

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants Dominique Muron, Monique Muron,
Olivier Muron, Nathalie Muron,
and Anne des Courtils,
all represented by Denis Delcros and Christophe Aubrun

in re Accounts of Marius Rosenbaum and Eugénie Rosenbaum

Claim Numbers: 224290/MBC; 224425/MBC; 224426/MBC; 224427/MBC;
224428/MBC; 224429/MBC; 224436/MBC; 224437/MBC; 224438/MBC; 224439/MBC

This Certified Denial is based upon the claims of Dominique Muron (“Claimant Dominique Muron”), Monique Muron, née Noël, (“Claimant Monique Muron”), Olivier Muron (“Claimant Olivier Muron”), Nathalie Muron (“Claimant Nathalie Muron”), and Anne des Courtils, née Muron, (“Claimant des Courtils”) (together the “Claimants”) to the published accounts of Marius Rosenbaum (“Account Owner Marius Rosenbaum”) and Eugénie Rosenbaum (“Account Owner Eugénie Rosenbaum”), over which Aïda Muron (the “Power of Attorney Holder”) held power of attorney, at the Geneva branch of the [REDACTED] (the “Bank”).¹

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 Claimants

Claimant Monique Muron submitted two Claim Forms, identifying Account Owner Marius Rosenbaum as her husband’s great-uncle, Marius Rosenbaum; Account Owner Eugénie Rosenbaum as her husband’s maternal uncle’s wife, Eugénie Rosenbaum, née Bonne; and the Power of Attorney Holder as her mother-in-law, Aïda Muron, née Rosenbaum. Claimant Dominique Muron, Claimant Oliver Muron, Claimant Nathalie Muron, and Claimant Anne des Courtils, who are Claimant Monique Muron’s children, each submitted two Claim Forms identifying Account Owner Marius Rosenbaum as their father’s great-uncle, Account Owner Eugénie Rosenbaum as their father’s uncle’s wife, and the Power of Attorney Holder as their paternal grandmother.

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”), Account Owner Marius Rosenbaum and Account Owner Eugénie Rosenbaum are indicated as having two accounts each. Upon careful review, the CRT has concluded that the Bank’s records show that the Account Owners jointly held two accounts.

The Claimants stated that Marius Rosebaum, was born on 6 September 1850 in Austria-Hungary, the son of Joseph Rosenbaum and Jeanne Rosenbaum, née Rothko, and that he was married to Adeline Le Couteux on 28 November 1889 in Paris, France. The Claimants stated that Marius and Adeline Rosenbaum did not have any children. The Claimants explained that Marius Rosenbaum, who was a banker, resided at 11 avenue Victor Hugo in Paris beginning in 1889. According to the Claimants, Adeline Rosenbaum died in 1926.

The Claimants stated that Eugénie Rosenbaum, née Bonne, was born on 18 April 1868 in Brunoy, France, the daughter of Emile Bonne and Alexandrine Bonne, née Hurbier, and that she was married to Pierre Rosenbaum (Marius Rosenbaum's nephew) on 19 February 1920 in Paris. The Claimants indicated that Eugénie Rosenbaum resided in Paris from 1920 to 1942 at 99 Avenue Malakoff (later known as Avenue Poincaré).² The Claimants indicated that Pierre Rosenbaum died on 21 March 1935. According to the Claimants, Eugénie Rosenbaum did not have any children.

The Claimants stated that Marius Rosenbaum and Eugenie Rosenbaum, who were Jewish, fled from Paris to San Sebastian, Spain, on an unspecified date and later to Biarritz, France, and Arcachon, France. The Claimants further stated that Marius Rosenbaum became seriously ill and returned to Paris in February 1941, where he stayed with Eugénie Rosenbaum, at 99 Avenue Poincaré. According to the Claimants, Marius Rosenbaum died on 22 January 1942 in Paris, and Eugénie Rosenbaum died on 14 April 1957 in Paris.

Claimant Monique Muron indicated that she was born on 28 November 1920 in Bar-le-Duc, France. Claimant Monique Muron explained that she was married to Pierre Muron, with whom she had four children: Dominique Muron, who was born on 15 December 1946 in Boulogne-Billancourt, France; Olivier Muron, who was born on 17 November 1948 in Boulogne-Billancourt; Anne des Courtils, née Muron, who was born on 4 June 1953 in Neuilly-sur-Seine, France; and Nathalie Muron, who was born on 20 October 1959 in Neuilly-sur-Seine. According to the family trees provided by the Claimants, Pierre Muron's maternal grandfather, Samu Rosenbaum was Marius Rosenbaum's brother. The Claimants indicated that Samu Rosenbaum had two children: Pierre Rosenbaum (Eugénie Rosenbaum's husband) and Aïda Muron, née Rosenbaum (Pierre Muron's mother). The Claimants stated that Marius Rosenbaum bequeathed his Estate to Eugénie Rosenbaum and Aïda Muron; that Eugénie Rosenbaum bequeathed her entire Estate to Pierre Muron; and that Pierre Muron was also the sole heir of Aïda Muron, who died in 1965. The Claimants indicated that Pierre Muron died in 1995.

