

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Barry Goldmeier
also acting on behalf of Lee Goldmeier

in re Accounts of Eva Kahn

Claim Number: 223368/SB¹

This Certified Denial is based on the claim of Barry Goldmeier (the “Claimant”) to the published accounts of Eva Kahn (the “Account Owner”) 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 Claimant

The Claimant submitted a Claim Form asserting that his grandfather’s aunt or cousin, Eva Kahn, owned a Swiss bank account. The Claimant stated that his relative, who was Jewish, resided in Frankfurt am Main, Germany, and that her extended family lived in the surrounding area. According to the Claimant, his relative could have resided in Frankfurt am Main, Darmstadt, Germany or Gross-Gerau, Germany. The Claimant indicated that he was born on 12 April 1946 in New York, New York, the United States.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Eva Kahn. 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 three accounts whose owner’s name matches that provided by the Claimant. 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.

¹ The Claimant submitted additional claims, which are registered under the Claim Numbers 220773, 220774, 220775, 220776, 220777, 220778, 220779, 223278, 223279, 223363, 223364, 223365, 223366, 223367 and 223369. The CRT has awarded Claim Number 220775 and denied Claim Number 220774. See *In re Account of Jakob Baumann*, and *In re Account of Julius Loewenthal*, which the Court approved on 11 May 2005 and 30 November 2005, respectively. The CRT will treat the remaining claims in separate determinations.

Accounts 1010158, 1010159 and 1010160

The Bank's records indicate that the Account Owner was Eva Kahn, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence and the name of an individual associated with one of the accounts at issue. Furthermore, the Bank's records indicate the date of opening of one of the accounts at issue and the dates of closing of all of the accounts at issue.

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 his relative. Although the name of his relative matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his relative resided in the Frankfurt am Main area, including Frankfurt am Main, Darmstadt, or Gross-Gerau. In contrast, the Bank's records show that the Account Owner resided in a city which the Claimant did not identify and which is over 300 kilometers from Frankfurt am Main, Darmstadt and Gross-Gerau. The CRT notes that the Account Owner's city of residence is a large German metropolis that lies in a different region of Germany than the area identified by the Claimant, making it unlikely that a person who lived where the Claimant's relatives lived to have used an address in the Account Owner's city of residence, even for the purposes of holding a bank account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative 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 his 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
23 January 2006