

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Eugen Stern

Claim Number: 201624/AY¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Eugen Stern (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his father, Eugen Stern, who was born on 8 June 1911 in Sielnica, Czechoslovakia, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his father, who was Jewish, was a prominent attorney in Bratislava, Czechoslovakia, where he lived and worked at Hummelova 14 (now Nedbalova 14) from 1930 to 1944. The Claimant further stated that his father conducted business in Austria and in Budapest, but indicated that he did not have any specific addresses for his father outside Czechoslovakia. The Claimant stated that in 1944 his father was captured by Nazi forces and deported to the Sachsenhausen concentration camp, where he was detained until 1945, at which time, on a death march between Berlin Lichtenrade and Reinsberg, he was killed by the Nazis. The Claimant indicated that he was born on 11 May 1942 in Bratislava as [REDACTED], and that he changed his name to [REDACTED] upon his emigration to Australia.

The Claimant previously submitted an Initial Questionnaire (IQ) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Eugen Stern.

The Claimant submitted documents in support of his claim, including: (1) his birth certificate indicating he was born to Dr. Eugen Stern in Bratislava; (2) a certificate of his name change; and (3) his Slovak identity card issued in 1942 indicating the names of his parents and grandmothers,

¹ The Claimant submitted an IQ with the court in 1999 and a Claim Form to the CRT to the accounts of Eugen Stern. The CRT is treating the IQ and the Claim Form under the consolidated Claim Number 201624. Moreover, the Claimant submitted an additional claim and an additional IQ with the Court in 1999 to an account of [REDACTED], née [REDACTED], which are registered under the consolidated Claim Number 204743. The CRT will treat these claims to this account owner in a separate decision.

indicating their Jewish religion, and the notation that Dr. Eugen Stern had been allowed to continue practicing law.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to his relative, Eugen Stern. 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 owner's name matches 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 1014431 and 1014432²

The Bank's records indicate that the Account Owner was Eugen Stern, who resided in Austria. The Bank's records also indicate the Account Owner's city of residence. Furthermore, the Bank's records indicate the dates of opening and of closing of the Account.

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

The CRT is unable to conclude that Account Owner Eugen Stern and the Claimant's father are the same person. Although the name of his father matches the published name of Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his father resided in Bratislava, Czechoslovakia, where he also had his office. In contrast, the Bank's records indicate that the Account Owner resided in a city in Austria that was not indicated by the Claimant.

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.

² 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"), Eugen Stern is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank's records evidence the existence of only one account.

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 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