

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Lore Lorsch

in re Accounts of Hans Simon and Account of Henry Simon

Claim Number: 201038/SB¹

This Certified Denial is based on the claim of Lore Lorsch, née Simon, (the “Claimant”) to the account of Hans (Henry) Simon. This Denial is to the published accounts of Hans Simon (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Henry Simon (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

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 father, Hans (Henry) Simon, who was born on 25 July 1880 in Oschersleben, Germany, and was married to Martha Farnbacher on 2 December 1919 in Munich, Germany, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a sales representative who resided in Leipzig, Germany. The Claimant further stated that her father died on 28 January 1952 in Newark, New Jersey, the United States. The Claimant indicated that she was born on 27 May 1922 in Leipzig.

The Claimant previously submitted Initial Questionnaires to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Hans Simon.

Information Available in the Banks’ Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Hans (Henry) 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 four accounts whose owners’ names match that

¹ The Claimant submitted Initial Questionnaires to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 201038.

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 1014537, 1014538 and 1014539

Bank 1's records indicate that Account Owner 1 was Hans Simon, who resided in Germany. Bank 1's records also indicate Account Owner 1's professional or academic title and city of residence in Germany, together with the dates of closing of the accounts at issue.

Account 5034961

Bank 2's records indicate that Account Owner 2 was Henry Simon. Bank 2's records also indicate Account Owner 2's four cities and countries of residence, together with the date of 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 Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Accounts 1014537, 1014538 and 1014539, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant did not indicate that her father held a professional or academic title. In contrast, Bank 1's records show that Account Owner 1 held such a title. The CRT also notes that the Claimant stated that her father resided in Leipzig, whereas Bank 1's records indicate that Account Owner 1 resided in a different city which is over 150 kilometers from Leipzig. The CRT notes that both Leipzig and Account Owner 1's city of residence are major urban centers, rendering it unlikely that the resident of one city would indicate the other distant city as their place of residence, even for the purposes of maintaining a Swiss bank account. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 1 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5034961, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her father resided in Germany. In contrast, Bank 2's records show that

Account Owner 2 resided in four different countries, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant 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 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 should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

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
19 March 2007