

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
represented by [REDACTED]

to Claimant [REDACTED 2]  
represented by Saul Ganchrow

and to Claimant [REDACTED 3]  
represented by Peter Tomlinson

## **in re Account of Moritz Prager**

Claim Numbers: 401093/SB; 401734/SB; 402189/SB<sup>1</sup>

This Certified Denial is based on the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) and [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”) (together the “Claimants”), to the published account of Moritz Prager (the “Account Owner”) at 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 Claimants**

The Claimants, who are related, each submitted a Claim Form in 2005 asserting that their grandfather, Moritz Prager, who was born on 9 April 1865 in Ottensoos, Germany, and was married to [REDACTED] on 14 November 1894 in Frankfurt am Main, Germany, owned a Swiss bank account. The Claimants stated that their grandfather, who was Jewish, was a merchant who resided in Frankfurt am Main until his deportation in 1941. The Claimants stated that their grandfather was murdered by the Nazis during the Second World War. Claimant [REDACTED 1] indicated that she was born on 21 August 1916 in Frankfurt am Main, Claimant [REDACTED 2] indicated that she was born on 7 March 1914, also in Frankfurt am Main, and Claimant [REDACTED 3] indicated that she was born on 18 October 1928.

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<sup>1</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Claimant [REDACTED 1] submitted documents in support of her claim, including her grandfather's marriage certificate and Claimant [REDACTED 2] submitted a business letter of her grandfather's business, which indicates that his business was located in Frankfurt am Main.

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

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Moritz Prager. 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 one account whose owner's name matches that provided by the Claimants. The 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 5024727

The Bank's records indicate that the Account Owner was Moritz Prager. The Bank's records also indicate the Account Owner's street address, city and country of residence.

### **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 Owner

The CRT concludes that the Claimants have not identified the Account Owner as their relative. Although the name of their grandfather matches the published name of the Account Owner, the information provided by the Claimants differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their grandfather resided in Germany. In contrast, the Bank's records show that the Account Owner resided in another country. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' grandfather are the same person.

#### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
17 November 2006