

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to the Estate of Claimant [REDACTED]

**in re Accounts of Max Friedmann<sup>1</sup>**

Claim Number: 600023/AX<sup>2</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Max Friedmann (the “Account Owner”) over which Alex. Friedmann (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).<sup>3</sup>

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 to the Holocaust Claims Processing Office (“HCPO”) asserting that her father-in-law, Max Friedmann, who was born on 25 March 1865, and was married to [REDACTED], owned a Swiss bank account. The Claimant indicated that her father-in-law, who was Jewish, lived in Vienna, Austria before the Second World War. On behalf of the Claimant, the HCPO submitted information from a book of names of persons who perished at the Theresienstadt concentration camp (*Totenbuch Theresienstadt*), according to which the Claimant’s relative, Max Friedmann, died on 16 August 1942 in Theresienstadt. The Claimant indicated that she was born on 31 May 1902 in Philippopol, Bulgaria.

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<sup>1</sup> The CRT notes that, on the February 2001 published 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”), Max Friedmann is indicated as having three accounts. Upon careful review, the CRT has concluded that the Bank’s records indicate that Max Friedmann owned three accounts and was a power of attorney holder on a fourth account owned by another individual.

<sup>2</sup> The Claimant submitted a claim, numbered B-00925, on 12 April 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600023.

<sup>3</sup> In this claim, the Claimant also claimed the accounts of Lazar Behar, Albert Behar (Israel), Donna Aguidisch, Rebecca Levy, Claire Karpath, Doretta Harar, David Behar (Israel), Marco Behar (Israel), Adele Friedmann, and Erich Friedmann. The CRT will treat the claims to these accounts in separate determinations.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Lazar Behar.

### **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as if 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Max Friedmann. These records indicate that Max Friedmann was born on 25 March 1865, and that he was married to [REDACTED], née [REDACTED]. These records further indicate that Max Friedmann owned a tavern, and that he resided at Heinestrasse 41 in Vienna. These records were signed by Max Friedmann on 13 July 1938. These records make no mention of assets held in a Swiss bank account.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Max Friedmann. 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 owner’s name matches that provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors, over which the Account Owner held power of attorney. 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 5024208, 5033482, 5033482.1, and 5035823

The Bank’s records indicate that the Account Owner was Max Friedmann, who resided in Vienna and that the Power of Attorney Holder was Alex. Friedmann. These records indicate that the Account Owner held three accounts, and that he held power of attorney over an additional account, which was owned by another individual. The Bank’s records further indicate the Account Owner’s street address and his date of death.

### **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 her father-in-law 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 1938 Census records were signed by the Claimant's father-in-law in 1938, and the listings of persons killed in the Theresienstadt concentration camp indicate that the Claimant's father-in-law perished in 1942. In contrast, the Bank's records show that the Account Owner died before these dates. Additionally, the 1938 Census indicate that the Claimant's father-in-law lived at Heinestrasse 41 in Vienna. The Bank's records indicate that the Account Owner resided at a different address in Vienna. 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, 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  
31 October 2005