

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Rosa Loewenstein

Claim Number: 750155/AC¹

This Certified Denial is based upon the claim of [REDACTED], formerly [REDACTED] (the “Claimant”) to the account of Max Löwenstein.² This Denial is to the published account of Rosa Loewenstein (the “Account Owner”) 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 Claimant

The Claimant submitted an application to the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the “Swiss Bank Contact Office”) identifying the Account Owner as his maternal grandmother, Rosa Löwenstein, who was married to [REDACTED]. The Claimant indicated that his grandparents, who were Jewish, resided in the Free City of Danzig (now Gdansk, Poland) - including the town of Zoppot (now Sopot, Poland), encompassed within Danzig’s borders - where his grandfather owned *Max Löwenstein GmbH*, which distilled tar and manufactured roofing felt. According to the Claimant, his grandfather was forced to sell the business to a Nazi competitor in approximately 1938, with the condition that part of the proceeds be transferred to a Swiss bank account. Finally, the Claimant indicated that his grandparents fled

¹ Claimant [REDACTED] (the “Claimant”) did not submit a CRT Claim Form. However, in 1996, he submitted an application to the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the “Swiss Bank Contact Office”), which was forwarded to ATAG Ernst & Young (“ATAG”) in 1998 and assigned ATAG claim number C-BSL-E-80-609-142-425. On 30 December 2004, the Court ordered that claims submitted to but not treated by either the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001; the Independent Committee of Eminent Persons (“ICEP”); or ATAG shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s application was in turn forwarded to the CRT and has been assigned Claim Number 750155.

² In a separate decision, the CRT treated the Claimant’s claim to the accounts of Max Löwenstein. See *In re Accounts of Max Löwenstein* (approved on 19 July 2007).

to Shanghai, China in approximately 1939 or 1940, and that his grandfather later died in Shanghai.

In support of his claim, the Claimant submitted copies of his own birth certificate and 1956 passport, indicating that [REDACTED] was born on 3 July 1923 in Danzig; that his mother was [REDACTED], née [REDACTED], who was Jewish; and that he later changed his name to [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of printouts generated by 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"). Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of customer instructions regarding a custody account, a spousal consent form, and a customer card.

According to these records, the Account Owner was *Frau* (Mrs.) Rosa Loewenstein, who resided at Hubertusallee 3 in Zoppot, Danzig, and was married to [REDACTED]. The Bank's records indicate that the Account Owner held a custody account, numbered 40924, which was opened on 3 March 1937. These records further indicate that correspondence was initially to be sent to the *Jewish Public Bank A.G.* in Danzig, but that the Account Owner later instructed the Bank to hold all correspondence.

The Bank's records indicate that the account was closed on 3 December 1937. The amount in account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandmother's name and city of residence match the published name and city of residence of the Account Owner. The Claimant identified the sector of that city in which the Account Owner resided, as well as the name of her spouse, which match unpublished information about the Account Owner contained in the Bank's records.

The CRT notes that the name Rosa Loewenstein appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution ("ICEP List").

The CRT notes that the Claimant filed his application with the Swiss Bank Contact Office in 1996, asserting his entitlement to a Swiss bank account owned by Max Loewenstein, and

identifying his spouse as the Account Owner, prior to the publication of the ICEP List. This indicates that the Claimant has based his claim not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relatives owned one or more Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that she resided in Nazi-occupied Danzig. The Claimant further stated that the Account Owner's spouse was forced to sell his business to a Nazi competitor in approximately 1938 and that the Account Owner and her spouse fled to Shanghai in approximately 1939 or 1940.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's maternal grandmother. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; and that the Claimant filed his application with the Swiss Bank Contact Office in 1996, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of his own birth certificate, which provides independent verification that the Claimant's maternal relatives bore the same family name as the Account Owner and that they resided in Danzig. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his application.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 3 December 1937, nearly two years prior to the Nazi occupation of Danzig on 1 September 1939. Therefore, the CRT concludes that the Account Owner received the proceeds of the claimed account.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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 Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
20 December 2007