

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]
both represented by Erez Bernstein

in re Accounts of Leopold Lipschütz

Claim Numbers: 501827/WT; 501834/WT¹

This Certified Denial is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published accounts of Anna Connard, and upon the claim of [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Leopold Lipschütz. This Certified Denial is to the published accounts of Leopold Lipschütz (the “Account Owner”), over which Therese Lipschütz (“Power of Attorney Holder Therese Lipschütz”) and Franz Lipschütz (“Power of Attorney Holder Franz Lipschütz”) (together the “Power of Attorney Holders”) held power of attorney, at the Zurich branch of 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.

Information Provided by the Claimants

Claimant [REDACTED 1] and Claimant [REDACTED 2], who are related, submitted similar Claim Forms through their representative, identifying the Account Owner as Leopold Lipschütz. All information provided in the claims of both Claimants was provided by their legal representative, Mr. Erez Bernstein, and was obtained from publicly available sources.

Claimant [REDACTED 1] did not specify his relationship with the Account Owner and Power of Attorney Holders. However, according to information provided by his representative in this

¹ [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) each submitted an additional claim, which is registered under the Claim Number 501821 and 501835, respectively. In separate decisions, the accounts of Anna Connard and Marie Eisler were awarded to Claimant [REDACTED 2]. See *In re Accounts of Anna Connard* and *In re Account of Marie Eisler* (both approved on 18 December 2008). Also, in a separate decision the CRT treated the claims of Claimant [REDACTED 1] and Claimant [REDACTED 2] to the accounts of Nettie Königstein. See *In re Accounts of Nettie Königstein* (approved on 17 September 2010).

claim and his other claim, Leopold Lipschütz was Claimant [REDACTED 1]'s great-grandmother's sister-in-law's brother-in-law; Therese Lipschütz, née Eisler, was the Leopold Lipschütz's wife; and Franz Lipschütz was Leopold and Therese Lipschütz's son. Claimant [REDACTED 1]'s representative indicated that his maternal grandfather was [REDACTED] and that [REDACTED]'s mother was [REDACTED], née [REDACTED]. [REDACTED]'s brother was [REDACTED] (later [REDACTED]), who was married to [REDACTED], née [REDACTED], who in turn was the sister of Therese Lipschütz, Leopold Lipschütz's wife.

Claimant [REDACTED 2]'s representative identified the Account Owner as her paternal grandmother's brother-in-law, Therese Lipschütz as her paternal grandmother's sister, and Franz Lipschütz as Leopold and Therese Lipschütz's son. Claimant [REDACTED 2]'s representative explained that Therese Lipschütz's sister, [REDACTED], née [REDACTED], was Claimant [REDACTED 2]'s paternal grandmother.

The Claimants' representative stated that Leopold Lipschütz, who was Jewish, was born on 16 April 1870 in Vienna, Austria, that he was employed as an editor, and that he resided at Hartäckerstrasse 19 in Vienna. The Claimants' representative stated that near the time of the incorporation of Austria into the Reich in March 1938 (the "Anschluss"), Leopold and Therese Lipschütz fled Austria for Nice, France, where they committed suicide on 25 January 1939.

In support of Claimant [REDACTED 1]'s claim, Claimant [REDACTED 1]'s representative submitted documents, including:

- (1) Claimant [REDACTED 1]'s own birth certificate, which indicates that [REDACTED 1] is the son of [REDACTED], née [REDACTED];
- (2) Claimant [REDACTED 1]'s mother's birth certificate, which indicates that [REDACTED] was the daughter of [REDACTED];
- (3) Claimant [REDACTED 1]'s maternal grandfather's marriage certificate, which indicates that [REDACTED] was the son of [REDACTED], née [REDACTED];
- (4) Claimant [REDACTED 1]'s great-grandmother's marriage certificate, which indicates that [REDACTED] was the daughter of [REDACTED] and [REDACTED], née [REDACTED];
- (5) Claimant [REDACTED 1]'s great-grandmother's brother's marriage certificate, which indicates that on 11 April 1897 [REDACTED] ([REDACTED]), who was born on 7 October 1863 to [REDACTED] and [REDACTED], née [REDACTED], married [REDACTED], who was the daughter of [REDACTED] and [REDACTED]; and
- (6) a family tree, which indicates that [REDACTED 1] is the great-grandson of [REDACTED], née [REDACTED], whose sister-in-law was [REDACTED], née [REDACTED].

