

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Simcha Wolf Goldberg

Claim Number: 400374/WI¹

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Simcha Wolf Goldberg (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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 identifying the Account Owner as her paternal uncle, Simcha Wolf Goldberg, who was born in Bialystok, Poland and was married to [REDACTED]. The Claimant indicated that her uncle, who was Jewish, resided in Belgrade, Yugoslavia until 1939, at which time he fled Yugoslavia for Cuba via Palestine, before emigrating to the United States in 1942. According to the Claimant, her uncle’s mother, [REDACTED], perished at a concentration camp in Bialystok. Finally, the Claimant indicated that her uncle, who did not have any children, died in Victoria, Australia. In support of her claim, the Claimant submitted copies of documents, including an extract from a marriage registry with respect to her own marriage, indicating that [REDACTED] and [REDACTED] were married in South Yarra (Melbourne), Australia on 14 March 1950.

The Claimant indicated that she was born on 25 March 1927 in Bialystok.

Information Available in the Bank’s Records

The Bank’s records consist of excerpts from the Bank’s customer list, extracts from the Bank’s opening and closing registers of numbered accounts. According to these records, the Account

¹ [REDACTED] (the “Claimant”) submitted an additional claim, which is registered under the Claim Number 400293. In a separate decision, the CRT treated the Claimant’s claim to the account of Doreathea Alexander. See *In re Account of Dorethea Alexander* (approved on 11 June 2007).

Owner was Simcha (Synicha) Wolf Goldberg, who resided in Zemun, Yugoslavia (now part of Belgrade, Serbia). The Bank's records indicate that the Account Owner held two numbered accounts, the types of which are not indicated, numbered 61375 and 66002. The Bank's records further indicate that the account numbered 66002 was opened on 11 March 1938. The Bank's records do not indicate the value of these accounts.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of excerpts from the Bank's customer list and extracts from the Bank's opening and closing register of numbered accounts, and indicate that the accounts 66002 and 61375 were closed in November 1940 by transfer to the account, the type of which is not indicated, numbered 60322, held in the name of Milorad Stojadinovitch. These documents further indicate that the account 60322 was subsequently closed on 26 November 1940 by transfer to another account held by Milorad Stojadinovitch, the type of which is not indicated, and numbered 67108. Finally, these documents indicate that the account 67108 was closed on 29 November 1960 by transfer to an account numbered 62621, held by *Frau* (Mrs.) Vukasova Stojadinovich (sic), née Cohadzic.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The Claimant identified the Account Owner's country and city of residence, which match unpublished information about the Account Owner contained in the Bank's records.²

The CRT notes that the name Simcha Wolf Goldberg appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that the Claimant did not identify Milorad Stojadinovitch, the person to whom the accounts were transferred in 1940, or Vukasova Stojadinovich, the person to whom one of Milorad Stojadinovitch's accounts was later transferred. However, the CRT notes that the Claimant was a minor at the time the accounts were first transferred and that the Claimant's family lived in Poland whereas the persons to whom the accounts were transferred lived in Belgrade, Yugoslavia (today, Serbia), that there is no indication in the Bank's records that the Account Owner and the transferees were related, and therefore determines that it is plausible that the Claimant would not know the names of all of her uncle's acquaintances and business associates, and that the Claimant's failure to identify Milorad Stojadinovitch and Vukasova Stojadinovich does not adversely affect the plausibility of her identification of the Account Owner.

² The CRT notes that Zemun became a suburb of Belgrade, Yugoslavia (now Serbia) in 1934.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim or Target of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that he left Yugoslavia in 1939, the same year that Poland, his country of origin, was invaded and occupied by Nazi Germany. The Claimant also stated that the Account Owner's parents resided in Nazi-occupied Poland, and that his mother perished at a concentration camp in Bialystok.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's paternal uncle. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT further notes that the Claimant submitted a copy of an extract from a marriage registry, indicating that the Claimant's maiden name was [REDACTED], providing independent verification that the Claimant bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were closed in November 1940 by transfer to an account held by Milorad Stojadinovitch. Additionally, the Bank's records indicate that the account held by Milorad Stojadinovitch was transferred to an account held in the name of Mrs. Vuksava Stojadinovitch on 29 November 1960. The CRT notes that the Account Owner resided in Cuba as of the date when his accounts were transferred and subsequently closed. Therefore, the CRT concludes that the Account Owner transferred the accounts himself and that their subsequent owner or his heirs maintained contact with the bank after the Second World War, that they were able to retain control over the remaining account, and to close this account and receive the proceeds themselves.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error

shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

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 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 payment by the Special Masters.

Claims Resolution Tribunal
20 December 2007