

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Roland Dreyfus
also acting on behalf of Patrick Dreyfus, Gérard Dreyfus
and Syliva Dreyfus

in re Accounts of Otto Pollak¹
and
Account of Friederike Pollak
(Power of Attorney Holder Otto Pollak)
and
Accounts of Frieda Pollak²
and
Account of Frida Pollak

Claim Numbers: 223315/SB; 223319/SB³

This Certified Denial is based on the claims of Roland Dreyfus (the “Claimant”) to the accounts of Otto Pollak and Friederike (Frida) Pollak. This Denial is to the published accounts of three individuals named Otto Pollak (“Account Owner 1” “Account Owner 2” and “Account Owner 3”) at the [REDACTED] (“Bank 1”), [REDACTED] (“Bank 2”) and [REDACTED] (“Bank 3”), respectively, to the published accounts of Otto Pollak (“Account Owner 4”) who jointly owned the accounts with Frieda Pollak (“Account Owner 5”) at Bank 1, to the published account of Friederike Pollak (“Account Owner 6”) over which Otto Pollak (the “Power of Attorney Holder”) held a power of attorney, at Bank 3, to the published accounts of Frieda Pollak (“Account Owner 7”) at Bank 1, and to the unpublished account of Frida Pollak (“Account Owner 8”) at [REDACTED] (“Bank 4”).

¹ The CRT notes that, on the February 2001 published 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”), the name Otto Pollak is indicated as having a total of six accounts. Upon careful review, the CRT has concluded that the Banks’ records evidence the existence of a total of eight accounts.

² The CRT notes that, on the ICEP List, the name Frieda Pollak is indicated as having a total of six accounts. Upon careful review, the CRT has concluded that the bank’s records evidence the existence of only four accounts.

³ The Claimant submitted additional claims which are registered under the Claim Numbers 223312, 223313, 223314, 223316, 223317 and 223318. In previous decisions, the CRT has awarded the claims 223312, 223313, 223314, 223316 and 223318 to the Claimant. See *In re Account of Leo Pollak*, *In re Account of A. Pollak*, *In re Account of Ludwig Pollak* and *In re Account of Melanie Pollak* (approved on 25 October 2002, 23 June 2003, 6 February 2004 and 31 December 2003, respectively). In a previous decision, the CRT denied the remaining claim 223317. See *In re Account of Edith Pollak* (approved on 23 January 2006).

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 Claim Forms asserting that his maternal great-uncle, Otto Pollak, and his maternal great-aunt, Friederika (Frida) Pollak, who were Jewish, each owned a Swiss bank account. The Claimant stated that his great-uncle was born on 26 September 1870 in Jihlava, Czechoslovakia (now the Czech Republic), and was married to Franziska Epsteinova on 4 July 1897 in Jihlava. The Claimant also stated that from the end of the nineteenth century, his great-uncle resided in Vienna, Austria, where his parents and the majority of his siblings also resided. The Claimant further stated that his great-uncle was deported from Vienna to Theresienstadt, where he perished in 1942. According to the Claimant, his great-aunt, who was also born in Czechoslovakia, likely resided in Vienna. The Claimant stated that he was not aware of his great-aunt's fate but presumed that she perished in the Holocaust. The Claimant indicated that he was born on 25 May 1943 in Antibes, France.

The Claimant submitted documents in support of his claim, including Otto Pollak's birth certificate and his mother's family book, both of which indicate Otto Pollak's date and place of birth.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to accounts belonging to his relatives Otto Pollak and Friederike (Frida) Pollak. The auditors who carried out the ICEP Investigation reported twelve accounts whose owners' or power of attorney holder's names match those 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.

Accounts 1009049 and 1009050

Bank 1's records indicate that Account Owner 1 was Otto Pollak, who resided in Austria. Bank 1's records also indicate Account Owner 1's city of residence and a second city and country of residence. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Accounts 2016607, 5029901 and 5033201

Bank 2's and Bank 3's records indicate that Account Owner 2 was Otto Pollak, who resided in Vienna, Austria. Bank 2's and Bank 3's records also indicate Account Owner 2's street address in Vienna. Furthermore, Bank 2's and Bank 3's records indicate the dates of closing of the accounts at issue. Finally, Bank 2's records contain Account Owner 2's signature.

Account 5024023

Bank 3's records indicate that Account Owner 3 was Otto Pollak, who resided in Vienna, Austria. Bank 3's records also indicate Account Owner 3's street address in Vienna. Furthermore, Bank 3's records also indicate the name of an individual who jointly held the account at issue, and this individual's street address, and city and country of residence. Finally, Bank 3's records contain Account Owner 3's and the joint account owner's signatures.

Accounts 1009279 and 1009280

Bank 1's records indicate that Account Owner 4 was Otto Pollak and Account Owner 5 was Frieda Pollak, who resided in Austria. Bank 1's records indicate Account Owner 4's and Account Owner 5's city of residence in Austria and their second city and country of residence. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Account 5024024

Bank 3's records indicate that Account Owner 6 was Friederike Pollak, who resided in Vienna, Austria and that the Power of Attorney Holder was Otto Pollak. Bank 3's records also indicate Account Owner 6's street address, and the Power of Attorney Holder's street address and city and country of residence. Furthermore, Bank 3's records indicate the date on which the power of attorney was granted. Finally, Bank 3's records contain Account Owner 6's and the Power of Attorney Holder's signatures.

