

# 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 Andrew Loucks, David Corbett and Ian Campbell

## **in re Account of Friedrich Gottlieb**

Claim Number: 601161/SJ<sup>2</sup>

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Friedrich (Fritz) Gottlieb (the “Account Owner”) at the [REDACTED] (the “Bank”).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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his maternal uncle, Friedrich (Fritz) Gottlieb, who was married to [REDACTED], née [REDACTED]. The Claimant indicated that his uncle, the brother of his mother, who was Jewish, lived in Zagreb, Yugoslavia (now Croatia) before the Second World War. The Claimant added that his uncle was the Yugoslavian distributor for a plate glass company. Furthermore, the Claimant indicated that his uncle had two children, [REDACTED] and [REDACTED], both of whom died during the Second World War. The Claimant indicated that in May 1939, Friedrich Gottlieb and his wife visited the Claimant’s mother in London, England, where he informed her that he had a Swiss bank account, and left her a copy of his signature. Finally, the Claimant indicated that as of 1941 or 1942, letters were no longer delivered to his family in Yugoslavia and it was believed that they fled to Italy, but did not survive the Second World War. Finally, the Claimant stated that he is certain that the account of Friedrich Gottlieb was never properly closed by his heirs, as there was often discussion of that topic among family members.

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<sup>1</sup> In a letter dated 24 November 2004, the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department informed the CRT that the Claimant died on 16 September 2004, and provided the CRT with copies of the Claimant's death certificate and testamentary documents.

<sup>2</sup> The Claimant submitted a claim, numbered B-01084, on 9 July 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 601161.

The Claimant submitted a copy of the list of accounts frozen in 1941 pursuant to the United States Trading with the Enemy Act (the “1941 Freeze” or the “1941 Freeze Accounts”), which included Friedrich Gottlieb of Zagreb, Yugoslavia as an account owner, and correspondence between the Claimant and various relatives relating to Friedrich Gottlieb.

The Claimant indicated that he was born on 14 July 1919. The CRT was informed that the Claimant died on 16 September 2004.

The Claimant previously contacted the Swiss Bank Ombudsman on 17 November 1996 and again on 31 July 1997 regarding to an account owned by Friedrich Reiss.

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

The CRT notes that 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”) did not report an account belonging to Friedrich (or Fritz) Gottlieb during their investigation of the Bank. The Bank’s documents were obtained from the Bank by the HCPO on the Claimant’s behalf and were forwarded to the CRT.

The Bank’s records consist of the list of 1941 Freeze Accounts, including account E.U. 8071 belonging to Friedrich Gottlieb; an indication that Friedrich and/or Alice Gottlieb of Zagreb, Yugoslavia held an account numbered E.U. 8071 and that they had registered [REDACTED] of St. Catherine, Ontario, Canada as the recipient of mail, a designation that was cancelled by the Bank as of 17 December 1940; account ledgers from 1943 and 1944 indicating the subtraction of account fees and the resulting balance; correspondence between the Bank and the Bank’s attorneys, White & Case, beginning on 12 November 1948 discussing the distribution of the 15,215.02 United States Dollars (“US \$”) that was in the account of Friedrich Gottlieb; the posting of a US \$25,000.00 surety bond to cover the payment of the Friedrich Gottlieb account proceeds to Else Reiss and John H. Reiss; the application for New York State estate tax waivers for an amount of US \$15,215.02; a payment order from the Bank to White & Case, dated 8 March 1949, for services rendered regarding the Estates of Friedrich and Alice Gottlieb; and a ledger of closed accounts, indicating account EU 8071 belonging to Friedrich Gottlieb was closed on 8 March 1949. According to these records, the Account Owner Friedrich Gottlieb and the co-owner, Alice Gottlieb, the Account Owner’s wife, resided in Zagreb, Yugoslavia. The Bank’s records indicate that the Account Owner held a demand deposit account.

The Bank’s records indicate that the account was in existence after the Second World War and contained a balance of US \$15,215.02 as of the first quarter of 1949.

### **The CRT’s Analysis**

#### **Identification of the Account Owner**

The Claimant has plausibly identified the Account Owner. The Claimant's maternal uncle's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's wife as [REDACTED], which matches unpublished information about the Account Owner contained in the Bank's records. Furthermore, the Bank's records indicate that members of the Claimant's family were relatives of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Friedrich Gottlieb from Zagreb, Yugoslavia, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that there are no other claims to this account.

#### 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, that he resided in Nazi-occupied Yugoslavia, that he most likely fled to Italy to avoid further persecution, and that he did not survive the Second World War. As noted above, a person named Friedrich Gottlieb was included in the CRT's database of victims.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's maternal uncle. These documents include letters written between members of the family referencing Friedrich Gottlieb. The CRT notes that it is plausible that this document is a document that most likely only a family member would possess. 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 account was addressed by the Bank at the end of 1948 and the beginning of 1949, including correspondence between the Bank and its legal counsel discussing the payment of this account to the legal heirs of the Account Owner. These records also indicate that a surety bond was obtained in order to release the amount in the Account Owner's account and that an application for New York State estate tax waivers for an amount of US \$15,215.02 was made in anticipation of such payment. Therefore, the CRT concludes that the heirs of the Account Owner received the proceeds of the claimed account.

#### 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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
30 September 2005