

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Edith Spira
represented by Howard Greene

**in re Accounts of Leo Kuttner
(Power of Attorney Holders Gertrud Kuttner and Bella Kuttner)**

Claim Number: 207546/SB¹

This Certified Denial is based on the claim of Edith Spira, née Kuttner, (the “Claimant”) to accounts of Leo Kuttner and Hans Starke. The CRT did not locate an account belonging to Hans Starke 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”). This Denial is to the published accounts of Leo Kuttner (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 her father, Leo Kuttner, who was born on 19 December 1887 in Rogasen, Germany (today Rogozno, Poland), and was married to Recha Kuttner, née Seelig, on 15 June 1918 in Posen, Poland (today Poznan, Poland), owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a pharmacist and director of the business, *Kuttner and Starke*. The Claimant further stated that, from 1930 to 1937, her father resided on Meranerstrasse and worked at Tempelhofer Berg, both street addresses in Berlin, Germany. Moreover, the Claimant stated that in 1937 her father, together with his family, fled Germany and emigrated to Australia, where her father died on 23 July 1957. The Claimant indicated that she was born on 18 June 1920 in Posen.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Hans Starke.

¹ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 207546. In the Initial Questionnaire, the Claimant claimed an account belonging to Hans Starke.

The Claimant submitted documents in support of her application, including: (1) her marriage certificate, which indicates that the Claimant's father's name was Leo Kuttner; (2) Leo Kuttner's death certificate.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Leo Kuttner. The auditors who carried out the ICEP Investigation reported two 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.

Accounts 5032519 and 5034131

The Bank's records indicate that the Account Owner was Leo Kuttner, who resided in Berlin, Germany, and that the Power of Attorney Holders for one of the accounts were Gertrud Kuttner and Bella Kuttner. The Bank's records also indicate two street addresses of the Account Owner in Berlin for 1930 and 1933, the name of the Account Owner's spouse, and the Account Owner's familial relationship with Power of Attorney Holder Gertrud Kuttner. In addition, the Bank's records indicate the street address for Power of Attorney Holder Gertrud Kuttner, and Power of Attorney Holder Bella Kuttner's city of residence. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holders' 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.

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 father 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 her father was married to Recha Kuttner, née Seelig. In addition, the Claimant stated that her father he resided at Meranerstrasse and worked at Tempelhofer Berg, in Berlin, between 1930 and 1937. In contrast, the Bank's records show that the Account Owner was married to a different person. Moreover, the Bank's records show that the Account Owner resided at different street addresses in Berlin during that time period. Further, the CRT notes that the Claimant did not identify the Power of Attorney Holders, even though they appear to be related to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 that 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
15 July 2005