

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of E. Sachs¹

Claim Numbers: 001733/PY/AH; 715347/AH^{2, 3}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of [REDACTED]. The CRT did not locate an account belonging to [REDACTED] 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”). This Denial is to the published account of E. Sachs (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 Claimant

The Claimant submitted a Claim Form asserting that her cousin, [REDACTED] who resided in Podhajce (Podgaytsy), Poland, (today, the Ukraine) owned a Swiss bank account. The Claimant stated that [REDACTED]’s father owned real estate and a summer camp near his property, which was managed by [REDACTED]. The Claimant stated that in September 1942, her cousin and his parents, who were Jewish, were deported to Auschwitz or Belzec. The Claimant indicated that she was born on 24 April 1930 in Lwow, Poland.

¹ 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. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² 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 two claims of the Claimant in one proceeding.

³ In 1999, the Claimant submitted an Initial Questionnaire, numbered IQ-HEB 0118 140, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned Claim Number 715347.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED].

The Claimant submitted documents in support of her application, including correspondence with Swiss banks with regard to her inquiries about her cousin's accounts.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, [REDACTED]. The auditors who carried out the ICEP Investigation reported three accounts whose owner's name is 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 1011282, 1011283, 1011284

The Bank's records indicate that the Account Owner was E. Sachs, who resided in Germany. The Bank's records also indicate the Account Owner's title and city of residence. Furthermore, the Bank's records indicate the dates of closing of the accounts 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her cousin is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her cousin resided in Poland, where he managed a summer camp. In contrast, the Bank's records show that the Account Owner resided in Germany and held a title which the Claimant did not identify. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's cousin 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 her 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
13 October 2004