

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants [REDACTED 1],
also representing [REDACTED 2],
and to [REDACTED 3],
also representing [REDACTED 1]

**in re Account of Felix Haas
(Power of Attorney Holder Otto Anninger)¹**

Claim Numbers: 211935/MG and 221320/MG²

This Certified Denial is based on the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of [REDACTED],³ and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to an account of Otto Anninger. This Denial is to the published account of Felix Haas (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 3] submitted a Claim Form asserting that his grandfather, Otto Anninger, who was born on 20 February 1874 in Austria, and was married to, [REDACTED], née [REDACTED], owned a Swiss bank account or was a power of attorney holder to a Swiss bank account. Claimant [REDACTED 3] stated that his grandfather, who was Jewish, was a manufacturer and a businessman and that he resided at Lannerstrasse 36 in Vienna XIX until March 1938. According to Claimant [REDACTED 3] his grandfather was a partner along with Felix Haas in a business named *Wm. Abeles & Co, Inc.* in Vienna. Claimant [REDACTED 3] stated that his grandfather fled Austria on 11 March 1938 for the United States, via Paris, France.

¹ In an effort to locate any and all accounts that might have belonged to the Claimants’ relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to that of the Claimants’ relative, even if the Claimants did not specifically claim that particular account and even if the Claimants could not identify the owner of the account as their relative

² 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.

³ The CRT will treat the claim to the account of [REDACTED] in a separate decision.

According to Claimant [REDACTED 3], his grandfather lived, together with his son, [REDACTED], in New York, New York, the United States, until the mid 1950s. Claimant [REDACTED 3] stated that his grandfather died in Lucerne, Switzerland, on 5 July 1954. Claimant [REDACTED 3] indicated that he was born on 25 May 1942 in New York.

Claimant [REDACTED 3] submitted documents in support of his application, including: (1) his father's ([REDACTED]) birth certificate; and (2) his own birth certificate.

Claimant [REDACTED 1] stated that she is the daughter of Dr. [REDACTED], who was the son of Otto Anninger. Claimant [REDACTED 1] indicated that she was born on 15 September 1943 in New York, and that she is a cousin of Claimant [REDACTED 3].

Information Available in the Bank's Records

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Otto Anninger. 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 power of attorney holder'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 5029188

The Bank's records indicate that the Account Owner was Felix Haas, who resided in Vienna, Austria and that the Power of Attorney Holder was Otto Anninger. The Bank's records also indicate the Power of Attorney holder's street address in Vienna.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews who resided within, or who were nationals of, the Reich, including Austria, and who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Otto Anninger, numbered 37886. According to these documents Otto Anninger submitted a census form, which indicated that he was not in Austria at the time of submission (*jetzt im Ausland*) and that he previously resided at Lannerstrasse 36 in Vienna XIX. These documents indicate that Otto Anninger was born on 20 February 1874 and was married to [REDACTED], née [REDACTED]. These documents also show that Otto Anninger owned 50 percent of the company *Wm. Abeles & Co.* and that Felix Haas was a co-owner of this company. In addition, these records indicate that Otto Anninger annually transferred the profits of his part in the company *Wm. Abeles & Co* to his sons [REDACTED] and [REDACTED]. These records make no mention of assets held in a Swiss bank account.

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 and the Power of Attorney Holder

The Claimants have plausibly identified the Account Owner and the Power of Attorney Holder. Their relative's name matches the published name of the Power of Attorney Holder. The Claimants identified their grandfather's street address, which matches the unpublished information about the Power of Attorney Holder contained in the Bank's records and in the Austrian State Archives. Claimant [REDACTED 3] also stated that Felix Haas was a business partner of his grandfather's, which is consistent with published information about the name of the person who owned the account.

The Claimants' Relationship to the Account Owner and to the Power of Attorney Holder

The Claimants have plausibly demonstrated that they are related to the Power of Attorney Holder. Claimant [REDACTED 3] stated that his grandfather was a business partner of the Account Owner's, therefore indicating that the Claimants are not related to the Account Owner but they are both the grandchildren of the Power of Attorney Holder.

Entitlement to the Account

The CRT notes that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. In this case, the Claimants clearly indicated that they are not related to the Account Owner but are the grandchildren of the Power of Attorney Holder, and therefore they are not entitled to receive the proceeds of the account.

The CRT also notes that the account was awarded to a claimant who plausibly identified the Account Owner as her relative, and who also identified the Power of Attorney Holder as the business partner of the Account Owner. This claimant provided specific information about the Power of Attorney Holder, which matches the information provided by the Claimants. A copy of the award -- In re Account of Felix Haas -- is enclosed.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 that 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 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