

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Max Messing

in re Accounts of Erich Messing

Claim Number: 201126/SB¹

This Certified Denial is based on the claim of Max Messing (the “Claimant”) to the published accounts of Erich 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 paternal uncle, Erich Messing, who was born in 1901 in Poland, owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish, lived in Stuttgart, Germany, where he also owned a shoe factory, and was deported to Poland at the beginning of the Second World War. The Claimant stated that his uncle was murdered in Auschwitz in 1943. The Claimant indicated that he was born on 28 July 1928 in Berlin, Germany.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Erich Messing. 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 two accounts whose owner’s name matches that provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

¹ The Claimant submitted five additional claims, which are registered under the Claim Numbers 200207, 200208, 201367, 204332 and 204526. In separate decisions, the CRT awarded the accounts of Arnold Grunbaum to the Claimant and treated the Claimant’s claims to the accounts of Rosa Messing, Josef Messing, Ella Messing and Max Grunbaum. See *In re Account of Arnold Grunbaum* (approved on 30 December 2004), *In re Account of Ella Messing* (approved on 13 October 2004), and *In re Account of Max Grunbaum* (approved on 18 August 2004).

Accounts 1010606 and 1010607

The Bank's records indicate that the Account Owner was Erich Messing, who resided in Germany. The Bank's records also indicate the Account Owner's professional titles and city of residence in Germany. Furthermore, the Bank's records indicate the dates of closing of the accounts at issue.

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 his relative. Although the name of his uncle 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 uncle owned of a shoe factory and did not indicate that he held any professional or academic titles. In contrast, the Bank's records indicate that the Account Owner had a very different profession and held titles which the Claimant did not identify. The CRT also notes that the Claimant's uncle resided in Stuttgart, whereas the Bank's records indicate that the Account Owner resided in another city, which is over 150 kilometers from Stuttgart. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle are the same person.

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 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
19 March 2007