

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Prof. [REDACTED]

**in re Account of Kurt Levy
(Power of Attorney Holder Käte Levy)¹
and
Accounts of Curt Levy
and
Account of Alexander Levy
(Power of Attorney Holder Käthe Levy)²**

Claim Numbers: 217596/PY/AX; 217597/PY/AX^{3,4}

This Certified Denial is based on the claims of Prof. [REDACTED] (the “Claimant”) to the published account of Käte Levy, to which the published power of attorney holder was Kurt Levy. This Denial is to the published account of Kurt Levy (“Account Owner 1”), to the published accounts of Curt Levy (“Account Owner 2”), as well as to the published account of Alexander Levy (“Account Owner 3”) 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.

¹ The CRT notes that on the 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution (“the “ICEP List”), Käte Levy of Berlin, Germany, was published as the owner of an account and Kurt Levy was published as the power of attorney holder to that account. After careful review of the Bank's records, the CRT determines that Account Owner 1 was actually Kurt Levy, and that Käte Levy was in fact the Power of Attorney Holder.

² In an effort to locate any and all accounts that might have belonged to the Claimant's relative, the CRT has reviewed and analyzed all accounts whose owners' or power of attorney holders' names are substantially similar to that of the Claimant's relatives, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

³ The Claimant submitted an additional claim to the account of Walter Levy, which is registered under the Claim Number 217595. The CRT will treat the claim to this account in a separate decision.

⁴ 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 two claims of the Claimant in one proceeding.

Information Provided by the Claimant

The Claimant submitted Claim Forms asserting that his paternal aunt by marriage, Käte (Sara) Katharina (Pauline) Levy, née Lewinski, who was born on 20 May 1898 in Berlin, Germany, and was married to [REDACTED], owned a Swiss bank account. The Claimant also stated that his father, Kurt Zwi Levy, who was born on 25 January 1893 in Berlin and was married to [REDACTED], née [REDACTED], on 8 December 1940 in Tel Aviv, Palestine, was the power of attorney holder to the claimed bank account. The Claimant stated that his aunt, who was Jewish, resided successively at Kaiserallee and Nymphenburgstrasse in Berlin until 1939. According to the Claimant, in 1939, his uncle and aunt fled Germany to Amsterdam, the Netherlands, where they remained until 1942, when they were deported to the transit camp in Westerbork, and then to the Bergen-Belsen concentration camp. The Claimant stated that his aunt was subsequently released in an exchange that permitted certain Jews to emigrate to Palestine, whereupon she emigrated to Haifa, Palestine, in July 1944. The Claimant added that his aunt died on 12 January 1956 in Haifa. The Claimant stated that his father, who was Jewish, also resided in Berlin, where he was a businessman whose business was located on Heidenburgstrasse in Berlin. According to the Claimant, his father fled from Germany to the Netherlands after receiving threats from the *Gestapo*, and subsequently emigrated to Palestine in 1936. The Claimant stated that his father died on 8 February 1973 in Haifa, Israel. The Claimant indicated that he was born on 18 July 1942 in Jerusalem, Palestine.

The Claimant submitted documents in support of his application, including: (1) his aunt's and uncle's marriage certificate, which indicates that they resided in Berlin, and that his aunt's maiden name was Lewinski; (2) a copy of Kurt Levy's business card; (3) Kurt Levy's will; (4) [REDACTED]'s will, which indicates that her heirs are the Claimant and the Claimant's son, [REDACTED]; and (6) family photographs.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives, Kurt Levy and Käte (Sara) Katharina (Pauline) Levy. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the ICEP Investigation reported four accounts whose owners' or power of attorney holders' names match or are substantially similar to those 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.

Account 5024142

The Bank's records indicate that Account Owner 1 was Kurt Levy, and that the Power of Attorney Holder was Käte Levy from Berlin, Germany. The Bank's records indicate Account Owner 1's city of residence, street address, and the name of his wife. In addition, the Bank's records indicate the Power of Attorney Holder's maiden name and street address, as well as the name of her spouse. Furthermore, the Bank's records indicate the date of opening of the account

at issue. Finally, the Bank's records contain Account Owner 1's and the Power of Attorney Holder's signatures.

Accounts 5029619, 5023910

The Bank's records indicate that Account Owner 2 was Curt Levy, who resided in Berlin, Germany, and that the Power of Attorney Holder was Lotte Levy-Goldschmidt. The Bank's records also indicate Account Owner 2's street address, as well as the name of his wife. In addition, the Bank's records indicate the Power of Attorney Holder's maiden name and street address, and specify the relationship between Account Owner 2 and the Power of Attorney Holder. Furthermore, the Bank's records indicate the date on which the power of attorney form was signed. Finally, the Bank's records contain Account Owner 2's and the Power of Attorney Holder's signatures.

Account 5034121

The Bank's records indicate that Account Owner 3 was Alexander Lewy, who resided in Frankfurt an der Oder, Germany, and that the Power of Attorney Holder was Käthe Lewy. The Bank's records further indicate Account Owner 3's title and street address. The Bank's records also indicated the title held by the Power of Attorney Holder, her marital status, her maiden name, her city of residence and street address. The Bank's records also indicate the name of another power of attorney holder to the account at issue. Finally, the Bank's records contain the signatures of Account Owner 3 and the Power of Attorney Holder.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Account 5024142, the CRT concludes that the Claimant has not identified Account Owner 1 or the Power of Attorney Holder as his relatives. Although the names of his father and aunt match the published names of Account Owner 1 and the Power of Attorney Holder respectively, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 and the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his father was married to [REDACTED], née [REDACTED]. In contrast, the Bank's records show that Account Owner 1 was married to someone else. Furthermore, the Claimant stated that his aunt, whose maiden name was Lewinski, was married to [REDACTED], and that she resided on Kaiserallee and Nymphenburgstrasse in Berlin, Germany. In contrast, the Bank's records show that the Power of Attorney Holder, who had a different maiden name, was married to someone else and resided at another address. Consequently, the CRT is unable to conclude that Account Owner 1, the Power of Attorney Holder and the Claimant's relatives are the same persons.

As for Accounts 5029619 and 5023910, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that his father was married to [REDACTED], née [REDACTED]. In contrast, the Bank's records indicate that Account Owner 2 was married to someone else. Furthermore, the CRT notes that the Claimant did not identify the Power of Attorney Holder although she shared the same last name as Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Account 5034121, the CRT concludes that the Claimant has not identified Power of Attorney Holder Käthe Lewy as his relative. Although the name of the Claimant's aunt is substantially similar to the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder contained in the Bank's records. Specifically, the Claimant stated that his aunt, whose maiden name was Lewinski, resided on Kaiserallee and Nymphenburgstrasse in Berlin. In contrast, the Bank's records show that the Power of Attorney Holder had a different maiden name and resided at a different address. Furthermore, the Bank's records show that the Power of Attorney Holder held a title, whereas there is no indication that the Claimant's aunt held such a title. In addition, the Claimant did not identify Account Owner 3 or the additional power of attorney holder as his relatives. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's aunt are the same person.

The CRT also notes that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

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. 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 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
30 September 2004