

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Peter Gert Silverstein
represented by Cohen, Milstein, Hausfeld and Toll

in re Account of Kurt Silberstein

Claim Number: 220459/PY/AX¹

This Certified Denial is based on the claim of Peter Gert Silverstein (the “Claimant”) to the published account of Kurt Silberstein and to the account of Cöecle Silberstein. The CRT did not locate an account belonging to Cöecle Silberstein 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 Kurt Silberstein (the “Account Owner”) at 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 his father, Kurt Silverstein, formerly known as Kurt Silberstein, owned a Swiss bank account. The Claimant stated that his father was born on 6 November 1900 in Breslau, Germany, to Hyman and Cöecle Silberstein, and was married to Dorothea (Thea) Silberstein, née Jablonski, on 30 May 1931, also in Breslau. The Claimant stated that his father, who was Jewish, resided on Orionstrasse in Breslau. The Claimant stated further that his father owned a wholesale pharmaceutical company as well as a dry-cleaning and laundry business. According to the Claimant, after being interned by the Nazis, his father fled Germany to London, England, in 1939. The Claimant stated that his father subsequently emigrated to the United States, where he remained until his death on 28 April 1988 in Rochester, New York. The Claimant indicated that he was born on 18 May 1938 in Breslau.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Cöecle Silberstein.

¹ 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 220459.

The Claimant submitted the following documents in support of his application: (1) his father's birth certificate, indicating that his mother was Cöecle Silberstein, (2) his parents' marriage certificate, (3) a certificate issued by the Breslau police to the Claimant's father, and (4) his sister's birth certificate. The documents submitted by the Claimant indicate that the Claimant's father was born and resided in Breslau, and was known as Kurt Silberstein.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Kurt Silberstein. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to the ICEP Investigation reported one account whose owner's name matches to that provided by the Claimant. The account is identified below by its Account Identification Number.

Account 5024134

The Bank's records indicate that the Account Owner was Kurt Silberstein, who resided in Merano, Italy, and that the Power of Attorney Holder was Regina Silberstein. The Bank's records also indicate the Account Owner's street address and his mother's name. In addition, the Bank's records indicate the street address of the Power of Attorney Holder, as well as her relationship to the Account Owner. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signature samples.

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 as his relative. Although the name of his father matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his father's mother's name was Cöecle Silberstein. The documents provided by the Claimant demonstrate that his father's mother's name was Cöecle Silberstein. In contrast, the Bank's records show that the Account Owner's mother had a different name. Furthermore, the Claimant stated that his father was born in and resided in Breslau until 1939. In contrast, the Bank's records show that the Account Owner resided in Merano, Italy, during the period that the Claimant's father resided in Breslau. Lastly, the Claimant failed to identify the Power of Attorney Holder, even though her name was published together with that of the

Account Owner in February 2001 in the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), and despite the fact that she shares the same last name as the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s father are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant 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 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 his 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
30 September 2004