

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Martin Sachs and Hildegard Sachs

Claim Number: 500614/WT

This Certified Denial is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the published accounts of Charlotte (Lotte) Friedmann, née Sachs.¹ This Denial is to the published accounts of Martin Sachs (“Account Owner Martin Sachs”) and Hildegard Sachs (“Account Owner Hildegard Sachs”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).

All denials are published. 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.

The November 2004 Award

On 18 November 2004, the Court approved an Award to [REDACTED 3], née [REDACTED], (“[REDACTED 3]”) for two accounts held by the Account Owners (the “November 2004 Award”). In the November 2004 Award, the CRT determined that the Account Owners owned two accounts of unknown type. The CRT determined that [REDACTED 3] plausibly identified the Account Owners as her parents, Martin Sachs and Hildegard Sachs, née Gloger. The CRT further determined that Account Owner Martin Sachs was a Victim of Nazi Persecution, and that it was plausible that the Account Owners did not receive the proceeds of the claimed accounts. The CRT noted that the Bank’s records did not indicate the value of the accounts, and therefore presumed that the value of each account was 3,950.00 Swiss Francs (“SF”). The resulting November 2004 Award amount was SF 98,750.00. In a Certified Award Amendment, which was approved by the Court on 19 January 2010, the amount of the November 2004 Award was amended. Neither the November 2004 Award nor the January 2010 Award Amendment

¹ In a separate decision, the CRT treated the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Lotte Sachs and Alfred Sachs. See *In re Accounts of Lotte Sachs and Alfred Sachs* (approved on 8 August 2006).

addressed Claimant [REDACTED 1]’s entitlement to the Account Owners’ accounts. This decision addresses Claimant [REDACTED 1]’s entitlement to those accounts.

Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1], whose father is the cousin of [REDACTED 3], submitted a Claim Form identifying Account Owner Martin Sachs as her great-uncle, Martin Sachs, who was the brother of [REDACTED], née [REDACTED] (Claimant [REDACTED 1]’s grandmother).

In support of her claim, Claimant [REDACTED 1] submitted a copy of her grandmother’s family tree, indicating that [REDACTED] was born on 9 January 1886 in Hirschberg, Germany, to [REDACTED] and [REDACTED], née [REDACTED], and that [REDACTED] had three siblings: [REDACTED], [REDACTED] and Martin Sachs.

Claimant [REDACTED 1] indicated that she was born on 30 December 1941 in Chicago, Illinois, the United States. Claimant [REDACTED 1] is representing her sister, [REDACTED 2], who was born on 6 June 1945 in Chicago.

The CRT’s Analysis

Claimant [REDACTED 1]’s Relationship to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that she is related to Account Owner [REDACTED] by submitting specific biographical information and documents, including her grandmother’s family tree, demonstrating that Account Owner [REDACTED] was her paternal great-uncle. The information provided by Claimant [REDACTED 1] is consistent with the information provided by [REDACTED 3].

The CRT notes that although Claimant [REDACTED 1] did not identify Account Owner Hildegard Sachs, she identified Account Owner [REDACTED]. Given that the November 2004 Award determined that Account Owner Hildegard Sachs was the wife of Account Owner [REDACTED], the CRT concludes that Claimant [REDACTED 1], who is related to Account Owner [REDACTED], is also related to Account Owner Hildegard Sachs. The CRT therefore concludes that [REDACTED 3], Claimant [REDACTED 1], and represented party [REDACTED 2] are related to the Account Owners.

Claimant [REDACTED 1]’s Entitlement to the November 2004 Award

According to Article 23(1)(c) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. [REDACTED 3] is the daughter of the Account Owners and has a better entitlement to the accounts than Claimant [REDACTED 1], whose grandmother was Account Owner [REDACTED]’ sister. Accordingly, [REDACTED 3] is entitled to the entire award amount; Claimant [REDACTED 1] and her sister [REDACTED 2] are not entitled to any portion of the total award amount.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, Claimant [REDACTED 1] 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. Claimant [REDACTED 1] should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

Claimant [REDACTED 1] 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, Claimant [REDACTED 1] 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