

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
also acting on behalf of [REDACTED] and [REDACTED]

## **in re Accounts of Eduard Fürst**

Claim Number: 224570/MBC

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED] (“Claimant [REDACTED]”) to the published accounts of Eduard Fürst (the “Account Owner”), over which Martha Fürst (the “Power of Attorney Holder”) held power of attorney, at the Zurich and Geneva branches of the [REDACTED] (the “Bank”).<sup>1</sup>

All denials are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the banks have been redacted.

## **Information Provided by Claimant [REDACTED]**

Claimant [REDACTED] submitted a Claim Form identifying the Account Owner as her spouse’s first wife’s maternal uncle, Eduard Fürst, who was married to Martha Fürst, née Juszth. Claimant [REDACTED] indicated that [REDACTED], née [REDACTED], was previously married to her spouse, [REDACTED], who changed his name to [REDACTED] in 1945. Claimant [REDACTED] further indicated that [REDACTED], née [REDACTED], (“Claimant [REDACTED]”) (together with Claimant [REDACTED], the “Claimants”), Eduard Fürst’s niece, who was awarded these accounts in a decision approved on 27 January 2002 (the “January 2002 Award”) was [REDACTED]’s sister, and that their mother was named [REDACTED], née [REDACTED]. Claimant [REDACTED] indicated that [REDACTED]’s maternal uncle, Eduard Fürst, secretly employed her spouse, [REDACTED], as a commercial representative at his chocolate factory, *ARTA*, for five years, from 1934 to 1938, without a salary. Claimant [REDACTED] further indicated Eduard Fürst agreed to deposit all of her spouse’s earnings into a Swiss bank in her spouse’s name, but that Eduard Fürst refused to give her spouse the address of the Swiss bank or the number of the account where he deposited her spouse’s earnings. Claimant [REDACTED] further indicated that Eduard Fürst deposited her spouse’s earnings in his own name instead of her spouse’s name. Claimant [REDACTED] indicated that Eduard

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<sup>1</sup> On 27 January 2002, the Court approved an Award to [REDACTED], née [REDACTED], (“Claimant [REDACTED]”) (together with Claimant [REDACTED], the “Claimants”) for the accounts held by the Account Owner at the Bank (the “January 2002 Award”).

Fürst also owned a mill in Nitra, Czechoslovakia (now Slovakia). Claimant [REDACTED] previously submitted two Initial Questionnaires to the Court in 2000, asserting her entitlement to a Swiss bank account owned by Hugo Ascher.<sup>2</sup>

In support of her claim, Claimant [REDACTED] submitted documents, including: (1) a copy of her spouse's birth certificate, indicating his name as [REDACTED]; (2) a copy of her spouse's marriage certificate from his former marriage with [REDACTED], indicating [REDACTED]'s parents as [REDACTED] and [REDACTED], and also indicating that Eduard Fürst was a witness to the marriage, and that [REDACTED] and [REDACTED] were divorced on 30 September 1949; (3) a copy of a court document regarding the divorce of Hugo [REDACTED] and [REDACTED], indicating that Eduard Fürst and Martha Fürst offered him a job at their factory; (4) a copy of a document from the city of Kosice, Slovakia, indicating that [REDACTED] changed his name to [REDACTED] in 1945; and (5) a copy of her marriage certificate, indicating she was married to [REDACTED] on 20 April 1950.

Claimant [REDACTED] indicated that she was born on 18 June 1928 in Nova Ves Nad Zitavov, Czechoslovakia (now Slovakia). The Claimant is representing her daughters, [REDACTED] and [REDACTED], who were born on 16 April 1951, and 10 August 1952, respectively, in Zlate Moravce, Czechoslovakia (now Slovakia).

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

The Bank's records consist of printouts from the Bank's database, two power of attorney forms, and an internal bank memo dated 4 April 1939. According to the Bank's records, the Account Owner was *Generaldirektor* (General Director) Eduard Fürst, who lived in Nitra, Czechoslovakia. The Bank's records indicate that the Account Owner held two demand deposit accounts. The Account Owner's wife, Martha Fürst, was granted power of attorney over both accounts on 29 September 1938 and 15 October 1938, respectively. Both her signature and the Account Owner's signature appear on the power of attorney forms.

