

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of “Marasesti” Soc. An. Romana Pentru Industrij Chimice

Claim Number: 779275/MBC¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of the “Chemical Factory of Marasesti,” Romania, and of the [REDACTED] family.² This Denial is to the published accounts of “*Marasesti*” Soc. An. Romana Pentru Industrij Chimice (the “Account Owner”) at the [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) identifying the Account Owner as the “Chemical Factory of Marasesti, Romania.” The Claimant indicated that his maternal

¹ Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0361-035, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 779275.

The Claimant submitted one additional claim, which is registered under the Claim Number 779274. The CRT treated the Claimant’s claim to the accounts of David Samoil and *Militeanu Import/Export* in a decision released 5 February 2008.

² The CRT did not locate an account belonging to any person with the surname Aronovici 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”).

³ The CRT notes that the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”) contains separately published accounts belonging to *Marasesti SA Romana Pentru Industrij Chimice* and *Marasesti - Soc An. Pentru Industrij Chimice*. Upon careful review, the CRT has determined that the Bank’s records indicate that *Marasesti SA Romana Pentru Industrij Chimice* and *Marasesti - Soc An. Pentru Industrij Chimice* are the same legal entity, and that the actual name of the company was “*Marasesti*” Soc. An. (SA) Romana Pentru Industrij Chimice, or, in French, “*Marasesti*” Société Anonyme Roumaine pour Industries Chimiques.

grandfather, [REDACTED], was a “partner and general administrator” of the Chemical Factory of Marasesti.

The Claimant further indicated that his grandfather and his maternal uncle, [REDACTED], were Jewish, and stated that [REDACTED] resided in Chernowitz, Romania (now Chernivitsi, Ukraine) prior to the Second World War. According to the Claimant, the [REDACTED] family held over 500,000.00 United States Dollars in different Swiss banks prior to the Second World War. Finally, the Claimant indicated that his uncle [REDACTED] was deported to Auschwitz, where he perished in approximately 1943.

The Claimant indicated that he was born on 8 May 1938.

Information Available in the Bank's Records

The Bank's records indicate that the Account Owner was “*Marasesti*” *Soc. An. Romana Pentru Industrij Chimice*, which was located in Bucharest, Romania. The Bank’s records also indicate the number and the type of the accounts held by the Account Owner.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts (“Voluntary Assistance”). The Bank provided the CRT with additional documents which provide further details about the accounts.

The CRT’s Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owner

The country and type of business of the factory of which the Claimant’s grandfather was a partner and administrator match the country and type of business of the Account Owner, and the name of the business identified by the Claimant, namely “Chemical Factory of Marasesti,” essentially matches the name of the Account Owner.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by the Chemical Factory of Marasesti, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based his present claim not simply on the fact that an account owner identified on the ICEP List as owning a Swiss bank account bears the same name as the company for which his grandfather acted as a partner, but rather on a direct relationship that was known to him before the publication of the ICEP List. It also indicates that the

Claimant had reason to believe that that account owner owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the person who he asserts was a partner of the company that held the account was a Victim of Nazi Persecution. The Claimant indicated that his paternal grandfather, who he states was a partner of the company, was Jewish and resided in Romania prior to the War. The Claimant also stated that his paternal uncle, who was also Jewish, was deported to Auschwitz, where he perished.

The Claimant's Relationship to the Account Owner and Entitlement to the Account

The Claimant has indicated that he is related to a partner and administrator of the Account Owner by submitting specific biographical information, demonstrating that a person asserted to be a partner of the company was the Claimant's maternal grandfather. However, the Claimant did not provide any supporting documentation to indicate his grandfather's role with the corporate Account Owner.

According to Article 23(3) of the Rules, if the Account Owner is a legal or other entity (such as a corporation, association, organization, etc.), the Award will be made in favor of those Claimants who establish a right of ownership to the assets of the entity. In this case, the Claimant has indicated that his grandfather was a "partner and general administrator" of the Account Owner. However, he has not provided any documentation to establish that role, or to establish the fact that his relative had any ownership rights to the Account Owner's assets. Therefore, the Claimant is not entitled to the claimed accounts.

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.

Certification of the Denial

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

Claims Resolution Tribunal
12 May 2009