

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Max Jacobi**

Claim Number: 783012/SB<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account Max Jacoby.<sup>2</sup> This Denial is to the published account of Max Jacobi (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 an Initial Questionnaire asserting that her grandfather, Max Jacoby, who was born on 11 March 1870, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, resided at Jagowstrasse 4, Berlin, Germany. The Claimant further stated that her grandfather was deported to Theresienstadt in 1942, where he perished. The Claimant indicated that she was born on 22 May 1927 in Berlin.

## **Information Available in the Bank’s Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Max Jacobi. The auditors who carried out the investigation to identify accounts of Victims of Nazi

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<sup>1</sup> The Claimant did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 she submitted an Initial Questionnaire, numbered ENG0511172, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 783012. In the Initial Questionnaire the Claimant also claimed the account of Gertrud Jacoby, the CRT will treat the claim to this account in a separate determination.

<sup>2</sup> The CRT did not locate an account belonging to Max Jacoby 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”).

Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) reported one account whose owner’s name is substantially similar to 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 5024424

The Bank’s records indicate that the Account Owner was Max Jacobi, who resided in Berlin, Germany and that the Power of Attorney Holder was Kurt Jacobi. The Bank’s records also indicate the Account Owner’s street address in Berlin and Power of Attorney Holder Kurt Jacobi’s street address, city and country of residence. Finally, the Bank’s records contain the Account Owner’s and Power of Attorney Holder Kurt Jacobi’s signatures.

### **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 grandfather is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank’s records. Specifically, the Claimant stated that her grandfather resided at Jagowstrasse 4, Berlin. In contrast, the Bank’s records show that the Account Owner resided at a different street address in Berlin, which the Claimant did not identify. The CRT also notes that the Claimant stated that her grandfather spelled his family name Jacoby, whereas the Account Owner’s signature contained in the Bank’s records indicate that the Account Owner spelled his family name Jacobi. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s grandfather are the same person.

#### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant 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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant 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 Claimant should identify the Account Identification Number, which 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 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  
2 June 2006