

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimants Roberto Graetz  
also acting on behalf of Kate Hildergard

and Hilda Rush  
represented by Keith Anderson

**in re Account of Hugo Graetz  
(Power of Attorney Holder Ella Graetz)**

Claim Numbers: 216848/SB; 217309/SB<sup>1</sup>

This Certified Denial is based on the claims of Roberto Graetz (“Claimant Graetz”) and Hilda Rush, née Graetz, (“Claimant Rush”) (together the “Claimants”) to the accounts of Hugo Graetz and Ella Graetz.<sup>2</sup> This Denial is to the published account of Hugo Graetz (the “Account Owner”), over which Ella Graetz (the “Power of Attorney Holder”) held a power of attorney, at the [REDACTED] (the “Bank”).<sup>3</sup>

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

## **Information Provided by the Claimants**

The Claimants, who are aunt and nephew, each submitted a Claim Form asserting that Claimant Rush’s uncle and Claimant Graetz’s great-uncle, Hugo Graetz, owned a Swiss bank account, over which Claimant Rush’s mother, Ella Graetz was the power of attorney holder. The Claimants stated that their relative, who was Jewish, was born on 3 February 1874 in Poland, and married Trude Graetz in 1908 in Berlin, Germany. The Claimants stated that their relative resided in Berlin until 1933, when he and his wife fled Germany for Palestine. The Claimants further stated that their relative died in 1960 in Israel. The Claimants provided limited

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<sup>1</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

<sup>2</sup> The CRT did not locate an account belonging to Ella Graetz in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

<sup>3</sup> In their claims, the Claimants also claimed the account of Robert Graetz. The CRT will treat the claims to this account in a separate determination.

information regarding Claimant Rush's mother, but did state that her maiden name was Wagner. Claimant Graetz indicated that he was born on 13 October 1951 in Buenos Aires, Argentina and Claimant Rush indicated that she was born on 3 May 1912 in Berlin.

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

The CRT notes that the Claimants each submitted a claim to an account belonging to their relative, Hugo Graetz, over which Ella Graetz held power of attorney. 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 one account whose owner's and power of attorney holder's names match those provided by the Claimant. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Account 5033953

The Bank's records indicate that the Account Owner was Hugo Graetz, who resided in Berlin, Germany and that the Power of Attorney Holder was Ella Graetz. The Bank's records also indicate the Account Owner's street address, profession, year of birth, date of death and the name of his spouse. The Bank's records further indicate the Power of Attorney Holder's maiden name and the name of her spouse.

### **The CRT's Analysis**

#### Admissibility of the Claims

The CRT has determined that the claims are 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 Claimants have not identified the Account Owner or the Power of Attorney Holder as their relatives. Although the name of their relatives match the published names of the Account Owner and the Power of Attorney Holder, the information provided by the Claimants differs materially from the unpublished information about the Account Owner and the Power of Attorney Holder available in the Bank's records. Specifically, the Claimants stated that their relative died in 1960 and was married to Trude Graetz. In contrast, the Bank's records show that the Account Owner died several decades earlier and was married to a different person. Further, the CRT notes that Claimant Rush stated that her mother's maiden name was Wagner, whereas the Bank's records indicate that the Power of Attorney Holder had a different maiden name. Consequently, the CRT is unable to conclude that neither the Account Owner or the Power of Attorney Holder and the Claimants' relatives are the same people.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimants should identify the Account Identification Number, which forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
12 May 2006