

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants Estate of Franklin Colin,

Hannelore Schonmann

and Sonia de Camargo

in re Account of Paul A. Gutmann

Claim Numbers: 400628/SB; 400695/SB; 400707/SB^{1,2}

This Certified Denial is based on the claims of Franklin Colin (“Claimant Colin”), Hannelore Schonmann, née Blum, (“Claimant Schonmann”) and Sonia de Camargo (“Claimant de Camargo”) (together the “Claimants”) to the published account of Paul A. Gutmann (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 each submitted a Claim Form in 2005 asserting that their relative, Paul Gutmann, who was born on 5 May 1879 in Munich, Germany, and was married to Barbara Schaubeger, owned a Swiss bank account. The Claimants stated that Paul Gutmann was the great-great-uncle of Claimant Colin and Claimant de Camargo and the great-uncle of Claimant Schonmann. The Claimants stated that their relative, who was Jewish, resided in Munich until 1929 and then Kelheim, Germany, until his death on 9 February 1945. Claimant Colin indicated that he was born on 20 March 1946 in Sao Paulo, Brazil; Claimant Schonmann indicated that she was born on 13 November 1834 in Heidelberg, Germany; Claimant de Camargo indicated that she was born on 5 November 1942 in Sao Paulo.

¹ 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 three claims of the Claimants in one proceeding.

² The Claimants each submitted one additional claim, which are registered under the Claim Numbers 206714, 206715 and 206716, respectively. In a separate decision, the CRT awarded the accounts of Robert Blum to the Claimants. See *In re Accounts of Robert Blum* (approved on 25 October 2002).

Information Available in the Bank's Records

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Paul 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 one account whose owner's name matches that 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 1009306

The Bank's records indicate that the Account Owner was Paul A. Gutmann. The Bank's records also indicate the Account Owner's city and country of residence, together with the date of closing of the account at issue.

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 as their relative. Although the name of their relative matches the published name of the Account Owner, the information provided by the Claimants differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their relative resided in Germany. In contrast, the Bank's records show that the Account Owner resided in a different country. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' relative are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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 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
23 March 2007