

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
also acting on behalf of [REDACTED]
represented by Stephen M. Harnik

in re Account of Leopold Lourie

Claim Number: 500962/MBC

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Leopold Lourie. This Denial is to the published account of Leopold Lourie (the “Account Owner”) 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.

Information Provided by the Claimant

The Claimant submitted a Claim Form, asserting that her paternal grandfather, Leopold Lourie, who was born on 5 May 1859 in Pinsk, today Belarus, and was married to [REDACTED], née [REDACTED], in 1890 in Vienna, today Austria, owned a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, was a factory owner and that his businesses, *Lourie & Co.* and *Bernhards*, were located at Talgasse 36 in Vienna. The Claimant further indicated that her grandfather resided in Pinsk and in Libau (Ljepaja), Latvia, but emigrated to Vienna, where he resided at Gumpendorferstrasse 14 until July 1938, when he fled to London, England, where he passed away in November 1938. The Claimant indicated that she was born on 12 November 1922 in Vienna.

In support of her claim, the Claimant submitted a copy of an asset declaration submitted by her grandfather pursuant to the decree of 26 April 1938 requiring all Jews who resided within the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). This record, numbered 2986, indicates Leopold Lourie’s profession as *Fabrikant* (factory owner) and contains Leopold Lourie’s signature.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Leopold Lourie. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account whose owner's name matches that provided by the Claimant. The 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 4021285

The Bank's records indicate that the Account Owner was Leopold Lourie, who resided in Ljepaja, Latvia. The Bank's records also indicate the Account Owner's street address, professional title, and the power of attorney holder's name. Furthermore, the Bank's records indicate the date of opening of the account at issue. Finally, the Bank's records contain the Account Owner's and the power of attorney holder's 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 Governing the Claims Resolution Process, as amended (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 grandfather 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 grandfather was a factory owner. In contrast, the Bank's records indicate that the Account Owner had a different profession and a title, which the Claimant did not identify. Moreover, the CRT notes that the Claimant's grandfather's signature in his 1938 Census declaration is not the same signature as that of the Account Owner contained in the Bank's records. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather 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 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, which 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
7 June 2006