Additionally, Claimant [REDACTED 2]'s representative submitted documents, including:

- (1) Claimant [REDACTED 2]'s marriage certificate, which indicates that [REDACTED] married [REDACTED] on 20 June 1998;

- (2) Claimant [REDACTED 2]'s father's death certificate, which indicates that [REDACTED], who was born on 27 May 1907 in Austria, died on 15 April 1990 in the United Kingdom;
- (3) Claimant [REDACTED 2]'s paternal grandmother's marriage certificate, which indicates that [REDACTED] and [REDACTED] were married on 2 September 1906;
- (4) Claimant [REDACTED 2]'s grandmother's birth certificate, which indicates that [REDACTED], who was born in 1882, was the daughter of [REDACTED] and [REDACTED]; and
- (5) Claimant [REDACTED 2]'s grandmother's sister's marriage certificate, which indicates that Therese Engel, née Eisler, who was born on 23 August 1881 in Vienna to [REDACTED] and [REDACTED], married Leopold Lipschütz, a chief editor (*Chefredakteur*), on 6 July 1911 in Vienna, and which also contains the signatures of the bride and bridegroom.

The Claimants' representative indicated that Claimant [REDACTED 1] was born on 20 January 1959 in Caracas, Venezuela, and that Claimant [REDACTED 2] was born on 3 November 1967 in the United Kingdom.

Additional Information regarding Leopold Lipschütz

The CRT notes that the *Österreichisches Biographisches Lexikon 1815-1950 (Austrian Biographical Encyclopedia 1815-1950)* contains an entry regarding Leopold Lipschütz.² According to this entry, Leopold Lipschütz, who was born on 16 April 1870, was a playwright, author, and the chief editor and a part owner of the *Illustrierte Kronenzeitung* newspaper in Austria. The entry states that Leopold Lipschütz served as the President of the Concordia Journalists and Writers Association (*Concordia Journalisten- und Schriftstellerverein*) from 1926 to 1938 in Vienna, and as the Vice-President of the Austrian Press Association (*Österreichische Presseammer*) beginning in 1936. This entry further states that in 1938 Leopold Lipschütz fled to France, where together with his wife he committed suicide on 25 January 1939 in Nice.

Information Available in the Bank's Records

The Bank's records consist of a customer card, power of attorney forms, correspondence between the Bank and Power of Attorney Holder Franz Lipschütz, death certificates, internal Bank memoranda, and a report of the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation").

According to these records, the Account Owner was Leopold Lipschütz, who provided the Bank with two residential addresses in Vienna, Opernring 19 and Hartäckerstrasse 18. The records indicate that the Account Owner held the position of President of the *Journalisten- und*

² See www.biographien.ac.at/oebl_5/240.pdf.

Schriftstellervereines Concordia.³ The Bank's records further indicate that the Power of Attorney Holders were Therese Lipschütz, née Eisler, who was the Account Owner's wife, and Franz (Frank) Lipschütz, who was the Account Owner's son.

The Bank's records indicate that the Account Owner held a custody account, numbered 22455, and a demand deposit account. The Bank's records contain a power of attorney form, dated 26 March 1938, in which the Account Owner, at that time in Nice, granted power of attorney to his wife, Therese Lipschütz and to his son, Franz Lipschütz. The Bank's records also indicate that on 7 April 1938, the Account Owner asked the Bank to stop sending any correspondence to his address in Vienna ("*absolut nichts nach Wien senden*").

