

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants [REDACTED 1]

and [REDACTED 2]

**in re Accounts of G. Klein
and
Account of Julius Klein
and
Account of J. Klein**

Claim Numbers: 401198/SB; 401971/SB; 501139/SB^{1, 2}

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Gyula (Julius) Klein.³ This Denial is to the published accounts of G. Klein (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Julius Klein (“Account Owner 2”) at Bank 1, and to the published account of J. Klein (“Account Owner 3”) at the [REDACTED] (“Bank 2”).

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 Claimants

The Claimants, who are siblings, each submitted a Claim Form asserting that their great-uncle, Gyula (Julius) Klein, who was born on 29 May 1862 in Budapest, Hungary, and was married to [REDACTED] on 3 August 1890 in Budapest, owned a Swiss bank account. The Claimants stated that their great-uncle, who was Jewish, was businessman who resided in Budapest. The

¹ The CRT notes that, together, the Claimants have filed over 90 claims to various accounts. The Claimants should note that this determination relates only to the Claim Numbers and Claimed Account Owner referred to in this decision.

² According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (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 three claims of the Claimants in one proceeding.

³ The CRT did not locate an account belonging to Gyula Klein 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.

Claimants further stated that their great-uncle died on 1 April 1940 in Budapest. Claimant [REDACTED 1] indicated that she was born on 14 March 1961, in the United States and Claimant [REDACTED 2] indicated that she was born on 2 September 1958, also in the United States.

Information Available in the Banks' Records

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Gyula (Julius) Klein. 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 four accounts whose owners' names match that provided by the Claimants. 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.

Accounts 1011238 and 1011239

Bank 1's records indicate that Account Owner 1 was G. Klein. Bank 1's records also indicate Account Owner 1's city and country of residence together with the dates of opening and closing of the accounts at issue.

Account 1012098

Bank 1's records indicate that Account Owner 2 was Julius Klein, who resided in Austria. Bank 1's records also indicate Account Owner 1's city of residence and the dates of opening and closing of the account at issue.

Account 5030144

Bank 2's records indicate that Account Owner 3 was J. Klein, who resided in Frankenthal, Germany, and that the Power of Attorney Holder was Otto Kuhlborn. Bank 2's records also indicate Account Owner 3's title and occupation together with the date of opening of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Accounts 1011238 and 1011239, the CRT concludes that the Claimants have not identified Account Owner 1 as their relative. Although the name of their great-uncle matches the published name of Account Owner 1, the information provided by the Claimants differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimants stated that their great-uncle resided in Hungary. In contrast, Bank 1's records show that Account Owner 1 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimants' great-uncle are the same person.

As for Account 1012098, the CRT concludes that the Claimants have not identified Account Owner 2 as their relative. Although the name of their great-uncle matches the published name of Account Owner 2, the information provided by the Claimants differs materially from the published information about Account Owner 2 available in Bank 1's records. Specifically, the Claimants stated that their great-uncle resided in Hungary. In contrast, Bank 1's records show that Account Owner 2 resided in Austria. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimants' great-uncle are the same person. Moreover, it should be noted that the CRT has awarded this account to another claimant, who plausibly identified Account Owner 2 as her relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5030144, the CRT concludes that the Claimants have not identified Account Owner 3 as their relative. Although the name of their great-uncle matches the published name of Account Owner 3, the information provided by the Claimants differs materially from the published information about Account Owner 3 available in Bank 2's records. Specifically, the Claimants stated that their great-uncle resided in Hungary. In contrast, Bank 2's records show that Account Owner 3 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimants' great-uncle are the same person.

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.

Scope of the Denial

The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
27 February 2007