

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Fritz Sommer  
and  
Accounts of Marie Sommer  
and  
Account of S. Herz**

Claim Numbers: 221510/SB; 221511/SB; 221512/SB;  
221513/SB; 400755/SB; 600387/SB<sup>1, 2, 3</sup>

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the Claimant ) to the accounts of Siegfried (Fritz, Fred) Sommer, Marianne (Marie) Sommer and Sabine Sommer, née Herz.<sup>4</sup> This Denial is to the published account of Fritz Sommer (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published and unpublished accounts of three individuals named Marie Sommer (“Account Owner 2”, “Account Owner 3” and “Account Owner 4”) at the [REDACTED] (“Bank 2”), at the [REDACTED] (“Bank 3”), and at Bank 1, and to the published account of S. Herz (“Account Owner 5”) held at an unknown bank (“Bank 4”).<sup>5</sup>

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 have been redacted.

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<sup>1</sup> The Claimant submitted a claim, numbered B-01762, on 9 April 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600387.

<sup>2</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the six claims of the Claimant in one proceeding.

<sup>3</sup> The Claimant submitted four Initial Questionnaires with the Court in 1999 and four Claim Forms to the CRT. The CRT is treating the Initial Questionnaires under the consolidated Claim Number 221510. In the Initial Questionnaires, the Claimant also claimed accounts belonging to Max Heymann and Else Haymann. The CRT treated the claims to these accounts in a separate determination.

<sup>4</sup> The CRT did not locate an account belonging to Siegfried (Fred) Sommer, Marianne Sommer, Sabine Sommer or Sabine Herz 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.

<sup>5</sup> In these claims, the Claimant also claimed the account of Markus Herz. The CRT treated the claims to this account in a separate determination.

## **Information Provided by the Claimant**

The Claimant submitted Claim Forms asserting that her father, Fritz Sommer, her mother, Marie Sommer, née Scheuer, and her grandmother, Sabine Herz, who were Jewish, owned a Swiss bank account. The Claimant stated that her father, who was born on 21 June 1892 in Cologne, Germany, was married on 15 April 1923 in Cologne to Marie Sommer, who was born on 28 October 1900 in Hamburg, Germany. According to the Claimant, her family, including her grandmother, owned a clothing store in Cologne, where her parents also resided. The Claimant further stated that her parents fled to the United States in 1941 and that her father died on 21 April 1955 in Milwaukee, Wisconsin, the United States, and that her mother died on 1 June 1965, also in Milwaukee. The Claimant stated that her grandmother died on an unknown date in Germany. The Claimant indicated that she was born on 14 February 1924 in Germany.

The Claimant previously submitted a claim to the Holocaust Claims Processing Office (“HCPO”) in 1999, asserting her entitlement to a Swiss bank account owned by Siegfried Sommer.

## **Information Available in the Bank’s Records**

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Fritz Sommer, Marie Sommer and Sabine Herz. 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 those provided by the Claimant. In addition, documents evidencing an account belonging to S. Herz were obtained from the Swiss Federal Archive in Bern, Switzerland. The documents pertain to accounts reported in a survey conducted pursuant to Swiss Federal legislation requiring the registration of assets dormant since 9 May 1945 held in Switzerland by foreigners or stateless persons known or presumed to have been victims of racial, religious or political persecution (the "1962 Survey"). Each account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

### Account 5024489

Bank 1’s records indicate that Account Owner 1 was Fritz Sommer, who resided in Bautzen, Germany and that the Power of Attorney Holder was Josefina Sommer. Bank 1’s records also indicate Account Owner 1’s street address, and the Power of Attorney Holder’s street address, city and country of residence. Furthermore, Bank 1’s records indicate the date on which the power of attorney form was signed and the date of closing of the account at issue. Finally, Bank 1’s records contain Account Owner 1’s and the Power of Attorney Holder’s signature.

### Account 2016197

Bank 2’s records indicate that Account Owner 2 was Marie Sommer, who resided in Stuttgart, Germany.

### Account 2016770

Bank 3's records indicate that Account Owner 3 was Marie Sommer, who resided in Germany. Bank 3's records also indicate Account Owner 3's maiden name.

### Account 5034048

Bank 1's records indicate that Account Owner 4 was Marie Sommer. Bank 1's records also indicate Account Owner 4's maiden name, street address, city and country of residence and the names of two joint account owners. Furthermore, Bank 1's records indicate the date of opening of the account at issue. Finally, Bank 1's records contain Account Owner 4's and the joint account owners' signatures.

### Account 6001732

Bank 4's records indicate that Account Owner 5 was S. Herz. Bank 4's records also indicate Account Owner 5's first name.

## **The CRT's Analysis**

### Admissibility of the Claims

The CRT has determined that the claims are 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 5024489, 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 published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her father resided in Cologne, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in Bautzen, Germany, which is over 600 kilometers from Cologne. The CRT further notes that the Claimant did not identify the Power of Attorney Holder, who appears to be related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 2016197, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her mother matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her mother resided in Cologne. In contrast, Bank 2's records show that Account Owner 2 resided in Stuttgart, which is over 300 kilometers from Cologne. The CRT notes that Cologne and Stuttgart are both major German cities of similar size, rendering it unlikely that a resident of one of these cities would indicate as his or her city of residence the

other city, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's mother are the same person.

As for Account 2016770, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her mother matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that her mother's maiden name was Scheuer. In contrast, Bank 3's records show that Account Owner 3 had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's mother are the same person.

As for Account 5034048, the CRT concludes that the Claimant has not identified Account Owner 4 as her relative. Although the name of her mother matches the unpublished name of Account Owner 4, the information provided by the Claimant differs materially from the unpublished information about Account Owner 4 available in Bank 1's records. Specifically, the Claimant stated that her mother's maiden name was Scheuer. In contrast, Bank 1's records show that Account Owner 4 had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's mother are the same person.

As for Account 6001732, the CRT concludes that the Claimant has not identified Account Owner 5 as her relative. Although the name of her grandmother matches the published first name initial and last name of Account Owner 5, the information provided by the Claimant differs materially from the unpublished information about Account Owner 5 available in Bank 4's records. Specifically, the Claimant claimed an account belonging to her grandmother, whereas Bank 4's records show that Account Owner 5 was male. Consequently, the CRT concludes that Account Owner 5 and the Claimant's grandmother are not 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 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, which 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  
23 February 2006