

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant *[REDACTED]*
represented by Jean-Marie Moreau

in re Accounts of René Sichel, Blanche Villard, and Paul Villard

Claim Numbers: 203689/MC; 203690/MC; 203691/MC

This Certified Denial is based on the claims of *[REDACTED]* (the “Claimant *[REDACTED]*”) to the published accounts of René A. Sichel (“Account Owner Sichel”), Blanche Villard (“Account Owner Blanche Villard”), and Paul Villard (“Account Owner Paul Villard”) (together the “Account Owners”).

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 are redacted.

Information Provided by the Claimant

The Claimant *[REDACTED]* submitted three Claim Forms, asserting that René Sichel, Paul Villard, and Blanche Villard jointly owned a Swiss bank account. According to the Claimant *[REDACTED]*, Paul Villard, who passed away in 1995, held accounts at the Claimant *[REDACTED]* (*[REDACTED]*, today *[REDACTED]*) that were allegedly considerably overdrawn upon his death. Essentially, the Claimant *[REDACTED]* is claiming the accounts at issue as a creditor in an attempt to recoup some of the debt that Paul Villard allegedly owed to the Claimant *[REDACTED]*.

The Claimant *[REDACTED]* identified the joint owners of the claimed account as René Adrien Sichel, who was born on 14 August 1871 in Paris, France, and was married to *[REDACTED]*, née *[REDACTED]*, on 19 December 1922 in Paris, and as his sister-in-law (the sister of *[REDACTED]*), Blanche Villard, who was born on 7 September 1876 in Souspierre, France. The Claimant *[REDACTED]* stated that Paul Villard (its alleged debtor) was born on 23 January 1913 in Tunis, Tunisia, and that he was the son of Blanche Villard’s brother *[REDACTED]*. The Claimant *[REDACTED]* stated that when Paul Villard’s biological father died, René Sichel formally adopted Paul Villard, and that his sister Blanche also cared for him and acted as one of his guardians. The Claimant *[REDACTED]* stated that René Sichel was Jewish, but that his wife’s family, including Blanche and Paul Villard, were not.

According to the Claimant [REDACTED], René Sichel fled Nazi persecution in Europe and settled in New York, New York, where he passed away in 1950. The Claimant [REDACTED] stated that Paul and Blanche Villard moved to Lyon, France, where Paul Villard participated in the French resistance during the War. The Claimant [REDACTED] stated that Blanche Villard died in 1961, and that Paul Villard died in 1995.

In support of its claim, the Claimant [REDACTED] submitted documents, including:

- (1) a certified extract from a Paris wedding registry, which indicates that René Adrien Sichel and [REDACTED] were married on 19 December 1922;
- (2) the death certificate of Paul Auguste Antoine Villard-Sichel, which indicates that he was born on 23 January 1913 in Tunis, Tunisia, and died on 7 March 1995 in France, that he was the son of [REDACTED] and [REDACTED], and that he was the adopted son of René Adrien Sichel;
- (3) a letter from the French national Department of the Economy, Finance, and Industry (*Ministère de l'Economie, des Finances et de l'Industrie*), dated 24 May 2000, enclosing a detailed description of the estate of Paul Auguste Villard Sichel, formerly of Paris, who died on 7 March 1995, which indicates, *inter alia*, that the latter held four bank accounts at [REDACTED], at least one of which had a positive balance, and at least one of which had a negative balance as of 24 May 2000; and indicating, finally, that the negative balance of the estate offset the positive balance of the estate, and that there remained in addition a considerable overdraft on at least one of the accounts that was owed to the bank;
- (4) a letter dated 17 January 1996 from lawyers representing the widow and children of “Mr. Villard” (*Succession Villard*), addressed to [REDACTED], Paris, indicating that these heirs to the estate renounced the estate that was rightfully theirs; and indicating further that the estate files would be transferred to the French federal authority responsible for unclaimed estates (*Administration des Domaines Services des Successions Vacantes*).

The CRT’s Analysis

The Basis for the Denial

According to Article 18(2) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), a claim submitted to the CRT is inadmissible if it meets one of five specified conditions, including if the claimant has not asserted a relationship to the account owner that would justify an award to the account. *See* Rules, Article 18(2)(d).¹

Article 23 of the Rules sets forth general rules governing the distribution of award amounts, including the criteria that must be met in order for claimants to be eligible for awards. Article 23(1) sets forth criteria for awards to persons in the absence of a will or other inheritance documents, *i.e.*, based upon a familial relationship between an account owner and a claimant. Article 23(2) sets forth criteria for awards to persons in cases where there is a will or other

¹ A full copy of the Rules is available at http://www.crt-ii.org/governing_rules.phtml.

inheritance documents, starting with the will or other inheritance documents of the account owner.

The Rules clearly establish that, in order to justify an award to an account, a claimant must be related to the account owner, by blood or by marriage, or must be identified as a beneficiary in the will or other inheritance documents relating to the account owner.² In this case, the Claimant [REDACTED] has asserted its entitlement to the claimed accounts based upon a debt allegedly owed to it by one of the joint owners of the account. The CRT notes that the joint account owner who allegedly owed a debt to the Claimant [REDACTED] was not a Victim or Target of Nazi Persecution, as defined by the Settlement Agreement. The Claimant [REDACTED], which is not a Victim or Target of Nazi Persecution, is thus attempting to recoup a debt allegedly owed by one of its clients, who also was not a Victim of Nazi Persecution, from a Settlement Fund established to restitute Victims or Targets of Nazi Persecution and their heirs for assets deposited with Swiss banks that were not rightfully returned to them.

The Rules do not provide for an award to an account based upon this type of relationship. Accordingly, the CRT concludes that the Claimant [REDACTED]'s claim is inadmissible.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant [REDACTED] 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 [REDACTED] 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 [REDACTED] 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.

² Article 23(2) also provides criteria for use in cases in which a claimant has provided either an unbroken or a broken chain of wills or other inheritance documents, starting with the will or inheritance document of the account owner.

Claims Resolution Tribunal
30 August 2010