

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of *Firma Frau Gisela Huth*¹

Claim Numbers: 220661/HB

This Certified Denial is based upon the claim of [REDACTED] (“Claimant [REDACTED]”) to the published account of *Firma Frau Gisela Huth* (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published, but where a claimant has requested confidentiality, as the Claimant has 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as the clothing-manufacturing business originally belonging to Claimant [REDACTED]’s maternal great-grandmother Gisela Huth, which was called *Firma Frau Gisela Huth*, and was located at Tuchlaubenhof 1, in Vienna, Austria. The Claimant explained that the family business was named after her relative, Gisela Huth, née Ungar, who was married to [REDACTED]. The Claimant further indicated that Gisela Huth’s daughter, [REDACTED] ([REDACTED]) [REDACTED] ([REDACTED]), née [REDACTED], (Claimant [REDACTED]’s grandmother) was married on 22 August 1920 to [REDACTED] ([REDACTED]), who was born on 17 May 1897 in Vienna, and with whom she resided at Chimanistrasse 25 in Vienna.

The Claimant stated that after Gisela Huth died on 1 May 1927, [REDACTED] and [REDACTED] inherited the business *Gisela Huth*, which they continued to operate until 1938; in that year, their home and business were confiscated by the Nazis, and the couple, who were both Jewish, fled Austria to Argentina, and from there moved to the United States in 1944.

¹ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”), Account Owner Gisela Huth is listed as the owner of two accounts. The CRT further notes that the Court previously approved an award to the Claimant for the first account of *Gisela Huth*. See *In re Account of Firma Frau Gisela Huth* (approved on 15 July 2003) (the “July 2003 Award”). In this denial, the CRT addresses the second account which was published on the ICEP List but which was not addressed in the July 2003 Award.

The Claimant stated that [REDACTED] died on 5 September 1981, and that [REDACTED] died on 25 May 1999. Claimant [REDACTED] indicated that her mother, [REDACTED], née [REDACTED], passed away on 14 October 2000 in California.

Claimant [REDACTED] submitted copies of: (1) a business card from the business *Gisela Huth*; (2) the obituary of Gisela Huth; (3) her grandparents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 20 August 1920, and that [REDACTED]'s mother was Gisela Huth; (4) her mother's birth certificate, indicating that [REDACTED], who was Jewish, was born on 4 March 1923 in Vienna; (5) her mother's marriage certificate, indicating that [REDACTED] was the daughter of [REDACTED], née [REDACTED]; (6) her grandmother's will, indicating that [REDACTED]'s daughter, [REDACTED], was her sole heir; (7) her grandmother's death certificate, indicating that [REDACTED], who died on 24 May 1999, was the daughter of Gisella Huth, née Ungar, and the mother of [REDACTED]; (8) her mother's death certificate, indicating that [REDACTED], who died on 14 October 2000, was the daughter of [REDACTED], née [REDACTED], who was born in Austria, and the mother of [REDACTED]; and (9) her mother's last will, indicating that [REDACTED]'s children, [REDACTED] and [REDACTED], are the executors of the will and that they are each entitled to equal shares of their mother's trust.

Claimant [REDACTED] indicated that she was born on 30 December 1952 in Santa Monica, the United States.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was a business entity named *Firma Frau Gisela Huth* of Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account, which was closed on 10 October 1936. The amount in the account on the date of its closure is unknown.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of [REDACTED], numbered 11737, and [REDACTED], numbered 11815. These records indicate that [REDACTED], who was born on 16 December 1901, was married to [REDACTED], who was born on 17 May 1897, and that they resided at Chimanistrasse 25/14 in Vienna XIX, Austria.

The records also indicate that the couple owned equal shares of the women's clothing manufacturing and export business *Gisela Huth*, which was located at Seitzergasse 6, Vienna I, and which had a total value of 40,720.00 Reichsmark ("RM") as of July 1938. The records belonging to [REDACTED] include an approval dated 18 April 1939 by the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned

property (*Vermögensverkehrsstelle* or “VVSt.”) of the sale of *Gisela Huth* to purchasers [REDACTED] and [REDACTED] of Vienna for a purchase price of RM 10,590.34. This amount was to be paid into a blocked bank account in the Huth family’s name, which could only be accessed with approval of the VVSt.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s relatives’ company’s name and country of operation match the published name and country of operation of the Account Owner. The Claimant also identified the company’s unpublished city of operation as indicated in the Bank’s record. Additionally, the Claimant identified the Account Owner as a company, which also matches unpublished information contained in the Bank’s record.

In support of her claim, Claimant [REDACTED] submitted documents, including the obituary of Gisela Huth; a business card for the business *Gisela Huth*; her grandparents’ marriage certificate; and her grandmother’s death certificate, providing independent verification that the person who is claimed to be the original owner of the Account Owner, and the company by that name, had the same name and resided and operated in the same city recorded in the Bank’s record as the name and city of residence and operation of the Account Owner.

The CRT further notes that the other claim to this account was disconfirmed because that claimant did not identify the Account Owner as a company.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the owners of the Account Owner directly prior to the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), namely [REDACTED] and [REDACTED], were Victims of Nazi Persecution. The Claimant stated that [REDACTED] and [REDACTED] were Jewish, that [REDACTED] and [REDACTED]’s assets, including the company *Gisela Huth*, were confiscated by the Nazis, and that they fled Austria in 1938 due to Nazi persecution.

As indicated above, the 1938 Census records indicate that the VVSt. approved the sale of the company *Gisela Huth* in April 1939, and that the proceeds of the sale were placed into a blocked account that was only accessible with permission of the VVSt.

The Claimant’s Relationships to the Account Owner

The Claimant has plausibly demonstrated that she is related to the original owner of the Account Owner, namely Gisela Huth, and the pre-*Anschluss* owners of the Account Owner, namely Margarethe and Heinrich Deutsch, by submitting specific information and documents, demonstrating that Claimant [REDACTED] is the granddaughter of [REDACTED] and [REDACTED] and the great-granddaughter of Gisela Huth. These documents include the death certificate of [REDACTED], indicating that Gisela Huth was the mother of [REDACTED], and

the grandmother of [REDACTED]; and the death certificate of [REDACTED], indicating that she was the daughter of [REDACTED] and the mother of [REDACTED].

The Claimant indicated that there may be other surviving relatives, but that because they are not represented in the Claimant's claims, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the demand deposit account was closed on 10 October 1936. The CRT notes that the account at issue was closed prior to the *Anschluss*. Therefore, the CRT concludes that the pre-*Anschluss* owners of the Account Owner received the proceeds of the claimed account.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
3 June 2009