

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Lily van Cleeff
represented by Joost van Cleeff

**in re Accounts of Otto Simon
and
Account of Otto Simon-Meyer
and
Account of Joseph Simon
(Power of Attorney Holder Otto Simon)¹**

Claim Number: 208833/MG²

This Certified Denial is based on the claim of Lily van Cleeff, née Simon, (the “Claimant”) to the published accounts of Otto Simon. This Denial is to the published account of Otto Simon (“Account Owner 1”) at the [REDACTED] (“Bank 1”),³ to the published account of Otto Simon-Meyer (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the published accounts of Otto Simon (“Account Owner 3”) at the [REDACTED] (“Bank 3”), and to the published account of Joseph Simon (“Account Owner 4”) at Bank 3.

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, Otto Simon, who was born on 18 February 1876 in Essen-Werden, Germany, and was married to Celestine Anna Simon, née van

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’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted two additional claims to her own account and the account of Hans Simon, which are registered under the Claim Numbers 208834 and 208835, respectively. The CRT will treat the claims to these accounts in separate decisions.

³ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Otto Simon [Germany] is indicated as having three accounts. Upon careful review, the CRT has concluded that Bank 1’s records evidence that Otto Simon had only one account.

den Bergh, on 2 January 1908, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a director and part owner of a lumber mill named of *W. Döken & Co., GmbH*, located in Essen-Werden, where he also resided until 1933. According to the Claimant, her father fled Germany in 1934 to the Netherlands, where he resided until 1943. The Claimant further stated that her father was interned in the Westerbork concentration camp and was deported to Bergen-Belsen, where he perished on 16 January 1945. The Claimant indicated that she was born on 25 February 1909 in Essen-Bredene, Germany.

The Claimant submitted documents in support of her application, including her own birth certificate.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Otto 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 seven accounts whose owners' or power of attorney holder's names match or 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 1012454

Bank 1's records indicate that Account Owner 1 was Otto Simon, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence, and the name of a person who jointly held the account with Account Owner 1 and seems to be closely related to him. Furthermore, Bank 1's records indicate the date of closing of the account at issue.

Account 2015795

Bank 2's records indicate that Account Owner 2 was Otto Simon-Meyer, who resided in Paris, France. Bank 2's records also indicate Account Owner 2's street address and his year and place of birth.

Accounts 5033808, 5033810, 5035462 and 5035463

Bank 3's records indicate that Account Owner 3 was Otto Simon, who resided in Vienna, Austria, and that the Power of Attorney Holders were *Frau* Anna Simon, *Frl.* Hanna Simon and Joseph Simon. Bank 3's records also indicate Account Owner 3's street address, title and profession, the Power of Attorney Holders' addresses and Power of Attorney Holder Joseph Simon's title. Furthermore, Bank 3's records indicate the dates of opening and closing of some of the accounts at issue. Finally, Bank 3's records contain Account Owner 3's and the Power of Attorney Holders' signatures.

Account 5024740

Bank 3's records indicate that Account Owner 4 was Joseph Simon (who was also the Power of Attorney Holder to accounts 5033808, 5033810, 5035462 and 5035463), who resided in Vienna, Austria, and that the Power of Attorney Holders were *Frau* Anna Simon, *Frl.* Hanna Simon and Otto Simon (who was also Account Owner 3). Bank 3's records also indicate Account Owner 4's other city of residence in another country, and his title. In addition, Bank 3's records indicate Power of Attorney Holder Otto Simon's city and country of residence, street address, title and profession. Furthermore, Bank 3's records indicate the date of opening and closing of the account at issue. Finally, Bank 3's records contain Account Owner 4's and the Power of Attorney Holders' 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 Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Account 1012454, 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 stated that her father resided in Essen-Werden, Germany, until 1933, when he fled to the Netherlands. In contrast, Bank 1's records show that Account Owner 1 resided in a different city, which is more than 400 kilometers from Essen-Werden, which was not identified by the Claimant and to which the Claimant did not establish any connection. In addition, the CRT notes that the Claimant did not identify the person who held the account jointly with Account Owner 1 and seems to be closely related to him. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 2015795, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her father resided in Essen-Werden, Germany until 1933, when he fled to the Netherlands. In contrast, Bank 2's records show that Account Owner 2 resided in Paris, France. In addition, the Claimant stated that her father was born on 18 February 1876 in Essen-Werden, whereas Account Owner 2 was born in a different year and in a different place. The CRT also notes that the Claimant did not identify the name Meyer, which is a part of Account Owner 2's last name. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Accounts 5024740, 5033808, 5033810, 5035462 and 5035463, the CRT concludes that the Claimant has not identified Account Owner 3 (who was also the Power of Attorney Holder to account 5024740) as her relative. Although the name of her father matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that her father resided in Essen-Werden, Germany until 1933, when he fled to the Netherlands. In contrast, Bank 3's records show that Account Owner resided in Vienna, Austria during that time. Moreover, the Claimant stated that her father was the director and part owner of a lumber mill, whereas Bank 3's records show that Account Owner 3's profession was different. In addition, the CRT notes that the Claimant did not identify Account Owner 3's title. The CRT also notes that the Claimant did not identify the Power of Attorney Holders. Consequently, the CRT is unable to conclude that Account Owner 3 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 the Account Owner as her relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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