

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Angela Neumann  
and  
Account of Paul Grote  
(Power of Attorney Holder A. Neumann)<sup>1</sup>**

Claim Numbers: 207143/WM; 600949/WM<sup>2, 3</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account of Angela (Mimi) Gottlieb, née Neumann.<sup>4</sup> This Denial is to the published account of Angela Neumann (“Account Owner 1”) at the [REDACTED] (the “Bank”) and to the published account of Paul Grote (“Account Owner 2”), over which A. Neumann (the “Power of Attorney”) held a power of attorney, also at 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 and a claim to the Holocaust Claims Processing Office (“HCPO”) in 1997, asserting that his great-aunt, Angela Gottlieb, née Neumann, who was born

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as his relative.

<sup>2</sup> The Claimant submitted six additional claims, which are registered under the Claim Numbers 206865, 206866, 206867, 207141, 207142, and 401924. The Claimant also submitted Initial Questionnaires with the Court in 1999. The CRT is treating the Initial Questionnaires under the consolidated Claim Number 206865. The CRT will treat the remaining claims in separate determinations.

<sup>3</sup> The Claimant submitted a claim, numbered B-00073, on 23 September 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600949. In this claim the Claimant also claimed the accounts of Rudolf Gottlieb, Regina Gottlieb and Arnold Gottlieb, the CRT treated the claims to these accounts in a separate determination.

<sup>4</sup> The CRT did not locate an account belonging to Angela (Mimi) Gottlieb, or Mimi Neumann, 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”).

on 18 December 1888 in Prague, Bohemia, Austria-Hungary (today the Czech Republic), and was married to Dr. [REDACTED], owned a Swiss bank account. The Claimant stated that his great-aunt, who was Jewish, resided in Prague where she co-owned the hospital, *Sanatorium Gottlieb*, with her spouse. The Claimant also stated that his great-aunt fled to Lucerne, Switzerland, in 1939 or 1940, where she resided until 1945. The Claimant indicated that his great-aunt passed away in approximately 1965 in London, the United Kingdom. The Claimant indicated that he was born on 18 July 1932 in Cologne, Germany.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Angela Gottlieb, née Neumann. 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, or power of attorney holder’s, names 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.

#### Account 5029216

The Bank’s records indicate that Account Owner 1 was Angela Neumann, who resided in Vienna, Austria, and that the Power of Attorney Holder was Ivan Senk.

#### Account 5026901

The Bank’s records indicate that Account Owner 2 was Paul Grote and that the Power of Attorney Holder was A. Neumann. The Bank’s records also indicate Account Owner 2’s city and country of residence and the Power of Attorney Holder’s full name. Finally the Bank’s records indicate the date of closing of the account at issue.

### **The CRT’s Analysis**

#### Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

#### Identification of the Account Owners

As for Account 5029216, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the maiden name of his great-aunt matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in the Bank’s records. Specifically, the Claimant stated that his great-aunt resided in Prague until 1939 or 1940, when she fled to

Switzerland, where she resided until 1945. In contrast, the Bank's records indicate that Account Owner 1 resided in Vienna, Austria. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's great-aunt are the same person.

As for Account 5026901, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as his relative. Although the maiden name of his great-aunt matches the published first name initial and last name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his great-aunt's first name was Angela. In contrast, the Bank's records indicate that the Power of Attorney Holder had a very different first name and was male. Consequently, the CRT concludes that the Power of Attorney Holder and the Claimant's great-aunt are not the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 2 as his relative, and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not Account Owner 2, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and Account Owner 2 were related.

### 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 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  
3 March 2006