According to a letter dated 27 January 1939, Franz Lipschütz, who wrote from Nice, informed the Bank that his parents had died and that he was their sole heir. A handwritten annotation indicates that this letter was received by the Bank on 3 February 1939. An internal Bank memorandum indicates that on this same day the Bank notified its various departments of the Account Owner's death, and requested that all accounts held in the Account Owner's name be blocked immediately. The Bank's records contain copies of the death certificates of Leopold Lipschütz and Therese Eisler, which were issued by the registry office in Nice, indicating that the couple died on 25 January 1939 at their residence at 63 Boulevard Victor Hugo, Nice.

According to a letter dated 10 May 1939 from Franz Lipschütz to the Bank, Franz Lipschütz requested to withdraw 1,300.00 Swiss Francs ("SF") from his father's account at the Bank. In this letter, Franz Lipschütz also provided the Bank with the name of his cousin (*Vetter*) [REDACTED], who resided at Ebelstrasse 29, Zurich. A handwritten annotation on this letter by a Bank employee indicates that this account had been frozen and that it held a balance of SF 7,804.50.

In a letter dated 11 May 1939 from the Bank to Franz Lipschütz in Juan-les-Pins, France, the Bank indicated that it could not honor his requests of 9 May and 10 May because the Bank did not have sufficient proof that he was Leopold Lipschütz's sole heir. The Bank requested that Franz Lipschütz submit either an official inheritance certificate or a copy of his father's will, notarized and certified by the Swiss consulate. In a letter dated 13 May 1939, the Bank informed Franz Lipschütz that [REDACTED] had presented a notarized inheritance certificate at the Bank, indicating that Franz Lipschütz was the sole heir of Leopold Lipschütz, but that it had not been certified by the Swiss consulate in Nice. The Bank indicated that once it had received a certified copy of the certificate, it would honor Franz Lipschütz's request to withdraw SF 1,300.00. The Bank further indicated that as a courtesy it had wired 3,000.00 French Francs ("FF") from Leopold Lipschütz's account to him in France, as [REDACTED] had informed the Bank that he was in desperate need.

³ The CRT notes that in a separate decision, the assets of *Journalisten-und Schriftstellerverein Concordia*, the organization of which Leopold Lipschütz was president, were awarded to the organization's current incarnation. In the award, the CRT noted that the majority of the Vienna journalists and writers organization's members were Jewish, and that the organization itself had been aryanized, and its assets confiscated, by the Reich. In that award, the CRT also noted that its historical research indicated that the Reich also appointed a new leader of the organization following its aryanization. See *In re Account of Journalisten-und Schriftstellerverein Concordia* (approved on 24 October 2008).

In a letter dated 19 May 1939, the Bank informed Franz Lipschütz that [REDACTED] had delivered to the Bank, at Franz Lipschütz's request, an inheritance certificate certified by the Swiss consulate in Nice which indicated that Franz Lipschütz was his father's sole heir, along with a notarized signature sample. The Bank wrote that all legal formalities regarding succession were met, that the Bank had therefore honored his previous orders, that on 17 May 1939 it paid SF 200.00 to [REDACTED], and that on 19 May 1939 it disbursed an additional SF 5,100.00 to him. The Bank indicated that it also sent a request to an affiliated bank in France to pay Franz Lipschütz an additional FF 500.00.

