

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Elisheva Ansbacher

**in re Account of Moriz Samek
(Contact Person for the Power of Attorney Holder)**

Claim Number: 203514/HS

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Moriz Samek, who was not in fact an account owner, but rather the contact person (the “Contact Person”) for a person who held power of attorney over an account at the Zurich branch of the [REDACTED] (the “Bank”).¹

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Contact Person as her grandfather, Moritz Samek, who was born on 1 November 1867 in Ivancice, Czechoslovakia (today the Czech Republic), and was married to [REDACTED], née [REDACTED], in 1897 in Ivancice. The Claimant indicated that her grandfather, who was Jewish, resided at Na Kopecku 18 in Brno, Czechoslovakia (today Czech Republic), from 1910 until 1935, when he moved to Na Musku 2a and Jesuitska 8 in Brno. The Claimant further stated that her grandfather owned a textile business in Brno. According to the Claimant, her grandfather was deported to Theresienstadt and subsequently to Treblinka, where he perished in 1942.

The Claimant indicated that she was born on 6 January 1926 in Brno.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Contact Person was Moriz Samek, who resided at Na Kopecku 18 in Brno, Czechoslovakia. The Bank's record

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”), the name Moriz Samek appears as the owner of an account. Upon careful review, the CRT has determined that the Moriz Samek was erroneously published as the account owner; in fact, the account belonged to another individual with a different surname, and Moriz Samek was simply the contact person for one of the persons who held power of attorney over the account.

indicates the name and street address of the actual account owner, who is apparently unrelated to the Contact Person. The Bank's record further indicates the names of the power of attorney holders, who are not apparently related to the Contact Person. The Bank's record contains a note indicating that correspondence regarding the account owner's account should be sent to one of the power of attorney holders in care of the Contact Person. This instruction was crossed out on an unknown date. The Bank's record also indicates the type of account held by the actual account owner.

The CRT's Analysis

Identification of the Contact Person

The Claimant has plausibly identified the Contact Person. The Claimant's grandfather's name matches the published name and country of residence of the Contact Person. The Claimant identified the address of the Contact Person, which matches unpublished information contained in the Bank's records. The CRT notes that the Claimant did not identify either the unpublished name of the account owner or the published names of the power of attorney holders.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Moritz Samek, and indicates that his date of birth was 1 November 1867 and place of birth was Ivancice, which matches the information about the contact person provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Status of the Contact Person as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Contact Person was a Victim of Nazi Persecution. The Claimant stated that the Contact Person was Jewish, and resided in Brno before he was deported to Theresienstadt and Treblinka, where he perished.

As noted above, a person named Moritz Samek was included in the CRT's database of victims.

The Claimant's Relationship to the Contact Person and Entitlement to the Account

The Claimant has plausibly identified the Contact Person as her relative. However, as indicated above, the Claimant did not identify the actual account owner. Furthermore, even if the Claimant had identified the actual account owner, the Claimant would not be entitled to the account absent evidence in the Bank's records that the Contact Person and the account owner are related, or that the Claimant or a relative of the Claimant is a beneficiary of the account owner.

In the absence of a family relationship between the Claimant and the actual account owner or any evidence indicating that the Claimant or a relative of the Claimant is a beneficiary of the account owner, the CRT concludes that the Claimant is not entitled to the account owner's account.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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