

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Lotte Paula Klemperer

**in re Account of H. Schwab**

Claim Number: 209040/MBC<sup>1</sup>

This Certified Denial is based on the claim of Lotte Paula Klemperer, née Schwab, (the “Claimant”) to the account of Heinrich Schwab and Martha Schwab. The CRT did not locate an account belonging to Martha Schwab 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 H. Schwab (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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 Claimant**

The Claimant submitted a Claim Form asserting that her paternal uncle, Heinrich Schwab, and her paternal aunt, Martha Schwab, who were both born in Villingen, Baden, Germany, on 31 March 1885 and on 2 June 1894, respectively, to Marx and Pauline Schwab, jointly owned a Swiss bank account. The Claimant indicated that neither her uncle nor her aunt ever married, and that they did not have any children. The Claimant indicated that her uncle and aunt’s sibling, Max Schwab, lived in Switzerland. The Claimant further indicated that at the age of five, following the death of her mother, she was sent to live with Heinrich and Martha Schwab, who then shared a house in Villingen. The Claimant added that because she was very young at that time, she does not know whether her uncle and aunt resided in other cities at any time. The Claimant stated that her uncle worked as a salesman, that he and her aunt owned a store in Villingen, and that her aunt also worked as his secretary. The Claimant further stated that her aunt traveled to Switzerland to open a bank account on behalf of the Claimant and her brother. The Claimant indicated that she stayed with her uncle and aunt, who were Jewish, until 1939, when, at the age of 11, she was forced to leave school because she was Jewish, and she was sent

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<sup>1</sup> The Claimant submitted an ATAG Ernst & Young claim form in 1997, an Initial Questionnaire with the Court in 1999, and a Claim Form to the CRT. The CRT is treating the ATAG Ernst & Young claim form and the Initial Questionnaire and the Claim Form under the consolidated Claim Number 209040.

to live with a foster family in Freiburg, Germany. The Claimant stated that on October 1940, her uncle and aunt, who were Jewish, were deported to Gurs, France, and then to other concentration camps. The Claimant stated that her uncle and aunt were last seen alive in Noe, France, and that she later learned that they died on an unknown date during their incarceration. The Claimant further indicated that she is not aware of any other heirs of her aunt and uncle except for her cousin, Rita Jacob, who was their niece. The Claimant stated that she was born on 12 March 1928 in Nuremberg, Germany.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Heinrich and Martha Schwab.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Heinrich Schwab and Martha Schwab. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to that provided by the Claimant.

#### Account 5029666

The Bank's records indicate that the Account Owner was H. Schwab, who resided in Bad Nauheim, Germany, and that the Power of Attorney Holder was Margaretha Schwab. Furthermore, the Bank's records indicate the dates of opening and closing of the account 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 or the Power of Attorney Holder as her relatives. Although the first name initial and the last name of her uncle matches the published first name initial and the last name of the Account Owner, the information provided by the Claimant differs from the published information about the Account Owner and the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her uncle and aunt were born in Villingen, Germany where they also resided. In contrast, the Bank's records show that the Account Owner resided in Bad Nauheim, Germany, which is over 300 kilometers from Villingen, and to which the Claimant's relatives had no connection. The CRT notes that Bad Nauheim and Villingen are both relatively small German cities of similar size, rendering it unlikely that a resident of one of these cities would indicate as his or her city of residence the other city, including for purposes of maintaining a bank account. In

addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder, nor indicated the name Margaretha Schwab. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle are the same person.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

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  
15 July 2005