According to the Bank's records, on 19 June 1939 the Bank compiled a list of the securities held in Leopold Lipschütz's custody account, numbered 22455. This document indicates that on that date this account held the following securities:

- 4.5% *Franz. Rente 1932 Tranche A* bonds with a nominal value of FF 100,000.00;
- 4.5% *Franz. Rente 1932 Tranche B* bonds with a nominal value of FF 100,000.00;
- 3.5% *British War Loan 1932/52* bonds with a nominal value of 10,000.00 Pound Sterling ("£");
- 4% *Ext. S.F. Bonds Kingdom of Norway 1963* bonds with a nominal value of 6,000.00 United States Dollars ("US \$");
- 4.5% *Bonds Republik Argentinien 1938/48* bonds with a nominal value of US \$7,000.00;
- 2.75% *Obl. Common-wealth of Australia, 1941/43* bonds with a nominal value of £1,400.00;
- 2-7/8% *Treasury Notes United States of America 1960* bonds with a nominal value of US \$15,000.00; and
- 3% *Kassa-Obl. Schweizerischer Bankverein, Zürich* bonds with a nominal value of SF 12,000.00.

The Bank indicated that the securities in this account were valued at SF 381,900.00.

According to a letter dated 23 June 1939 from a lawyer in Zurich, Dr. Robert Tobler, to the Bank, Dr. Tobler indicated that he had been contacted by a lawyer in Vienna, Dr. Gustav Mayrgündter, about Leopold and Therese Lipschütz. According to Dr. Tobler, Dr. Mayrgündter had been appointed to handle Leopold and Therese Lipschütz's estate and had been contacted by the couple's son and sole heir, Franz Lipschütz. According to Dr. Tobler, Dr. Mayrgündter told him that the couple's son wished to provide financial support to his relatives remaining in Austria from the estate's proceeds. Dr. Tobler indicated that Dr. Mayrgündter required a certified copy of the couple's wills, and that in an effort to obtain a copy Dr. Mayrgündter had written Franz Lipschütz at a hotel in Paris, but that the letter had been returned undelivered. Dr. Tobler asked the Bank to inform him whether Franz Lipschütz presented himself at the Bank and if the latter provided the inheritance documents necessary to claim the assets in his father's custody account or, in the event that the documents showed Franz Lipschütz's address, for the Bank to provide Dr. Tobler with Franz Lipschütz's address or to forward a copy of Dr. Tobler's letter, in order to assist Dr. Mayrgündter. In its response, dated 27 June 1939, the Bank denied that it knew Franz Lipschütz's whereabouts, and informed Dr. Tobler that accordingly it could neither provide him with Franz Lipschütz's address nor forward his letter.

In a letter dated 26 June 1939 from the Bank's legal department (*Rechtsbureau*) to [REDACTED], who resided at Ebelstrasse 29 in Zurich, the Bank indicated that it had received various pieces of mail, and inquired whether Mr. Tomasich knew if Franz Lipschütz would be coming to the Bank anytime soon and, if he was not, whether Mr. Tomasich could provide the Bank with Franz Lipschütz's current address.

Also contained in the Bank's records are two notarized power of attorney forms dated 20 and 25 July 1939, in which Franz Lipschütz, who was indicated as residing in Paris at this time, granted power of attorney to [REDACTED], who resided at Ebelstrasse 29 in Zurich. Both of these forms bear the seal and stamp of the Swiss consulate in Paris. Additionally, the handwritten number "22455" appears on the power of attorney form dated 20 July 1939.

The auditor's report indicates that these accounts were closed on 8 August 1939.

Finally, the records contain a letter dated 19 March 1940 from the credit department of the *Chase National Bank* in New York, New York, the United States, inquiring about the standing and financial responsibility of Franz Lipschütz. This letter indicates that the Bank had recently verified Franz Lipschütz's signature pursuant to a request from the *Chase National Bank*. In its response to the *Chase National Bank*, dated 6 May 1940, the Bank indicated that it possessed limited information about Franz Lipschütz, and that its contact with him had been limited to his capacity as sole heir of the accounts of his father, Leopold Lipschütz. The Bank indicated that Franz Lipschütz had "never called on [the Bank] personally," and further indicated that its relations with him ended in August 1939, after his representative withdrew the assets that formerly belonged to Franz Lipschütz's deceased father.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Leopold Lipschütz, numbered 11158, and Theresia Lipschütz, numbered 9389.

