

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Denial**

to Claimant Jacqueline Helene Herzikowitz  
also acting on behalf of Daisy Mihalovici and Jack M. Mihalovici  
represented by Dr. Peter Baldi

## **in re Accounts of Leo Kapralik**

Claim Number: 204328/AX

This Certified Denial is based upon the claim of Jacqueline Helene Herzikowitz, née Mihalovici, (the “Claimant”) to the published accounts of Leo Kapralik (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 identifying the Account Owner as her paternal great-uncle (the brother of her paternal grandmother), Leo Kapralik, who was born in 1866 in Bucharest, Romania, and was married to Rachel Kapralik. The Claimant stated that her great-uncle, who was Jewish, was the General Director of the *Dresdner Bank* in Bucharest, and that he resided at Mosilorstrasse 46 in Bucharest. The Claimant stated that her family fled Romania in 1939, but that her great-uncle remained in Bucharest and ultimately perished in the Holocaust. In support of her claim, the Claimant submitted documents, including her father’s birth certificate indicating his name was Ionel Mihalovici, and that his parents were Michael Mihalovici and Helene Mihalovici, née Kapralik, and that Leo Kapralik of Bucharest was a witness to the birth; the Claimant’s own birth certificate, indicating that her father was Ionel Mihalovici; and a family photograph, which included the Claimant and her great-uncle.

The Claimant indicated that she was born on 13 July 1926 in Brasov, Romania. The Claimant is representing her sister Daisy Mihalovici, who was born on 4 February 1922 in Brasov, and her cousin Jack Mihalovici, the son of Arthur Mihalovici, who was born in 1928 in Bucharest.

### **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was *Dir.* (Director) Leo Kapralik, who resided at Str. Lipsani 33 in Bucharest, Romania. The

Bank's record indicates that the Account Owner held a custody account, numbered 32500, a demand deposit account in Swiss Francs, and a demand deposit account in Sterling Pounds. According to this record, on 20 January 1938, the Account Owner asked the Bank to mail correspondence to him in spite of the censorship. The Bank's record indicates that the accounts were closed on 28 May 1940. The amount in the accounts on the dates of their closure is unknown.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her great-uncle's name and country and city of residence match the published name and country and city of residence of the Account Owner.<sup>1</sup> The Claimant identified her great-uncle's professional title as Director, which matches unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted documents, including her father's birth certificate indicating his name was Ionel Mihalovici, that his parents were Michael Mihalovici and Helene Mihalovici, née Kapralik, and that Leo Kapralik of Bucharest was a witness to the birth, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Leo Kapralik, and indicates that he was born on 1 January 1866 in Bucharest, and that he was the General Director of *Dresdner Bank* in Budapest, which matches information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to these accounts.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution through the policies and actions of the Romanian Government allied with the Nazi Government of Germany, and those of the Nazi Government itself. The Claimant stated that the Account Owner was Jewish, and that he perished in the Holocaust. As noted above, a person named Leo Kapralik was included in the CRT's database of victims.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was the Claimant's

---

<sup>1</sup> The CRT notes that the Claimant provided a different address than the address indicated in the Bank's record but notes that it is plausible that the Account Owner held several addresses over the years, not all of which were known to the Claimant.

great-uncle. These documents include her father's birth certificate, indicating his name was Ionel Mihalovici, and that his parents were Michael Mihalovici and Helene Mihalovici, née Kapralik, and that Leo Kapralik of Bucharest was a witness to the birth, and the Claimant's own birth certificate indicating that her father was Ionel Mihalovici. There is no information to indicate that the Account Owner has other surviving heirs other than the parties which the Claimant is representing.

#### The Issue of Who Received the Proceeds

The Bank's record indicates that the accounts were closed on 28 May 1940, which is prior to Romania allying itself to the Axis on November 20, 1940. Therefore, the CRT concludes that the Account Owner was able to access these accounts and that he received the proceeds of the claimed accounts himself.

#### 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

#### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal  
10 September 2004