

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Ilana McLeod

in re Account of Paul Gutmann

Claim Number: 400274/SB^{1,2}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Paul Gutmann (Guttman).³ This Denial is to the published account of Paul Gutmann (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 Form in 2005 asserting that her maternal uncle, Paul Gutmann, who was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, was a businessman who resided in Hungary. The Claimant further stated that her uncle perished in Auschwitz. The Claimant indicated that she was born on 19 August 1927 in Budapest, Hungary.

¹ The Claimant submitted 16 additional claims, which are registered under the Claim Numbers 214057, 214824, 217895, 217926, 218240, 218241, 218242, 218445, 218446, 218526, 219032, 400289, 400306, 400309, 400316 and 400320. In a separate decision, the CRT awarded the accounts of Friedrich Spitz to the Claimant and treated the Claimant’s claim to the account of Imre Guttman. See *In re Accounts of Friedrich Spitz* (approved on 27 December 2002) and *In re Account of Imre Guttman* (approved on 8 August 2006). The CRT will treat the remaining claims in separate determinations.

² The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 214057.

³ The CRT did not locate an account belonging to Paul Guttman 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 Governing the Claims Resolution Process, as amended (the “Rules”).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her 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 Gutmann. The Bank's records also indicate the Account Owner's city and country of residence, together with the dates of opening and closing of the account at issue.

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 Owner as her relative. Although the name of her uncle matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her uncle resided in Hungary. In contrast, the Bank's records show that the Account Owner resided in another country. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle 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 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
23 March 2007