These records were prepared, signed and submitted on 11 July 1938 by Dr. Gustav Mayrgündter, a member of the National Socialist League for the Maintenance of the Law (*Nationalsozialistischer Rechtswahrerbund*), a Nazi party union for lawyers. The records pertaining to Leopold Lipschütz's assets contain a form signed by him on 25 March 1938 in Vienna, granting Dr. Mayrgündter a general power of attorney; the records pertaining to Theresia Lipschütz's assets contain a similar form granting Dr. Mayrgündter power of attorney, signed by her on 29 June 1938 in Nice.

In the records concerning the assets of Leopold Lipschütz, Dr. Mayrgündter indicated that Leopold Lipschütz, who was Jewish, was born on 16 April 1870, that his occupation was Chief Editor (*Chefredakteur*), and that he was married to Theresia Lipschütz, née Eisler, who was also Jewish. These records provide a home address of Hartäckerstrasse 18, Vienna, and indicate that

as of the date of submission of the Census record, Leopold Lipschütz resided in Nice. A handwritten note added to the record indicates that Leopold Lipschütz died on 25 January 1939. An internal Vienna police note in the records indicates that Leopold Lipschütz was reported as having moved to Nice on 20 February 1938.

According to these records, on 11 July 1938 Leopold Lipschütz held the following securities in his custody account at the Bank:

- 4.5% *fr. Fracs. Rente* bonds with a nominal value of SF 370,000.00;
- 2.5% *Brit. Consols* bonds with a nominal value of £16,600.00;
- 4.5% *Österr. Conversionsanleihe Kuponersatz* bonds with a nominal value of £4,000.00; and
- 4% *Schweizer Bundesbahn Obligationen* bonds with a nominal value of SF 12,000.00.

Dr. Mayrgündter declared that the value of these securities as of 11 July 1938 was 326,724.00 *Reichsmark* (“RM”), which was equivalent to SF 573,727.34.⁴

The records indicate that Leopold Lipschütz and his wife Theresia were assessed a flight tax (*Reichsfluchtsteuer*) of RM 441,757.00, based on their total assets of RM 1,767,028.00.

In a letter dated 10 June 1939 to the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property (*Vermögensverkehrsstelle* or “VVSt.”), Dr. Mayrgündter wrote that Leopold and Therese Lipschütz died in Nice on 25 January 1939. He wrote that their sole heir was their only child, Franz Lipschütz, who resided in Paris. Dr. Mayrgündter stated that a local court (*Amtsgericht Döbling*) had appointed him to administer the couple’s remaining assets in Austria, and he reported that the couple’s home at Hartäckerstrasse 18 in Vienna, as well as the securities that they had held in Austrian banks, had been sold and the proceeds used to pay a large portion of the flight tax assessed on the couple. Dr. Mayrgündter stated that their flight tax had been fully paid as of 10 June 1939.

In his letter to the VVSt., Dr. Mayrgündter also reported other assets held by the couple, which included houses at Mozartgasse 7 and Goldeggasse 18 in Vienna, securities held at banks in Austria, as well as securities held at the Bank in Zurich. In his letter, Dr. Mayrgündter stated that he was not aware of the fate of the securities held at the Bank, but that he had reported these securities to the *Nationalbank* and in connection with the payment of the couple’s flight tax (“*Ueber das Schicksal der in der Schweiz erliegende Wertpapiere ist mir nichts bekannt. Ich habe dieselben sowohl bei der Nationalbank als auch zur Reichfluchsteuer angemeldet.*”).

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) 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

⁴ The CRT uses official exchange rates when converting currencies.

CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner and the Power of Attorney Holders. The Claimants' relative's name and city of residence match the published name and city of residence of the Account Owner. The Claimants identified the Account Owner's second city and country of residence, and the cities and countries of residence of the Power of Attorney Holders, which matches unpublished information about the Account Owner and the Power of Attorney Holders contained in the Bank's records.

