

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Max Messing

**in re Account of Ella Messing<sup>1</sup>**

Claim Number: 200207/SB; 200208/SB; 201367/SB; 203726/SB<sup>2</sup>

This Certified Denial is based on the claims of Max Messing (the “Claimant”) to the accounts of Rosa Messing, Josef Messing, Ella Messing and Yehiel Messing. The CRT did not locate an account belonging to Rosa Messing, Josef Messing or Yehiel Messing 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 Ella Messing (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that his aunt, Ella Messing, who was born in 1903 in Poland, and was married to Abram Messing, owned a Swiss bank account. The Claimant stated that his aunt lived in Germany, where she and her husband owned a hat manufacturing business, and that they were deported to Poland at the beginning of the Second World War. The Claimant stated that his aunt, who was Jewish, was murdered in Auschwitz in 1943. The Claimant indicated that he was born on 28 July 1928 in Berlin, Germany.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Rosa Messing, Josef Messing and Yehiel Messing.

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<sup>1</sup>The Claimant submitted additional claims to the accounts of Erich Messing, Arnold Grunbaum and Max Grunbaum, which are registered under the Claim Numbers 201126, 204332 and 204526 respectively. The CRT will treat the claims to these accounts in separate decisions.

<sup>2</sup>The Claimant submitted Initial Questionnaires to the accounts of Rosa Messing, Josef Messing and Yehiel Messing with the Court in 1999 and corresponding Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers of 200207, 200208 and 203726 respectively.

## **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Ella Messing. The auditors who carried out 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 5035082

The Bank's records indicate that the Account Owner was Ella Messing. The Bank's records also indicate the Account Owner's city and country of residence, title, the name of her spouse, and the name of a Power of Attorney Holder to this account. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signature.

## **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 CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his aunt 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 his aunt was married to Abram Messing. In contrast, the Bank's records indicate that the Account Owner was married to a different man. The Claimant also stated that his aunt resided in Germany, from where she was deported to Poland, whereas the Bank's records indicate that the Account Owner resided in another country, to which the Claimant has not demonstrated a connection. Additionally, the Claimant did not identify the Account Owner's title, as indicated in the Bank's records. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's aunt 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