

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimants [REDACTED 1]

and [REDACTED 2]

**in re Account of E. Schreiber<sup>1</sup>**

Claim Numbers: 003635/MG; 004837/MG<sup>2,3</sup>

This Certified Denial is based on the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to an account of Ephraim Schreiber. The CRT did not locate an account belonging to Ephraim Schreiber 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. Schreiber (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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

The Claimants submitted Claim Forms asserting that their father, Ephraim Schreiber, who was born in Poland, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimants stated that their father, who was a farmer, owned a ranch. The Claimants further stated that their father, who was Jewish, resided in Taborlina, Poland until

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimants’ relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimants’ relative, even if the Claimants did not specifically claim that particular account.

<sup>2</sup> 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 Claimants in one proceeding.

<sup>3</sup> Claimant [REDACTED 1] submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 003635.

1939, when the family fled Poland for Siberia, Russia. The Claimants stated that their father died in Siberia in 1941 or 1942. Claimant [REDACTED 1] indicated that she was born on 20 September 1932 in Taborlina, and Claimant [REDACTED 2] indicated that he was born in 1938 in Taborlina.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her family.

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

The CRT notes that the Claimants submitted a claim to an account belonging to their relative, Ephraim Schreiber. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to that provided by the Claimant. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Account 1001252

The Bank's records indicate that the Account Owner was E. Schreiber, who resided in Austria. The Bank's records also indicate the Account Owner's additional last name, city of residence, and last known street address. The auditors who carried out the ICEP Investigation indicated the Account Owner's year of birth.

### **The CRT's Analysis**

#### Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

#### Identification of the Account Owner

The CRT concludes that the Claimants have not identified the Account Owner as their relative. Although the name of their father is substantially similar to the published name of the Account Owner, the information provided by the Claimants differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their father resided in Poland until 1939, when he fled Poland for Siberia, Russia. In contrast, the Bank's records show that the Account Owner resided in Austria, a country to which the Claimants established no connection, and the auditors who carried out the ICEP Investigation indicated that the Account Owner was born in a different decade than the Claimants' father.<sup>4</sup> The Claimants also failed to identify the additional last name used by the

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<sup>4</sup> The Claimants could not provide their father's year of birth. However, the auditors who carried out the ICEP Investigation indicated that the Account Owner was born after the Claimants, and therefore must also have been born after the Claimants' father.

Account Owner. Consequently, the CRT concludes that the Account Owner and the Claimants' father are not the same person.

### 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. If more than one account has been denied in this Certified Denial, the Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims 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  
30 September 2004