Accounts 1009276 and 1009277

Bank 1's records indicate that Account Owner 7 was Frieda Pollak, who resided in Austria. Bank 1's records also indicate Account Owner 7's city of residence in Austria. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Account 3016972

Bank 4's records indicate that Account Owner 8 was Frida Pollak. Bank 4's records also indicate Account Owner 8's city and country of residence as well as her street address. Furthermore, Bank 4's records indicate the name of a power of attorney holder and the date on which Account Owner 8 granted the power of attorney. Finally, Bank 4's records indicate Account Owner 8's and the power of attorney holder's signatures.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of two individuals named Otto Pollak.

The first record indicates Otto Pollak's date of birth, occupation, the name of his wife and the date on which he moved to another named country. The CRT notes that Otto Pollak's street address is identical to Account Owner 2's and to Power of Attorney Holder Otto Pollak's street address, and therefore concludes that Account Owner 2, the Power of Attorney Holder Otto Pollak and the individual named Otto Pollak in this record are all the same person.

The second record indicates Otto Pollak's date of birth, nationality, occupation, street address and city of residence, marital status, the name of a business he owned, the name of his business partner, and his signature. The CRT notes that Otto Pollak's street address and the name of his business partner are identical to Account Owner 3's street address and to the name of the person who jointly held the account with Account Owner 3, and therefore concludes that Account Owner 3 and the individual named Otto Pollak in this record are the same person.

The CRT's Analysis

Admissibility of the Claims

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

Identification of the Account Owners

As for Accounts 1009049 and 1009050, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his great-uncle matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that from the end of the nineteenth century, his great-uncle resided in Vienna, from where he was deported to Theresienstadt, where he perished in 1942. In contrast, Bank 1's records show that Account Owner 1 resided in Vienna, Austria and in another city and country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's great-uncle are the same person.

As for Accounts 2016607, 5029901 and 5033201, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his great-uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the 1938 Census records. Specifically, the Claimant stated that his great-uncle was born on 26 September 1870 and was married to Franziska Epsteinova. In contrast, the 1938 Census records show that Account Owner 2 was born several decades later and was married to a different person. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's great-uncle are the same person.

As for Account 5024023, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his great-uncle matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the

unpublished information about Account Owner 3 available in the 1938 Census records. Specifically, the Claimant stated that his great-uncle was born on 26 September 1870. In contrast, the 1938 Census records show that Account Owner 3 was born many years later than the Claimant's great-uncle. The CRT also notes that the Claimant did not identify the joint account owner, even though this person appears to be related to Account Owner 3. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's great-uncle are the same person.

As for Accounts 1009279 and 1009280, the CRT concludes that the Claimant has not identified Account Owner 4 or Account Owner 5 as his relatives. Although the name of his great-uncle and great-aunt match the published names of Account Owner 4 and Account Owner 5, the information provided by the Claimant differs materially from the unpublished information about Account Owner 4 and Account Owner 5 available in Bank 1's records. Specifically, the Claimant stated that his great-uncle and great-aunt resided in Vienna. In contrast, Bank 1's records show that Account Owner 4 and Account Owner 5 resided in Vienna and in another city and country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 4 and Account Owner 5 and the Claimant's great-uncle and great-aunt are the same persons.

As for Account 5024024, the CRT concludes that the Claimant has not identified Account Owner 6, or the Power of Attorney Holder as his relatives. Although the names of his great-aunt and great-uncle match the published names of Account Owner 6 and the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about Account Owner 6 and the Power of Attorney Holder available in Bank 3's records and in the 1938 Census records. Specifically, the Claimant stated that his great-uncle resided in Vienna and was born on 26 September 1870. In contrast, the 1938 Census records show that the Power of Attorney Holder was born many years after the Claimant's great-uncle. The CRT also notes that Bank 3's records indicate that Account Owner 6 and the Power of Attorney were closely related, therefore as the Claimant has not identified the Power of Attorney Holder, the CRT concludes that the Claimant has not identified Account Owner 6. Consequently, the CRT is unable to conclude that Account Owner 6 and the Power of Attorney Holder and Claimant's great-aunt and great-uncle are the same persons.

As for Accounts 1009276 and 1009277, the CRT concludes that the Claimant has not identified Account Owner 7 as his relative. Although the name of his great-aunt matches the published name of Account Owner 7, the information provided by the Claimant differs materially from the unpublished information about Account Owner 7 available in Bank 1's records. Specifically, the Claimant stated that his great-aunt resided in Vienna. In contrast, Bank 1's records show that Account Owner 7 resided in a different city, which is over 250 kilometers from Vienna. The CRT notes that Vienna and Account Owner 7's cities of residence are both large cities in different regions of the country, making it unlikely that a person who resided in one of the cities would cite the other as a residence, even for the purpose of opening a bank account. Consequently, the CRT is unable to conclude that Account Owner 7 and the Claimant's great-aunt are the same person.

As for Account 3016972, the CRT concludes that the Claimant has not identified Account Owner 8 as his relative. Although the name of his great-aunt matches the unpublished name of Account Owner 8, the information provided by the Claimant differs materially from the unpublished information about Account Owner 8 available in Bank 4's records. Specifically, the Claimant stated that his great-aunt was born in Czechoslovakia and resided in Austria. In contrast, Bank 4's records show that Account Owner 8 resided in a different country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 8 and the Claimant's great-aunt are the same person.

The CRT has taken utmost care in matching the names of the persons identified by the Claimant as possible account owners to names of actual account owners identified 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. The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed these claims carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Otto Pollak's surname, which include Pollack, and has determined that these accounts do not belong to the Claimant's relative.

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, which 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 claims 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
18 April 2006