

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Edgar Perl

Claim Number: 787320/WI¹

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Edgar Perl (the “Account Owner”), over which Irene Perl (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of 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 an Initial Questionnaire identifying the Account Owner as her maternal uncle, Edgar Perl, and the Power of Attorney Holder as his wife, Irene Perl, née Breda. The Claimant indicated that her uncle and aunt, who were Jewish, lived at Zlatnicka 8 Street in the Second District of Prague, Czechoslovakia, prior to Nazi occupation. According to the Claimant, his uncle and aunt also maintained a residence in Bielitz (Bielsko), Poland, where her uncle worked as a director of an insurance company that had offices in Vienna, Austria and Prague. The Claimant further indicated that Irene Perl was the heiress of her father’s company *Kaufhaus Breda & Weinstein*, which owned a large department store in Troppau (Opava), Czechoslovakia (now the Czech Republic). The Claimant also stated that shortly before she fled Prague in October 1939, her uncle and aunt told her that they deposited money and valuables in Switzerland. Finally, the Claimant indicated that in September 1944 Edgar and Irene Perl along with their two sons, [REDACTED] and [REDACTED], were deported to Auschwitz, where they all perished. The Claimant indicated that she was born on 24 May 1923 in Czechoslovakia.

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0669-042, 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 787320.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form and printouts from the Bank's database. According to these records, the Account Owner was Edgar Perl and the Power of Attorney Holder was his wife, *Frau* (Mrs.) Irene Perl, both of whom resided at Kolejowa 17 in Bielsko, Poland.

The Bank's records indicate that the Account Owner held a savings/passbook account, and that he granted power of attorney over the account on 22 July 1927. The Bank's records indicate that the account was closed on 30 June 1938. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner and the Power of Attorney Holder

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The Claimant's uncle's and aunt's names, city and country of residence match the published names, city and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant also identified the relationship between the Account Owner and the Power of Attorney Holder, which matches the unpublished information contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes person named Edgar Perl, and indicates that his place of birth was Troppau (Opava), and that he worked as the director of an insurance company, which matches the information about the Account Owner provided by the Claimant. Furthermore, this database includes person named Irene Perl, née Brada, who was born in Troppau (Opava) and was married to Edgar Perl, which matches information about the Power of Attorney Holder provided by the Claimant.² This database also indicates that the Account Owner, the Power of Attorney Holder, and their children were deported to a camp in Poland, where they perished.³ The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

² The CRT notes that the Claimant stated that the maiden name of Irene Perl (the "Power of Attorney Holder") was Brada, whereas the database containing the names of victims of Nazi persecution indicated that Irene Perl's maiden name was Brada. The CRT notes, however, that the names Brada and Brada are substantially similar and that this minor spelling discrepancy does not affect the overall plausibility of the Claimant's identification of the Power of Attorney Holder.

³ The CRT notes that the Claimant identified Edgar Perl's (the "Account Owner") and the Power of Attorney Holder's children's names as [REDACTED] and [REDACTED], while the database containing the names of victims of Nazi persecution indicates that the children of Edgar and Irene Perl were named [REDACTED] and [REDACTED]. The CRT notes, however, that the Claimant indicated that the Account Owner and the Power of Attorney Holder had two sons, and that one of the names provided by the Claimant matches one of the names listed in the database as the name of one of the Account Owner's sons. The CRT determines that this discrepancy does not affect the overall plausibility of the Claimant's identification of the Account Owner and the Power of Attorney Holder.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Edgar Perl and Irene Perl, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution (“ICEP” or the “ICEP List”). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided different family relationship between the Account Owner and the Power of Attorney Holder.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner and the Power of Attorney Holder were victims of Nazi persecution. The Claimant stated that the Account Owner and the Power of Attorney Holder were Jewish, that they resided in Nazi-occupied Poland and Czechoslovakia, and that they were deported to Auschwitz, where they perished in 1944. As noted above, persons named Edgar Perl and Irene Perl were included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant’s maternal uncle. The CRT notes that the Claimant identified unpublished information about the Account Owner and the Power of Attorney Holder as contained in the Bank records. The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List, and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Initial Questionnaire. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the custody account was closed on 30 June 1938. The CRT notes that the Account Owner and the Power of Attorney Holder maintained residences in Poland and Czechoslovakia as of the date of closure, which occurred before the Nazi invasions of that part of Czechoslovakia where the Account Owner resided on 15 March 1939 and of Poland on 1

September 1939. Therefore, the CRT concludes that the Account Owner received the proceeds of the claimed account.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

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

Claims Resolution Tribunal
24 October 2008