In support of their claims, the Claimants submitted a copy of the marriage certificate of Marius Rosenbaum and Adeline Le Couteux bearing Marius Rosenbaum's signature; Marius Rosenbaum's death certificate showing that he resided at Avenue Raymond Poincaré 99 in Paris; a declaration for the purposes of inheritance tax, dated 24 February 1958, indicating that Pierre Rosenbaum was Eugénie Rosenbaum's sole heir; and Pierre Muron's death certificate showing that he was a son of Aïda Muron, née Rosenbaum, and was married to Monique Muron, née Noël.

² The CRT notes that in 1936 part of Avenue Malakoff from Étoile to Avenue Foch was changed to Avenue Raymond Poincaré.

Information Available in the Bank's Records

The Bank's records consist of a customer card, a power of attorney form, and a printout from the Bank's database. According to these records, the Account Owners were *Monsieur* (Mr.) Marius Rosenbaum, a Czech national, and *Mme* (Mrs.) *Vve.* (widow) Eugénie Rosenbaum, née Bonne. The Bank's records indicate that the power of attorney form was signed on 23 August 1939 in Geneva, Switzerland, and that the Power of Attorney Holder was *Madame* (Mrs.) *Vve.* (widow) Aïda Muron, née Rosenbaum. The Bank's records further indicate that Account Owner Eugénie Rosenbaum was Account Owner's Marius Rosenbaum's niece, and that the Account Owners and the Power of Attorney Holder resided at 99 Avenue Raymond Poincaré in Paris, France.

The Bank's records indicate that the Account Owners were introduced to the Bank by a Bank's customer, Vittorio Attias, on 23 August 1939, and that the accounts were opened on the same date. According to the Bank's records, the Account Owners sent a check for 20,700.00 Swiss Francs to the Bank and ordered that 5,000.00 Swiss Francs be deposited in a demand deposit account in Swiss Francs, and that 15,700.00 Swiss Francs be deposited in a demand deposit account in United States Dollars.

The Bank's records indicate that the Account Owners ordered the Bank on 1 March 1940 to send any correspondence to Account Owner Marius Rosenbaum at *Hôtel St. Louis* in Arcachon, Gironde, France.

According to the Bank's records, the accounts were closed on 3 May 1940. The Bank's records do not show the amounts in the accounts on the date of the closure.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) 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 ten claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The Claimants' relatives' names match the published names of the Account Owners and the Power of Attorney Holder. The Claimants stated that Marius and Eugénie Rosenbaum stayed for some time in Arcachon and this information matches the published place of residence of the Account Owners.

The Claimants stated that Marius Rosenbaum and Eugénie Rosenbaum resided in Paris at 99 avenue Poincaré, and this information matches precisely the Account Owners' address in the Banks' records. Further, the Claimants stated that Eugénie Rosenbaum's husband died in 1935,

and this information matches the unpublished information about the marital status of Account Owner Eugénie Rosenbaum contained in the Bank's records.

In support of their claims, the Claimants submitted documents, including Marius Rosenbaum's death certificate, providing independent verification that the person who is claimed to be Account Owner Marius Rosenbaum had the same name and the same address as recorded in the Bank's records as the name and address of the Account Owner. The Claimants also submitted a sample of Marius Rosenbaum's signature, which is substantially similar to the signature sample of Account Owner Marius Rosenbaum contained in the Bank's records.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants indicated that the Account Owners were Jewish, lived in France during the Nazi occupation, and avoided Nazi persecution in different locations in France.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Marius Rosenbaum was Claimant Monique Muron's husband's great-uncle and the great-great-uncle of the remaining Claimants, and that Account Owner Eugénie Rosenbaum was Claimant Monique Muron's husband's uncle's wife and the wife of the great-uncle of the remaining Claimants. These documents include Marius Rosenbaum's death certificate, a declaration relating to the inheritance taxes applying to the Estate of Eugénie Rosenbaum, and Pierre Muron's death certificate. The CRT further notes that the Claimants identified unpublished information about the Account Owners as contained in the Bank's records. Finally, the CRT notes that the foregoing information and documents are of the type that family members would possess and indicate that the Account Owners were well known to the Claimants as relatives, and all of this information supports the plausibility that the Claimants are related to the Account Owners, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were closed on 3 May 1940, before the Nazi invasion of France on 10 May 1940. Therefore, the CRT concludes that the Account Owners received the proceeds of the claimed accounts.

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

The Claimants should send appeals in writing to the above address and should include all reasons for 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
18 August 2004