

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Accounts of Erich Gutmann

Claim Number: 400220/SB

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of two individuals named Erich Gutmann (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”).

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 in 2005 asserting that her maternal cousin, Erich Gutmann, who was born in Czechoslovakia, owned a Swiss bank account. The Claimant provided only limited information regarding her cousin, stating that he was Jewish, owned a movie theater in Prague (today the Czech Republic), where he also resided and that he may have also resided in Germany. The Claimant further stated that the family lost contact with her cousin after the outbreak of the Second World War. The Claimant indicated that she was born on 12 January 1958 in Sao Paulo, Brazil.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Erich Gutmann. 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 six accounts whose owners’ names match 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 1009996, 1009997 and 1009998

Bank 1's records indicate that Account Owner 1 was Erich Gutmann. Bank 1's records also indicate Account Owner 1's city and country of residence. Furthermore, Bank 1's records indicate the date of opening of one of the accounts at issue and the dates of closing of all of the accounts at issue.

Accounts 5029112, 5030942 and 5030943

Bank 2's records indicate that Account Owner 2 was Erich Gutmann. Bank 2's records also indicate Account Owner 2's city and country of residence.

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 Owners

As for Accounts 1009996, 1009997 and 1009998, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her cousin matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her cousin resided in Czechoslovakia and possibly Germany. In contrast, Bank 1's records show that Account Owner 1 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's cousin are the same person.

As for Accounts 5029112, 5030942 and 5030943, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her cousin matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her cousin resided in Czechoslovakia and possibly Germany. In contrast, Bank 2's records show that Account Owner 2 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's cousin are the same person.

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. If more than one account has been denied in this Certified Denial, the Claimant 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 Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
8 August 2006