

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Paul Galambos

in re Accounts of Willy Goldstein

Claim Number: 213838/RS¹

This Certified Denial is based on the claim of Paul Galambos (the "Claimant") to the published accounts of Willy Goldstein. This Denial is to the published accounts of Willy Goldstein, over which Fanny Goldstein held power of attorney, at the [REDACTED] (the "Bank"); and the account of Willy Goldstein at the Bank.

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant provided limited information in his claim regarding his relative, Willy Goldstein, stating that he was Jewish, that he was his father's uncle, and that he resided in Frankfurt am Main, Germany.

The CRT further notes that the Claimant provides no documentary proof of any family member residing in Germany, whereas the Claimant does provide numerous documents which show that his family resided in Hungary. Further, in his Initial Questionnaire ("IQ"), submitted to the Court in 1999, and his ATAG Ernst & Young claim form, submitted in 1998, the Claimant repeatedly stated that his family resided in Hungary and did not indicate any connection to Germany.

The Claimant indicated that he was born on 4 May 1947 in Mosonmagyaróvár, Hungary.

¹ The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owner stated above. The Claimant submitted twelve additional claims, which are registered under the Claim Numbers 213835, 213836, 213837, 213839, 213910, 213911, 213912, 214028, 214029, 214037, 214038, and 214039. The CRT will treat these claims in separate determinations. The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owners stated above, and that the CRT is aware that the Claimant submitted other claims.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Willy Goldstein. 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. 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.

Accounts 5024735 and 5033819

The records indicate that the account owner was Willy Goldstein, who resided in Frankfurt am Main, Germany, and that the power of attorney holder was Fanny Goldstein. The records also indicate the account owner's street address in Frankfurt am Main and the year in which the accounts were opened.

Account 5026488

The records indicate that the account owner was Willy Goldstein, who resided in Stuttgart, Germany.

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 owners as his relatives. Specifically, the Claimant claimed the published account of Willy Goldstein residing in Frankfurt am Main, Germany; however, the Claimant was unable to establish any link between himself and Germany. The CRT notes that the Claimant did not provide any supporting evidence to show that he had family residing in Germany, and in his IQ and ATAG Ernst & Young claim form, consistently indicated that his family resided in Hungary.

In determining if a Claimant has identified a published account owner as their relative, but where there is an absence of any documentary evidence to establish any connection with a published country of residence, the CRT considers whether a claimant identified the claimed account owner's country of residence prior to its publication on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). For example, if a claimant identified family members as having resided in the same country as the account owner in an IQ, or ATAG Ernst & Young claim form, it is clear that a claimant based their claim not simply on the fact that an individual identified on the ICEP List

as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. This supports the credibility of the information provided by that claimant.

The CRT also regularly searches a database containing the names of victims of Nazi persecution. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Entries in this database corresponding to a claimant's relative and made prior to the publication of the account owner's name can also bolster the plausibility of a claimant's identification of the account owner, because they show that a claimant's relative was identified by that name prior to the publication of the account owner's name.

Absent special circumstances, the identification of a name and country of residence on the ICEP List, without some evidence showing that the claimant's family did reside in the published country of residence, is insufficient to support a finding that a claimant's claim is plausible, and the claim must be denied.

In this case, the Claimant was unable to provide any documentary evidence to show that he had a family member residing in Germany. Further, no evidence exists to show that Germany was identified by the Claimant as place of residence of his family prior to the publication of the ICEP List. Accordingly, the CRT concludes that the Claimant has not identified the account owners as his relatives.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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 CRT now considers the Claimant's claim to the accounts of Willy Goldstein closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
24 May 2009