

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Johannes Leopold Friedrich Popper-Podhragy,  
also acting on behalf of Dr. Johanna Maria Podhragy-Haberl,  
represented by Dr. Rainer Greeven

**in re Accounts of Friedrich Popper and account of Friedr. Popper<sup>1</sup>**

Claim Number: 214928/MG

This Certified Denial is based on the claim of Baron Johannes Leopold Friedrich Popper-Podhragy (the “Claimant”) to the published account of Friedr. Popper. This Denial is to the published accounts of Friedrich Popper (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Friedr. Popper (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the names of the banks have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that his father, Baron Friedrich Leopold Salvator Popper-Podhragy, who was born on 17 September 1886 in Vienna, Austria, owned a Swiss bank account. The Claimant stated that his father was married three times, and that his mother, Dr. Johanna Maria Podhragy-Haberl, née Haberl, was his father’s third wife. The Claimant stated that his father, who was Jewish, was an industrialist who owned businesses, including *Granitwerk, Roggendorf*, the bank *Hermann Korti & Co.*, the *British-Österreichische Bank*, the *American-Hungarian Bank*, and *Soint Security Corp.* The Claimant further stated that his father resided at Stallburggasse 2 in Vienna I until 1938, and at Kreuzwiesengasse 1 in Vienna XVII until July 1939. According to the Claimant, in August 1939, his father fled from Vienna to London, the United Kingdom, where he stayed until 1951, when he returned to Austria. The Claimant stated that his father died on 17 January 1986 in Vienna. The Claimant indicated that he was born on 27 April 1964 in Vienna.

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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’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Baron Leopold Popper-Podhragy.

The Claimant submitted documents in support of his application, including: (1) his own birth certificate; (2) his father's personal Identification Card; (3) a court probate regarding his father's assets; (4) his father's confirmation of domicile in Vienna; and (5) his uncle's (Fritz M. Podhragy) will.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Friedrich Leopold Salvator Popper-Podhragy. 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 four accounts whose owners' names are substantially similar to 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.

#### Accounts 1012706, 1012707 and 1012708

Bank 1's records indicate that Account Owner 1 was Friedrich Popper, who resided in Austria.<sup>2</sup> Bank 1's records also indicate that the accounts were held jointly with another person who appears to be related to Account Owner 1. These records further indicate that Account Owner 1 had a temporary address in Vienna, Austria and another residence in a different country. Furthermore, Bank 1's records indicate the dates of opening of two of the accounts at issue and the date of closing of one of the accounts at issue.

#### Account 4019871

Bank 2's records indicate that Account Owner 2 was Friedr. Popper, who resided in Vienna, Austria. Bank 2's records also indicate that the account was held jointly with another person who appears to be related to Account Owner 2. Furthermore, Bank 2's records indicate the dates of opening and closing of the account 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").

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<sup>2</sup> The account was published under the name Friedrich Popper of Bad Hofgastein, Austria, on the 2001 list of Swiss Bank Accounts identified in the ICEP investigation. After careful review of Bank 1's records for this account, the CRT has determined that Account Owner 1 actually resided elsewhere.

### Identification of the Account Owners

With respect to Accounts 1012706, 1012707 and 1012708, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his father resided at Stallburggasse 2 in Vienna I until 1938, and at Kreuzwiesengasse 1 in Vienna XVII, Austria, until July 1939, when he fled from Austria to the United Kingdom. In contrast, Bank 1's records show that Account Owner 1 resided at a temporary address in Vienna and had another residence in a different country. In addition, the CRT notes that the Claimant did not identify the person who jointly held the accounts with Account Owner 1 although this person appears to be related to Account Owner 1. Moreover, the CRT notes that the Claimant father's hyphenated last name (Podhragy) and his title (Baron) did not appear in Bank 1's records. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

With respect to Account 4019871, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 2, the information provided by the Claimant is inconsistent with unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant did not identify the person who jointly held the account with Account Owner 2 although this person appears to be related to Account Owner 2. In addition, the Claimant father's hyphenated last name (Podhragy) and his title (Baron) did not appear in Bank 2's records. Moreover, the CRT notes that the name of the person who held the account jointly with Account Owner 2 is identical to the name of the person who held the accounts jointly with Account Owner 1, and therefore it is likely that Account Owner 2 and Account Owner 1 are the same person. Consequently, the CRT is unable to conclude that the Account Owner 2 and the Claimant's father are the same person.

### 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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