

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants [REDACTED 1],

[REDACTED 2],

[REDACTED 3],

[REDACTED 4],

[REDACTED 5],

[REDACTED 6]

and [REDACTED 7]
all represented by Michael Lissner

**in re Account of Friedrich Haas
and
Account of Hildegard Schreier
(Power of Attorney Holder K. Haas)¹**

Claim Numbers: 400964/SB; 401293/SB; 401298/SB; 401304/SB;
401310/SB; 401319/SB; 401320/SB²

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”), [REDACTED 4] (“Claimant [REDACTED 4]”), [REDACTED 5] (“Claimant [REDACTED 5]”), [REDACTED 6] (“Claimant [REDACTED 6]”) and [REDACTED 7] (“Claimant [REDACTED 7]”) (together the “Claimants”) to the accounts of Friedrich Haas and Karl Haas.³ This Denial is to the published account of Friedrich Haas (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Hildegard Schreier (“Account

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimants’ relatives, 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 seven claims of the Claimants in one proceeding.

³ The CRT did not locate an account belonging to Karl Haas 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.

Owner 2”), over which K. Haas (the “Power of Attorney Holder”), held power of attorney, 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 Claimants

The Claimants, who are related, each submitted a Claim Form in 2005 asserting that their relatives, Friedrich Haas and Karl Haas, who were Jewish, each owned a Swiss bank account. The Claimants stated that Friedrich Haas, who was born on 20 July 1876 in Jungbunzlau (today the Czech Republic), and was married to [REDACTED] on 11 November 1906 in Prague, Czechoslovakia (today the Czech Republic), owned a Swiss bank account. The Claimants further stated that Friedrich Haas, who was Jewish, was a merchant who resided in Vienna, Austria from 1923 until 1939, when he fled Austria to Poland. The Claimants explained that Friedrich Haas perished during the Holocaust. The Claimants stated that Karl Haas, who was also Jewish, was born on 22 May 1910 in Prague and resided in both Prague and Vienna. The Claimants further stated that Karl Haas was deported on 6 September 1943 from Prague to Auschwitz, where he perished.

[REDACTED 1] indicated that he was born on 13 April 1925 in Cedarhurst, New York, the United States; Claimant [REDACTED 2] indicated that she was born on 27 September 1955 in New York, New York; Claimant [REDACTED 3] indicated that he was born on 15 October 1950 in New York; Claimant [REDACTED 4] indicated that he was born on 22 February 1946 in Tucson, Arizona; Claimant [REDACTED 5] indicated that she was born on 1 March 1918 in Kiev (today Russia); Claimant [REDACTED 6] indicated that he was born on 5 May 1948 in Tucson; and Claimant [REDACTED 7] indicated that he was born on 28 April 1917 in Cedarhurst.

Information Available in the Bank’s Records

The CRT notes that the Claimants submitted claims to accounts belonging to their relatives, Friedrich Haas and Karl Haas. 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 two accounts whose owner’s, or power of attorney holder’s, names match those provided by the Claimants. 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.

Account 1008998

Bank 1's records indicate that Account Owner 1 was Friedrich Haas. Bank 1's records also indicate Account Owner 1's city and country of residence, together with the date of closing of the account at issue.

Account 5029600

Bank 2's records indicate that Account Owner 2 was Hildegard Schreier, and that the Power of Attorney Holder was K. Haas. Bank 2's records also indicate Account Owner 2's city and country of residence together with the Power of Attorney Holder's full name, city and country of residence. Furthermore, Bank 2's records contain the signatures of Account Owner 2 and the Power of Attorney Holder.

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 Owners

As for Account 1008998, the CRT concludes that the Claimants have not identified Account Owner 1 as their relative. Although the name of their relative, Friedrich Haas, matches the published name of Account Owner 1, the information provided by the Claimants differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimants stated that their relative, Friedrich Haas, resided in Austria from 1923 and in Poland from 1939. In contrast, Bank 1's records show that during this period Account Owner 1 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimants' relative, Friedrich Haas, are the same person.

As for Account 5029600, the CRT concludes that the Claimants have not identified the Power of Attorney Holder as their relative. Although the name of their relative, Karl Haas, matches the published first name initial and last name of the Power of Attorney Holder, the information provided by the Claimants differs materially from the unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, the Claimants stated that their relative, Karl Haas, resided in Prague and Vienna. In contrast, Bank 2's records show that the Power of Attorney Holder resided in a city which is over 100 kilometers from Prague and Vienna. The CRT notes that the Power of Attorney Holder's city of residence and the Claimants' relative's cities of residence, Prague and Vienna, are all major urban centers. The CRT therefore considers it unlikely that a resident of Prague or Vienna would indicate the Power of Attorney Holder's city of residence as their city of residence, even for the purposes of maintaining a Swiss bank account. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimants' relative, Karl Haas, are the same person. In addition, the CRT notes that the Claimants did not identify Account Owner 2 as their relative, and 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. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not Account Owner 2, as their relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 2's records that the Power of Attorney Holder and Account Owner 2 were related.

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
19 March 2007