

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Anna Schwarzmann
(Power of Attorney Holder Leo Schwarzmann)**

Claim Number: 211369/SB^{1,2}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Anna Schwarzmann, Leo Schwarzmann and Max Schwarzmann. The CRT did not locate an account belonging to Leo Schwarzmann and Max Schwarzmann 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 Anna Schwarzmann (the “Account Owner”), over which Leo Schwarzmann (the “Power of Attorney Holder”) held power of attorney, 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 mother, Anna Schwarzmann, who was born on 21 January 1903 in Moscow, Russia, owned a Swiss bank account. The Claimant stated that her mother, who was Jewish, had a brother, [REDACTED], who remained in Russia while her mother and the rest of the family left in 1910 for Germany. The Claimant further stated that her mother resided in Berlin, Germany from 1930 to 1939, in August 1939, she fled Germany to the Netherlands. The Claimant stated that part of the [REDACTED] family resided in Paris, France, during the 1930s, and that her uncle, [REDACTED], resided in London, England for some time in the 1930s. The Claimant stated that her mother survived the Theresienstadt concentration camp and died on 22 May 1961 in Amsterdam, the Netherlands. The Claimant

¹ The Claimant submitted three Claim Forms, which were registered under the Claim Numbers 211718, 211719 and 211369. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 211369.

² The Claimant 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 211369.

further stated that her uncle might have perished during the Second World War. The Claimant stated that she was born on 24 January 1941 in Amsterdam.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to Swiss bank accounts owned by Anna Schwarzmann, Leo Schwarzmann and Max Schwarzmann.

The Claimant submitted documents in support of her application, including her mother's Dutch Certificate of Naturalization, which indicates that she originally resided in Berlin and arrived in the Netherlands on 10 March 1940.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Anna Schwarzmann. The auditors who carried out the ICEP Investigation reported one account whose owner's name matches 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 2015828

The Bank's records indicate that the Account Owner was Anna Schwarzmann, who resided in Boulogne Sur Seine, France, and that the Power of Attorney Holder was Leo Schwarzmann. The Bank's records also indicate the Account Owner's street address, dates when the Account Owner resided at this street address, the name and address of a joint account owner, and the address for the Power of Attorney Holder. Furthermore, the Bank's records indicate the opening date of the account at issue. Finally, the Bank's records contain the Account Owner's, joint account owner's and the Power of Attorney Holder's signatures.

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 names of her mother and uncle match the published names of the Account Owner and the Power of Attorney Holder, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner and the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her mother resided in Berlin from 1930 to 1939, and that her uncle resided in Russia and England during the 1930s. In contrast, the Bank's records show

that the Account Owner resided in France, and that the Power of Attorney Holder resided in a different country from Russia or England. Moreover, the Claimant did not identify the person who jointly owned the account. Consequently, the CRT is unable to conclude that the Account Owner or the Power of Attorney Holder and the Claimant's mother and uncle are the same persons.

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