

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of C. Friedlaender
and
Account of J. Friedlaender
and
Account of Erika Friedlaender**

Claim Number: 219639/SB¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Gunther (Curt) Friedlaender (Friedlander, Gunther), James Friedlaender (Friedlander) and Erika Friedlaender (Friedlander).² This Denial is to the published account of C. Friedlaender (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of J. Friedlaender (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published account of Erika Friedlaender (“Account Owner 3”) at the [REDACTED] (“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 a Claim Form asserting that her father, Gunther (Curt) Friedlaender, and paternal grandparents, James Friedlaender and Erika Friedlaender, née Cohen, each owned a Swiss bank account. The Claimant provided little information regarding her relatives, stating only that they were Jewish, resided in Germany and that her father and grandmother died in New York, New York, the United States. The Claimant further stated that on an unknown date her father changed his name from Gunther Curt Friedlaender to Curt Gunther. The CRT notes, that in

¹ The Claimant submitted an Initial Questionnaire to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 219639.

² The CRT did not locate an account belonging to Gunther (Curt) Friedlaender (Friedlander, Gunther), James Friedlaender (Friedlander) and Erika Friedlander 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”).

her Initial Questionnaire, the Claimant stated that her grandparents owned department stores in Berlin, Germany and that her father fled Germany in 1936 or 1937. The Claimant indicated that she was born on 4 September 1957 in New York.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 asserting her entitlement to a Swiss bank account owned by James Friedlander and Erika Friedlander.

The Claimant submitted documents in support of her claim, including the birth certificate of her sister, [REDACTED], which is dated 8 July 1960 and which indicates that her father, Curt Gunther, was born in Berlin, Germany.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, James Friedlaender and Erika Friedlaender. 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 three accounts whose owners' names match 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.

Account 2014893

Bank 1's records indicate that Account Owner 1 was C. Friedlaender, who resided in Tshikapa, Congo. Bank 1's records also indicate Account Owner 1's title and the dates of opening and closing of the account at issue.

Account 2016389

Bank 2's records indicate that Account Owner 2 was J. Friedlaender, who resided in Napoli-Vomero, Italy. Bank 1's records also indicate Account Owner 2's title.

Account 5029988

Bank 3's records indicate that Account Owner 3 was Erika Friedlaender, who resided in Frankfurt am Main, Germany. Bank 3's records also indicate the date of 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 Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Account 2014893, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father matches 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 Bank 1's records. Specifically, the Claimant stated that her father resided in Germany. In contrast, Bank 1's records show that Account Owner 1 resided in Congo. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 2016389, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandfather matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her grandfather resided in Germany. In contrast, Bank 2's records show that Account Owner 2 resided in Italy. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person.

As for Account 5029988, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her grandmother matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that her grandmother resided in Berlin, Germany. In contrast, Bank 3's records show that Account Owner 3 resided in Frankfurt am Main, which is over 450 kilometers from Berlin. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's grandmother 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
8 August 2006