

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant [REDACTED]¹

in re Account of David Friedmann

Claim Number: 735727/AV²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the Claimant). This Denial is to the account of David Friedmann (the “Account Owner”) at [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 to the Court in 1999, and in subsequent correspondence with the CRT, the Claimant’s son, [REDACTED], asserted that the Claimant’s brother, David Friedman, who was born in Poland, owned a Swiss bank account. The Claimant’s son stated that the Claimant’s brother, who was Jewish, resided in Germany, where he was a gold and diamond dealer. According to the Claimant’s son, the Claimant’s brother fled from Germany to Czechoslovakia after the beginning of the Second World War. The Claimant’s son further stated that the Claimant’s brother perished in the Holocaust. The Claimant indicated that she was born on 15 May 1926 in Poland.

¹ On 8 August 2005, the CRT was informed that the Claimant, [REDACTED], died on 10 March 2002.

² [REDACTED] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 she submitted an Initial Questionnaire, numbered POR-0002-086, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, 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 Questionnaire was forwarded to the CRT and has been assigned claim number 735727.

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

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim and that subsequently her son submitted correspondence claiming an account belonging to her relative, David Friedman. 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 one account whose owner's name matches that provided by the Claimant. The 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 3016917

The Bank's records indicate that the Account Owner was David Friedmann. The Bank's records also indicate the Account Owner's city and country of residence, and a date on which he resided in this city. Finally, the Bank's records contain the Account Owner's signature.

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 her relative. Although the name of the Claimant's brother matches the name of the Account Owner, the information provided by the Claimant differs from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant's son stated that the Claimant's brother resided in Germany until the beginning of the Second World War, when he fled to Czechoslovakia. In contrast, the Bank's records show that the Account Owner resided in a different country before the Second World War. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's brother are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified the Account Owner as her 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 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
29 March 2006