

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Pierre Lévy

Claim Number: 214335/CH¹

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Pierre Levy, and to the accounts of Ernest Prossnitz, Paul Prossnitz, Joseph Prossnitz and Irene Prossnitz.² The CRT did not locate an account belonging to Ernest Prossnitz, Paul Prossnitz or Joseph Prossnitz 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 account of Pierre Levy (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published accounts of Pierre Levy (“Account Owner 2”) at the [REDACTED] (“Bank 2”).³

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 Claimant

The Claimant submitted a Claim Form asserting that his paternal uncle, Pierre Simon Levy, who was born in approximately 1900 in France and was married to [REDACTED] in approximately 1939 in Paris or Strasbourg, France, owned a Swiss bank account. The Claimant stated that his uncle had no children. According to the Claimant, his uncle was part of an affluent family which owned a successful pillow manufacturing business. The Claimant stated that his uncle lived either in France or in exile in England from 1933 to 1945. The Claimant also stated that after the Second World War his uncle lived in Paris; Montreux, Switzerland; and Cabourg, France. In a telephone conversation with the CRT on 3 October 2002 and in further correspondence, the

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 214335.

² The claim to the account of Irene Prossnitz will be treated in a separate decision.

³ The Claimant also claimed the published account of Pierre Levy [France]. The CRT will treat the claim to this account in a separate decision.

Claimant indicated that his family lived in southern France and was not able to provide any connection to Strasbourg. The Claimant stated that his uncle died on 25 May 1982 in Paris.

The Claimant submitted documents in support of his application, including: (1) the death certificate of his aunt, [REDACTED], indicating that she was married to Pierre Levy who died on 25 May 1982; (2) an extract of the will of his aunt, indicating that she was married to Pierre Levy and that the Claimant and his brother, [REDACTED 2], were her nephews. The Claimant indicated that he was born on 3 November 1951 in Chicago, Illinois, the United States.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Irene Prossnitz, Ernest Prossnitz, Paul Prossnitz, or Joseph Prossnitz.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Pierre Simon Levy. The auditors who carried out the ICEP Investigation reported five accounts whose owners' names match or are substantially similar to that provided by the Claimant.⁴ 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 4021050

Bank 1's records indicate that Account Owner 1 was Pierre Lévy, who resided in Strasbourg, France. Bank 1's records also indicate the Account Owner 1's street address. Furthermore, Bank 1's records indicate the date of closing of the account at issue.

Accounts 5030055, 5030478, 5032561

Bank 2's records indicate that Account Owner 2 was Pierre Lévy, who resided in Strasbourg, France. Bank 2's records also indicate the Account Owner 1's street address and the names of people associated with the accounts. Furthermore, Bank 2's records indicate the dates of closing 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.

⁴ The CRT will treat the claim to the fifth account in a separate decision.

Identification of the Account Owners

As for Account 4021050, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his uncle matches the published name of Account Owner 1, the information provided by the Claimant differs from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant provided exact addresses for his uncle in Paris, Cabourg, and Montreux, but was unable to provide any connection to Strasbourg. However, Bank 1's records indicate the exact street address for Account Owner 1 in Strasbourg. Moreover, the Claimant indicated that his family lived in southern France, which is far from Strasbourg. Consequently, the CRT is unable to conclude that the Account Owner 1 and the Claimant's uncle are the same person.

As for Accounts 5030055, 5030478, and 5032561, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his uncle matches the published name of Account Owner 2, the information provided by the Claimant differs from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant provided exact addresses for his uncle in Paris, Cabourg, and Montreux, but was unable to provide any connection to Strasbourg. However, Bank 2's records indicate the exact street address for Account Owner 2 in Strasbourg. Moreover, the Claimant indicated that his family lived in southern France, which is far from Strasbourg. In addition, the Claimant did not identify any of the other persons associated with the accounts at issue. Consequently, the CRT is unable to conclude that the Account Owner 2 and the Claimant's uncle 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 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
13 October 2004