

# 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]<sup>1</sup>  
represented by Dr. Herbert Winter

## **in re Accounts of Martin Goldschmidt**

Claim Number: 205887/MBC

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Martin Goldschmidt. This Denial is to the published account of Martin Goldschmidt (the “Account Owner”), over which Paula Goldschmidt (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (“Bank I”), and to the unpublished accounts of the Account Owner at the Zurich-Seefeld branch of the [REDACTED] (“Bank II”) (together the “Banks”).

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 banks have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her father-in-law, Martin Goldschmidt, who was born on 25 November 1878 in Breslau, then Germany, and was married to Paula Goldschmidt, née Harmelin, whom the Claimant identified as the Power of Attorney Holder. The Claimant stated that her parents-in-law were Jewish and that they had two children, [REDACTED], the Claimant’s husband, who was born on 15 July 1914 in Berlin, Germany, and [REDACTED], who was born on 21 June 1922 in Berlin. The Claimant indicated that her father-in-law was the director of a hotel and a bank, and that he lived with his family at Kurfürstendamm 34 in Berlin until approximately 1933, when they fled to Switzerland to escape Nazi persecution. The Claimant explained that Martin Goldschmidt transferred his assets to Switzerland before leaving Germany. According to the Claimant, Martin Goldschmidt's children attended boarding school in Vevey, Switzerland. The Claimant further indicated that her relative lived in Switzerland until approximately 1939, at which time he and his wife left Switzerland for the United States, via Japan. The Claimant stated that her father-in-law lived in New York, New

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<sup>1</sup> Claimant [REDACTED] passed away on 8 June 2003. Prior to her death, the Claimant appointed the following individuals as executors of her will, all of whom appointed Herbert Winter as their representative: Thierry Bollag, Prof. Wilhelm Vetter, Denis Weil, Donna Kaufman, and Michael D. Vineberg.

York, the United States, until his death on 7 April 1944. The Claimant indicated that her mother-in-law died in approximately 1958.

The Claimant explained that her husband changed his name from [REDACTED] to [REDACTED] no later than 1958. According to the Claimant, her husband died on 6 August 1978 in Lugano, Switzerland, and [REDACTED], the Claimant's sister-in-law, died in approximately 1958 in New York.

In support of her claim, the Claimant submitted an official family booklet of Martin Goldschmidt's family indicating that Martin Goldschmidt was married to Paula Harmelin, and that they had two children named [REDACTED] and [REDACTED]; her father-in-law's will, in which the Claimant's husband is referred to as [REDACTED]; her mother-in-law's will, which indicates that Paula Goldschmidt resided at 15 Central Park West in New York and in which the Claimant's husband is referred to as [REDACTED]; and the Claimant's marriage certificate, identifying her husband as [REDACTED]. The Claimant indicated that she was born on 27 April 1922 in Tilsit, Germany.

## **Information Available in the Banks' Records**

### Bank I

Bank I's record submitted to the CRT by the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") consists of a printout from Bank I's database.

According to this record, the Account Owner was Martin Goldschmidt and the Power of Attorney Holder was Paula Goldschmidt. The ICEP auditors determined that the Account Owner and the Power of Attorney Holder resided at Kurfürstendamm in Berlin, Germany, and at via Littorio 15 in Merano Italy.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank I to obtain additional information about assets held by the Account Owner in this bank ("Voluntary Assistance"). Bank I provided the CRT with additional documents. These documents consist of an account opening contract, two customer cards, two power of attorney forms, a receipt for securities deposited in a custody account, and an acknowledgement of receipt of the general terms and conditions applying to custody accounts.

These records indicate that Paula Goldschmidt was the Account Owner's wife and that her maiden name was Harmelin.

According to Bank I's records, the Account Owner held a custody account, numbered 866, which was closed on 13 December 1938. Bank I's records do not indicate the value of this account on

the date of its closure. Bank I's records indicate, however, that in December 1938, the Account Owner resided in *Hotel Verena* in Baden, Switzerland.

The additional Bank I's documents indicate that the Account Owner held power of attorney over accounts held by Magnus Goldschmidt, who resided in Merano, Italy, and Dr. Curt Goldschmidt, who resided in Zurich, Switzerland and in Lisbon, Portugal. The additional documents relating to the account of Magnus Goldschmidt indicate that in November 1936, the Account Owner resided at Via Littorio 15 in Merano. These additional documents further indicate that the Account Owner was granted the right to access Curt Goldschmidt's accounts for his own use in February 1936.

Finally, Bank I's records indicate that Mrs. Paula Goldschmidt, who resided at 15 Central Park West in New York, New York, the United States, opened an account at Bank I in January 1947. These documents indicate that this account was closed on 22 October 1952.

## Bank II

Bank II's record consists of a customer card. According to this record, the Account Owner was Martin Goldschmidt, who resided in Merano, Italy. Bank II's record indicates that the Account Owner held a custody account, numbered L 58084, which was opened on 21 March 1937 and closed on 30 June 1939, and a demand deposit account, which was also opened on 21 March 1937 and closed on 11 July 1939. Bank II's record does not indicate the value of these accounts.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The names and city of residence of her father-in-law and mother-in-law match the published names and city of residence of the Account Owner and the Power of Attorney Holder. The Claimant indicated that her relatives were married to each other and identified her mother-in-law's maiden name, which matches unpublished information contained in Bank I's records. The Claimant also identified her relative's residence as Kurfürstendamm 34 in Berlin, Germany, which matches unpublished information about the Account Owner contained in Bank I's records. The CRT notes that Bank I's records indicate that the Account Owner had an address in Merano, Italy, which matches unpublished information about the Account Owner's address in Bank II's record. In support of her claim, the Claimant submitted documents, including Martin Goldschmidt's official family booklet indicating that Martin Goldschmidt and Paula Harmelin were married, thereby providing independent verification that her parents-in-law had the same names and relationship as the Account Owner and the Power of Attorney Holder. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different cities of residence than the city of residence of the Account Owner and did not identify the Power of Attorney Holder.

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

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he fled Germany for Switzerland to escape Nazi persecution and subsequently left Switzerland to live in the United States.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents and specific information demonstrating that she is the Account Owner's daughter-in-law. These documents include an official family booklet of Martin Goldschmidt's family, which indicates that Martin Goldschmidt's son was [REDACTED]; Martin Goldschmidt's will, referring to his son as [REDACTED]; Paula Goldschmidt's will referring to her son as [REDACTED]; and the Claimant's marriage certificate, which indicates that the Claimant's husband was [REDACTED].

### The Issue of Who Received the Proceeds

In this case, the Account Owner held one custody account at Bank I, which was closed on 13 December 1938; and one custody account and one demand deposit account at Bank II, which were closed on 30 June 1939 and 11 July 1939, respectively. Given that Bank I's records indicate that the Account Owner resided in Switzerland in December 1938; that all of the Account Owner's accounts at Bank I and Bank II were closed between 13 December 1938 and 11 July 1939, during which time the Account Owner was residing in Switzerland, the CRT determines that the Account Owner or the Power of Attorney Holder was able to access all the accounts, and concludes that the Account Owner or the Power of Attorney Holder closed these accounts and received the proceeds themselves.

### 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. 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, 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.

Claims Resolution Tribunal  
6 May 2006