

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Yael Fain
also acting on behalf of Bilhah Staier, Shaul Shamir (Staier)
and Orna Yona Ben-Horin

and to Claimant Andre Hollander

in re Account of Leon Steigler

Claim Numbers: 004467/AH; 004468/AH; 771700/AH¹

This Certified Denial is based upon the claim of Yael Fain, née Staier, (“Claimant Fain”) and the claim of Andre Hollander (“Claimant Hollander”) (together the “Claimants”) to the published account of Leon Steigler (the “Account Owner”) at the Zurich branch of 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 Claimants

Claimant Fain submitted two Claim Forms and an Initial Questionnaire (“IQ”) identifying the Account Owner as her paternal great-grandfather, Leon Leib Steigler, who was born on 20 October 1874 in Tarnopol, Poland, and was married to Taube Steigler, née Lemensdorf. Claimant Fain further stated that her great-grandfather had eight daughters, one of whom was Julia Staier, née Steigler (Claimant Fain’s paternal grandmother). Claimant Fain indicated that her great-grandfather, who was Jewish, resided at 14, Zielona Street, Krakow, Poland, and that he owned a shoe business named *Delca*. Claimant Fain asserted that her great-grandfather often traveled to Switzerland, where he deposited money and rented several safe deposit boxes. Claimant Fain further asserted that at the outbreak of the Second World War, her great-grandfather remained in Poland in order to protect the family’s property, while his daughter, Julia Staier, née Steigler, emigrated to Tel Aviv, Palestine, in 1938 with her husband and her son,

¹ Claimant Andre Hollander did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG 0063 037, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those IQs which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 771700.

Alexander Staier, Claimant Fain's father. Claimant Fain added that her great-grandfather helped her grandmother open a business in Tel Aviv. Claimant Fain stated that her great-grandfather, was murdered by the Nazis in Krakow on 5 June 1942.

In support of her claim, Claimant Fain submitted her great-grandfather's death certificate, a list of real estate properties owned by her great-grandfather in Krakow, and a printout from the Krakow real estate registry, which indicates that Leon Steigler was registered as a co-owner of real estate at ul. Jozefa Sarego 14, Krakow. Claimant Fain also submitted her grandparent's and her father's immigration certificate, indicating that they traveled from Krakow to Tel Aviv, Claimant Fain's birth certificate and identification documents, indicating that she is the daughter of Alexander Staier, and the death certificate of Julia Staier. Claimant Fain also submitted two life insurance policies issued in Krakow in 1933 in the name of Leon (Leib) Steigler, a merchant. Claimant Fain indicated that she was born on 23 June 1949 in Tel Aviv, Israel. Claimant Fain is representing her mother, Bilhah Staier, who was born on 17 October 1925 in Germany, her brother, Shaul Shamir (Staier), who was born on 31 March 1948 in Israel and her sister, Orna Yona Ben-Horin, who was born on 23 October 1957 in Israel.

Claimant Fain previously submitted an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Leon Steigler from Krakow, Poland.

Claimant Hollander submitted an IQ with the Court in 1999, identifying the Account Owner as his grandfather, Leon Leib Steigler, who was born on 20 October 1874, and resided in Tarnopol and in Krakow. Claimant Hollander stated that he is certain that his grandfather owned an account in Switzerland at the beginning of the Second World War. Claimant Hollander indicated that his grandfather, who was Jewish, was shot by an SS soldier during a march to a concentration camp and died on 5 June 1942 in Krakow. Claimant Hollander indicated that he was born on 26 November 1929.

Information Available in the Bank's Record

The Bank's record consists of an account card. According to this record, the Account Owner was Leon Steigler, who resided in Krakow, Poland, and in Tel Aviv, Palestine. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 31 November 1932 and was closed on 31 March 1939. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) 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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant Fain's great-grandfather's and Claimant Hollander's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimants identified their relative's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. Claimant Fain stated that the Account Owner's daughter emigrated with her family to Tel Aviv, Palestine, and that the Account Owner helped them to open a business there. This indication corresponds to the unpublished indication in the Bank's record regarding the Account Owner's connection to Tel Aviv.

In support of her claim Claimant Fain submitted her great-grandfather's death certificate, which shows that he died on 5 June 1942 in Krakow, her grandparent's and her father's immigration certificate, indicating that they traveled from Krakow to Tel Aviv, arriving there by boat on 11 November 1938, two life insurance policies issued in Krakow in 1933 in the name of Leon (Leib) Steigler, a merchant and a printout from the Krakow real estate registry, indicating that her great-grandfather owned property in Krakow, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city of residence recorded in the Bank's records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Leon Leib Steigler, who resided in Krakow, Poland. This matches information about the Account Owner provided by Claimant Fain. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the name Leon Steigler appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution.

The CRT also notes that the Claimants filed an IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Leon Steigler, prior to the publication in February 2001 of the 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"). This indicates that the Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants. Moreover, the Claimant's claims complete and support each other. The CRT notes that there are no other claims to this account. Taking all these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish and that he was murdered

by the Nazis. Claimant Hollander stated that his grandfather was shot by an SS soldier during a march to a concentration camp and died on 5 June 1942, in Krakow.

As noted above, a person named Leon Leib Steigler was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimant have plausibly demonstrated that they are related to the Account Owner by submitting specific information demonstrating that the Account Owner was Claimant Fain's paternal great-grandfather and Claimant Hollander's grandfather. Claimant Fain also submitted various documents including her great-grandfather's death certificate, her grandparent's and her father's immigration certificate, indicating that they traveled from Krakow to Tel Aviv, Claimant Fain's birth certificate and identification documents, indicating that she is the daughter of Alexander Staier, the death certificate of Julia Staier, and two life insurance policies issued in Krakow in 1933 in the name of Leon (Leib) Steigler. There is no information to indicate that the Account Owner has other surviving heirs other than the parties whom Claimant Fain is representing.

The CRT further notes that Claimant Hollander identified unpublished information about the Account Owner as contained in the Bank's records; that he filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant Hollander, prior to the publication in February 2001 of the ICEP List; and that Claimant Hollander also identified information which matches information contained in the Yad Vashem records and in Claimant Fain's claim form. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant Hollander as a family member, and all this information supports the plausibility that Claimant Hollander is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 31 March 1939. Given that the account was closed on 31 March 1939, five months prior to the German invasion of Poland, the CRT determines that the Account Owner, who resided in Krakow, had access to his account. Therefore, the CRT concludes that the Account Owner closed the account and received the proceeds himself.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants should send appeals in writing to the above address and should include all reasons

for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
10 September 2004