

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Christina de Galavais  
represented by James Palmer

## **in re Account of Franz Joseph Popper**

Claim Number: 402163/RS

This Certified Denial is based upon the claim of Christina de Galavais, née Popper, (the “Claimant”) to the published account of Franz Joseph Popper (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 identifying the Account Owner as her father, Franz Joseph Popper, who was born on 22 April 1896 and was married to Lorie Popper. The Claimant stated that her father, who was Jewish, resided in Bucharest, Romania prior to the Second World War. The Claimant did not provide any information regarding the fate of her father during the Second World War.

The Claimant submitted a copy of her own birth certificate, indicating that Cristina Popper was born on 9 December 1947 in Bucharest and that her parents were Frantz Popper and Lorie Popper.

The Claimant indicated that she was born on 9 December 1947 in Bucharest.

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

The Bank's record consists of a list of accounts. According to this record, the Account Owner was Franz Joseph Popper who resided in Bucharest, Romania. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, numbered 15992, which was opened on 22 October 1938. Finally, the Bank's record indicates that the account was closed on 21 April 1939. The amount in the account on the date of its closure is unknown.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which match unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including her own birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the name Franz Joseph Popper appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities and countries of residence than the city and country of residence of the Account Owner.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that he resided in Nazi-allied Romania.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her father. These documents include the Claimant's birth certificate, indicating that Cristina Popper's father was Frantz Popper.

There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed on 21 April 1939, which was prior to Romania's formal alliance with Nazi Germany on 20 November 1940. Accordingly, the CRT concludes that the Account Owner retained dominion over his account and received the proceeds himself.

### 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.

### **Certification of the Denial**

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

Claims Resolution Tribunal  
13 February 2009