

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant Hers-Leib Mendelovici¹

and to Claimant Morris Mendelovici

in re Account of Julius Iosipovici and R. Iosipovici

Claim Numbers: 222187/MC; 701739/MC

This Certified Denial is based upon the claim of Hers-Leib Mendelovici (“Claimant Hers-Leib Mendelovici”) and the claim of Morris (Moritz) Mendelovici (“Claimant Morris Mendelovici”) (together, the “Claimants”) to the account of Nathan Mendelovici and Julius Iosipovici.² This Denial is to the published account of Julius Iosipovici (“Account Owner Julius Iosipovici”) and *Frau* R. Iosipovici (“Account Owner R. Iosipovici”) (together, the “Account Owners”) 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

Claimant Hers-Leib Mendelovici submitted an Initial Questionnaire (“IQ”) and Claimant Morris Mendelovici submitted an IQ and a Claim Form identifying Account Owner Julius Iosipovici as the business partner of their father, Nathan Mendelovici, who was Jewish, and who was born in 1891. The Claimants, who are siblings, stated that their father resided in Romania prior to and during the Second World War. The Claimants explained that in 1941, their family was expelled from Stefanesti, Romania, and was deported first to Sulita, Romania, and then to Botosani, Romania. The Claimants also stated that they were forced to perform slave labor during the Second World War.

The Claimants stated that their father Nathan Mendelovici traveled to Switzerland with his business partner, Julius Iosipovici, in order to deposit money in a Swiss bank account. According to the Claimants, their father and his partner deposited the money either jointly under

¹ According to publicly available records, Claimant Hers-Leib Mendelovici passed away on 28 December 2003.

² The CRT did not locate an account belonging to Nathan Mendelovici 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”).

both of their names, or individually under their respective names. The Claimants did not indicate any further details about Julius Iosipovici.

Claimant Hers-Leib Mendelovici indicated that he was born on 5 January 1921 in Stefanesti, Romania. According to publicly available sources, Claimant Hers-Leib Mendelovici passed away on 28 December 2003. Claimant Morris Mendelovici indicated that he was born on 1 January 1926 in Stefanesti.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted claims regarding an account belonging either to their father, Nathan Mendelovici, or to their father's business partner, Julius Iosipovici. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account, one of whose owners' names matches the name of the Claimants' father's business partner, Julius Iosipovici.

The Bank's records indicate that the joint Account Owners were Julius Iosipovici and *Frau* (Mrs.) R. Iosipovici. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. Those documents indicate that Account Owner Julius Iosipovici resided in Bucharest, Romania. The Bank's records do not refer to Nathan Mendelovici.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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.

Identification of the Account Owners

The CRT concludes that the Claimants have plausibly identified Account Owner Julius Iosipovici. The Claimants' father's business partner's name matches the published name of Account Owner Julius Iosipovici. Although the Claimants did not provide any specific information about Julius Iosipovici, they stated that he was their father's business partner, and that their father resided in Romania. The CRT notes that the Bank's records show that the Account Owner resided in Bucharest, Romania.

The CRT notes that the Claimants filed IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Nathan Mendelovici or Julius Iosipovici, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of

Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimants had reason to believe that their father’s business partner owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT notes that the Claimants did not identify Account Owner R. Iosipovici.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified Account Owner Julius Iosipovici.

The Claimants’ Relationship to the Account Owners and Entitlement to the Account

In this case, the Claimants identified Account Owner Julius Iosipovici as their father’s business partner. The CRT notes that there is no indication in the Bank’s records that the account was a business account, or that there were other beneficiaries of the account other than the Account Owners. Therefore, in the absence of a family relationship between the Claimants and the Account Owners, or a will or testamentary documents indicating that the Claimants are beneficiaries of the Account Owners, the Claimants are not entitled to the Account Owners’ account.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants 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
30 August 2010