

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of the Paul Prager (Power of Attorney Holder)**

Claim Number: 222237/MC<sup>1</sup>

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Paul Prager. This denial is to an account over which Paul Prager (the “Power of Attorney Holder”), among others, 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 a Claim Form identifying the Power of Attorney Holder as her father’s employer, Paul Prager. The Claimant stated that Paul Prager, who was Jewish, was the director of a company called *Gans (Ganz) Co.*, and that her father, [REDACTED], who was an architect, designed houses for him. The Claimant stated that her father resided in Budapest, Hungary. In a telephone conversation with the CRT, the Claimant explained that Paul Prager was not her relative, and that Paul Prager was one of three individuals who helped set up an agreement under which money belonging to Hungarian Jews who no longer had access to foreign banks was pooled and deposited in Switzerland and Sweden. The Claimant stated that her father and uncle helped to make those deposits. According to the Claimant, Paul Prager died in 1945.

The Claimant indicated that she was born on 16 February 1931 in Budapest.

The Claimant previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Erzsebet Wagner and Sandor

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<sup>1</sup> [REDACTED] (the “Claimant”) submitted one additional claim, which is registered under the Claim Number 731188. In a decision released 13 February 2008, the CRT treated the Claimant’s claims to the accounts of Béláné Wagner, Gézáné Freud, Mária Zsuzsanna Wagner, and Béla Wagner.

(Alessandro) Wagner, and an ATAG Ernst & Young claim form (“ATAG Form”) in 1998, asserting her entitlement to a Swiss bank account owned by Duna Tengerj r  T rsas g.<sup>2</sup>

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

The Bank’s records consist of a customer card, correspondence, and printouts from the Bank’s database. The records identify the owner of the account and that person’s city and country of residence. The records also indicate that Paul Prager and another person were given joint power of attorney rights over the account. The Bank’s records indicate that Paul Prager resided in Budapest and was the general director of the company *Ganz & Co.* The Bank’s records contain no evidence that suggests that the owner of the account was related to the power of attorney holder, Paul Prager.

### **The CRT’s Analysis**

#### Identification of the Power of Attorney Holder

The Claimant has plausibly identified the Power of Attorney Holder. The Claimant’s father’s employer and acquaintance’s name and city and country of residence match the published name and city and country of residence of the Power of Attorney Holder. The Claimant also identified the name of her father’s employer’s company, which matches unpublished information about the Power of Attorney Holder contained in the Bank’s records. The CRT notes that the Claimant did not identify the Account Owner.

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

The CRT notes that the Claimant did not identify the Account Owner, and therefore has not provided any information as to whether the Account Owner was a Victim of Nazi Persecution. However, the Claimant has made a plausible showing that the Power of Attorney Holder was a Victim of Nazi Persecution. The Claimant stated that Paul Prager was Jewish, that he resided in Hungary during the Second World War, and that he assisted other Jews in hiding money from the Nazi authorities.

#### The Claimant’s Relationship to the Account Owner and Entitlement to the Accounts

The CRT notes that the Claimant plausibly identified the Power of Attorney Holder as her father’s employer and acquaintance, but did not identify the Account Owner. There is no evidence to suggest that either the Claimant’s father or the Power of Attorney Holder held a

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<sup>2</sup> The CRT did not locate accounts belonging to Erzsebet Wagner or Duna Tengerj r  T rsas g 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 Governing the Claims Resolution Process, as amended (the “Rules”). In a separate decision, the account of Alessandro (Sandor) Wagner was awarded to the Claimant. See *In re Account of Alessandro Wagner* (approved on 15 July 2005).

beneficial interest in the claimed account. Moreover, the Claimant's father was not the Power of Attorney Holder, but rather an employee and acquaintance of the Power of Attorney Holder. Thus, the Claimant has not demonstrated a family relationship between herself and the Account Owner, or between herself and the Power of Attorney Holder, nor has she provided a will or testamentary documents indicating that she is a beneficiary of the Account Owner or Power of Attorney Holder.

The CRT also notes that, under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Thus, where a claimant has identified the power of attorney holder, but not the account owner, as his or her relative, the claimant is not entitled to the account unless there is evidence in the Bank's records that the power of attorney holder and the account owner were related. Thus, even if the Claimant were related to the Power of Attorney Holder (which she does not claim to be), she would not be entitled to the claimed account.

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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.

Claims Resolution Tribunal  
30 August 2010