

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Hans Artur Abraham Simon

in re Accounts of Rose Simon and Rosa Simon-Lang¹

Claim Number: 209428/MBC^{2,3}

This Certified Denial is based on the claim of Hans Artur Abraham Simon (the “Claimant”) to an account of Käthe Rosa Simon. The CRT did not locate an account belonging to Käthe Rosa Simon 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 This Denial is to the unpublished account of Rose Simon (“Account Owner Rose Simon”) at the [REDACTED] (“Bank 1”) and to the published account of Rosa Simon-Lang (“Account Owner Rosa Simon-Lang”) at the [REDACTED] (“Bank 2”) (together the “Banks”).

All awards 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 paternal aunt, Käthe Rosa Simon, who was born to Abraham-Artur Simon and Frieda Simon, née Müller, on 24 August 1896 in Berlin, Germany, owned a Swiss bank account. The Claimant indicated that his aunt was unmarried and had no children. The Claimant stated that his aunt, who was Jewish, was an expert and a dealer in antiques, who did business in Berlin, Germany, Paris, France, and Zurich, Switzerland. The Claimant stated that from 1932 onwards, his aunt resided in Berlin, and in Paris and Cannes, France. According to the Claimant, his aunt traveled frequently to Switzerland for business reasons since she worked for a Swiss-based antique company named *Graupe*. The Claimant explained that his aunt managed to gain entry into Switzerland sometime after 1939, but that in 1941 or 1942, the Swiss authorities expelled her, and as a result, she was arrested in France and

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

² The Claimant submitted an additional claim to the account of Jakob Kurt Simon, which is registered under the Claim Number 207162. The CRT will treat the claim to this account in a separate decision.

³ 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 209428.

sent to a concentration camp, from which she managed to escape. The Claimant indicated that from 1947 onwards, his aunt lived in Buenos Aires, Argentina, and in 1966, returned to Germany, settling in Baden-Baden, where she died on 12 February 1990. The Claimant indicated that he was born in Berlin on 18 June 1928.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Käthe Rosa Simon.

The Claimant submitted documents in support of his application, including: (1) a document issued in Baden-Baden on 16 February 1990 by a notary public, regarding the Claimant's aunt's will, showing that the Claimant and Mrs. Margarita Sastre, née Simon, whom the Claimant is not representing in these proceedings, and who has not submitted a claim to the CRT, are each entitled to one-half of Rosa Käthe Simon's Estate; and (2) his aunt's French identity card, indicating the name Käthe Simon.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Käthe Rosa Simon. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported two accounts whose owners' names are substantially similar to that provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 1013991

Bank 1's records indicate that the Account Owner was Rose Simon, and indicate her place of residence and marital status. Bank 1's records also indicate the date of opening and of closing of the account at issue.

Account 5025710

Bank 2's records indicate that the Account Owner was Rosa Simon-Lang, who resided in Karlsbad, Czechoslovakia. Bank 2's records also indicate the name of Account Owner Rosa Simon-Lang's husband and their street address, as well as the name of their child. Bank 2's records further indicate the names of additional account owners and their places of residence, and their relationship to Account Owner Rosa Simon-Lang. Furthermore, Bank 2's records indicate the date of opening 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 Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owner

As for Account 1013991, the CRT concludes that the Claimant has not identified Account Owner Rose Simon as his relative. Although the name of his aunt is substantially similar to the unpublished name of Account Owner Rose Simon, the information provided by the Claimant differs materially from the unpublished information about Account Owner Rose Simon available in Bank 1's records. Specifically, the Claimant stated that his aunt resided in Berlin, Germany, and in Paris and Cannes, France. In contrast, Bank 1's records indicate that the Account Owner resided in a different, major German metropolis, to which the Claimant's aunt had no connection, and which is located at least 190 kilometers from the German city identified by the Claimant as his aunt's city of residence in Germany. The CRT notes that both the Account Owner's and the Claimant's relative's German cities of residence are large, major cities, rendering it unlikely that the Claimant's relative would indicate the Account Owner's city of residence as her own, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner Rose Simon and the Claimant's aunt are the same person.

As for Account 5025710, the CRT concludes that the Claimant has not identified Account Owner Rosa Simon-Lang as his relative. Although the name of his aunt is substantially similar to the published name of Account Owner Rosa Simon-Lang, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner Rosa Simon-Lang available in Bank 2's records. Specifically, the Claimant stated that his aunt resided in Berlin, Germany, and in Paris and Cannes, France. In contrast, Bank 2's records indicate that Account Owner Rosa Simon-Lang resided in Karlsbad, Czechoslovakia. In addition, the Claimant indicated that his aunt was unmarried and had no children, while Bank 2's records indicate that Account Owner Rosa Simon-Lang was married and had a child. Furthermore, the CRT notes that the Claimant did not identify the additional account owners. Consequently, the CRT is unable to conclude that Account Owner Rosa Simon-Lang and the Claimant's aunt 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 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
15 July 2005