present claim not simply on the fact that individuals identified on the ICEP List as owning a Swiss bank account bear the same names as his relatives, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and were deported to Bergen-Belsen concentration camp. As noted above, persons named Julius Freudenberger and Ella Freudenberger Dalberg were included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that he and the relatives, whom he represents, are related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Ella Freudenberger was their great-aunt and that Account Owner Julius Freudenberger was her husband. These documents include the Claimant’s mother’s and Claimant’s uncle’s birth certificates, which provide independent verification that the Claimant’s grandmother bore the same maiden name as Account Owner Ella Freudenberger. The CRT further notes that the Claimant identified the unpublished name of Account Owner Ella Freudenberger’s sister, [REDACTED], and provided her death certificate. Finally, the CRT notes that the foregoing information and documents are of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant and the relatives represented by him are related to the Account Owners, as he has asserted in his Claim Forms.

The Issue of Who Received the Proceeds

In this case, the Account Owners jointly held a safe deposit box, and Account Owner Julius Freudenberger held a custody account and a demand deposit account. The Bank’s records indicate that Account Owner Julius Freudenberger received the proceeds of his custody account in person at the Bank on 15 February 1935, and that the custody account was closed on 16 February 1935. Given that the safe deposit box held jointly by the Account Owners was closed on the same date, 16 February 1935; that the demand deposit account was closed soon after on 20 February 1935; and given that the Account Owners used a temporary address in Zurich, the CRT concludes that the Account Owners closed the accounts and received the proceeds themselves.

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 directed to the Special Masters at the following address: 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. 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claims to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
18 November 2004