In support of her claim, Claimant [REDACTED 2] submitted documents, including her grandmother's sister's marriage certificate, which indicates that Therese Engel, née Eisler, married Leopold Lipschütz on 6 July 1911 in Vienna, 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 records as the name and city of residence of the Account Owner. This certificate also bears her relatives' signatures, which match the signature samples of the Account Owner and Power of Attorney Holder Therese Lipschütz contained in the Bank's records.

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

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, that he fled Austria for France in 1938, and that in January 1939 he committed suicide with his wife in Nice. As noted above, Leopold and Therese Lipschütz were required to register their assets pursuant to the 1938 Census, and they were assessed flight tax of RM 441,757.00, which was paid with assets from their estate following their deaths.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that Leopold Lipschütz was the brother-in-law of Claimant [REDACTED 1]'s great-grandmother's sister-in-law, and demonstrating that he was the brother-in-law of Claimant [REDACTED 2]'s paternal grandmother.

In support of his claim, Claimant [REDACTED 1] submitted documents, including his own birth certificate, which indicates that [REDACTED 1] is the son of [REDACTED], née [REDACTED]; his mother's birth certificate, which indicates that [REDACTED] was the daughter of [REDACTED]; his maternal grandfather's marriage certificate, which indicates that [REDACTED] was the son of [REDACTED], née [REDACTED]; his great-grandmother's marriage certificate, which indicates that [REDACTED] was the daughter of [REDACTED] and [REDACTED]; his great-grandmother's brother's marriage certificate, which indicates that [REDACTED] ([REDACTED]) married [REDACTED], indicating that the latter's wife had the same maiden name as the Account Owner's wife, Power of Attorney Holder Therese Lipschütz.

Additionally, Claimant [REDACTED 2] submitted documents, including her own marriage certificate, which indicates that [REDACTED] married [REDACTED]; her father's death certificate, which indicates that [REDACTED] was born on 27 May 1907 in Austria; her paternal grandmother's marriage certificate, which indicates that [REDACTED] and [REDACTED] were married on 2 September 1906; her grandmother's birth certificate, which indicates that [REDACTED] was the daughter of [REDACTED] and [REDACTED]; and her grandmother's sister's marriage certificate, which indicates that Leopold Lipschütz married Therese Engel, née Eisler, indicating that the latter was the Account Owner's wife and the great-aunt of Claimant [REDACTED 2].

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owner's son Franz Lipschütz informed the Bank of his parents' deaths two days after their death, and that the Bank soon thereafter blocked the Account Owner's accounts. The records also indicate that on 10 May 1939, Franz Lipschütz contacted the Bank regarding the withdrawal of funds on his behalf by his cousin, [REDACTED], and that on 19 May 1939, the Bank wrote to Franz Lipschütz to indicate that [REDACTED] had provided the Bank with the legal documents sufficient to prove that Franz Lipschütz was the Account Owner's sole heir. The Bank's records also indicate that the Bank subsequently paid money from the Account Owner's demand deposit account to both Franz Lipschütz and to his cousin [REDACTED] at Franz Lipschütz's explicit request. Furthermore, the records also contain two notarized power of attorney forms from late July 1939, in which Franz Lipschütz granted power of attorney to [REDACTED] in Zurich, one of which bears the number of Leopold Lipschütz's custody account, 22455. Furthermore, the auditor's report indicates that the Account Owner's accounts at the Bank were formally closed on 8 August 1939, shortly after Franz Lipschütz gave power of attorney over the accounts to his cousin, [REDACTED]. Given these facts, the CRT concludes that the Account Owner's sole heir, Franz Lipschütz, instructed that the accounts be closed, and that he or his cousin, who held power of attorney over the accounts, received the proceeds.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
17 December 2010