The internal bank memorandum indicates that Mr. André de Bac and Mrs. James Kirke Paulding, II, visited the Bank on 4 April 1939 and informed the Bank that the Account Owner acted as a trustee, and used an account at the Bank to transfer to them proceeds from sale of their shares in a Czechoslovak mill company. Mr. de Bac and Mrs. Paulding informed the Bank that because the Account Owner was Jewish, there was a reason to suspect that he was imprisoned on 15 March 1939<sup>3</sup> and forced to transfer the assets from the account to Germany. Mr. de Bac and Mrs. Paulding requested that the Bank inform them about orders given by the Account Owner with regard to the account so that Mr. de Bac could apply for a blockage of the assets in Switzerland. This memorandum states that Mr. de Bac or Mrs. Paulding were not authorized to receive information about the Account Owner's assets, and that consequently, due to the secrecy laws, the Bank would not be allowed to inform the visitors about the Account Owner's orders. The memorandum also states that the Bank would have to follow orders given by the Account Owner, unless it could be recognized that such orders were given under duress.

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<sup>2</sup> The CRT will treat the claims to this account in a separate determination.

<sup>3</sup> The CRT notes that this is the date of the German occupation of Czechoslovakia.

The Bank's records indicate that as of 4 April 1939, the balances of the accounts held by the Account Owner were 428.75 Swiss Francs ("SF") and SF 21,906.00, respectively, and that the accounts were blocked by the Bank.

The Bank's records indicate that the accounts were closed on 11 September 1939. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Claimant [REDACTED]'s Identification of the Account Owner

Claimant [REDACTED] has plausibly identified the Account Owner. Claimant [REDACTED]'s spouse's first wife's uncle's name and city of residence match the published name and city of residence of the Account Owner. Moreover, the CRT notes that the information submitted by Claimant [REDACTED] matches the information previously provided by Claimant [REDACTED]. Accordingly, the CRT determines that Claimant [REDACTED]'s spouse's first wife's uncle is the same person as Claimant [REDACTED]'s uncle, which in turn establishes that Claimant [REDACTED] has identified the Account Owner. Finally, the CRT notes that there are no other claims to this account.

### Status of the Account Owner as a Target of Nazi Persecution

In the January 2002 Award, the CRT determined that Claimant [REDACTED] made a plausible showing that the Account Owner was a Target of Nazi Persecution. Claimant [REDACTED] indicated the Account Owner, the husband of her aunt, was Jewish, and was the target of Nazi persecution while living in Czechoslovakia until 1945, forcing him to hide throughout the War.

### Claimant [REDACTED]'s Relationship to the Account Owner

Claimant [REDACTED] has plausibly demonstrated that she is related to the Account Owner, by submitting information demonstrating that the Account Owner was her spouse's first wife's uncle.

The CRT notes that Claimant [REDACTED] identified information that is consistent with the information previously provided by Claimant [REDACTED]. The CRT further notes that Claimant [REDACTED] identified the Account Owner as a distant relative to whom she is related by marriage only, making it unlikely that she would possess extensive information regarding this relative. The CRT determines that all this information supports the plausibility that Claimant [REDACTED] is related to the Account Owner, as she has asserted in her Claim Form.

### The Issue of Who Received the Proceeds

In the January 2002 Award, the CRT determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the two accounts held at the Bank.

#### Amount of the Award

In the January 2002 Award, the CRT determined that the total award amount was SF 256,849.60.

#### Entitlement to the Accounts

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Moreover, according to Article 23(1)(g), only if none of the persons entitled to an award pursuant to Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. Therefore, Claimant [REDACTED], as the Account Owner's niece, has a better entitlement to the accounts than Claimant [REDACTED] and her daughters, whom Claimant [REDACTED] is representing, given that they are related to the Account Owner by marriage only. Accordingly, Claimant [REDACTED] and her daughters are not entitled to any portion of the total award amount, and the January 2002 Award correctly awarded the total award amount to Claimant [REDACTED].

#### Right of Appeal

Pursuant to Article 30 of the Rules, Claimant [REDACTED] 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.

Claimant [REDACTED] 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**

Claimant [REDACTED] should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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 and by the Special Masters.

Claims Resolution Tribunal  
12 May 2006