

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Leopold Stern
and
Accounts of Leo Stern
and
Account of Willy Fritz
(Power of Attorney Holder Leo Stern)¹
and
Account of the Estate of Leo Stern**

Claim Number: 203958/MBC²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED] (the “Claimant”) to accounts of herself, Hugo Paradies, Alma Paradies, née Hirschberg, Hede Stern, née Hirschberg, and Leopold (Leo) Stern. The CRT did not locate an account belonging to [REDACTED], Hannelore Paradies, Hugo Paradies, Alma Paradies, Alma Hirschberg, Hede Stern, or Hede Hirschberg 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 Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published accounts of Leopold Stern (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Leopold Stern (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the published account of Leopold Stern (“Account Owner 3”) and to the published account of Willy Fritz (“Account Owner 4”), both at the [REDACTED] (“Bank 3”), and to the published accounts of two individuals named Leo Stern (“Account Owner 5” and “Account Owner 6”) and the unpublished account of the Estate of Leo Stern (“Account Owner 7”),³ all at the [REDACTED] (“Bank 4”).

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 her relative.

² The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 203958.

³ The CRT notes that this account was held by the Estate of Leo Stern. This Certified Denial shall refer to “Leo Stern” as the account owner for this account.

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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her maternal uncle, Leopold (Leo) Stern, who was born in approximately 1895 in Germany, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. In a telephone conversation with the CRT on 29 March 2005, the Claimant indicated that her uncle resided in the area between Bochum and Recklinghausen, Germany, where he owned a clothing store. The Claimant stated that her uncle, who was Jewish, fled from Germany to the United States in either 1939 or 1940, and that he died in the United States sometime during the 1970s. The Claimant indicated that she was born on 20 July 1930 in Berlin, Germany.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Hugo Paradies.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Leopold (Leo) Stern. The auditors who carried out the ICEP Investigation reported twelve accounts whose owners' or power of attorney holder's names match those 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 1014044 - 1014049

Bank 1's record indicates that Account Owner 1 was Leopold Stern, who resided in Germany. Bank 1's record also indicates Account Owner 1's city of residence. Furthermore, Bank 1's record indicates the dates of opening and closing of the accounts at issue.

Account 2016358

Bank 2's records indicate that Account Owner 2 was Leopold Stern. The auditors who carried out the ICEP Investigation indicated that Account Owner 1 resided in Wiesbaden, Germany.

Account 4021580

Bank 3's records indicate that Account Owner 3 was Leopold Stern, who resided in Romania. Bank 3's records also indicate Account Owner 3's professional title, his city of residence, as well as his street address. Furthermore, Bank 3's records indicate the date of closing of the account at issue.

Account 4023281

Bank 3's records indicate that Account Owner 4 was Willy Fritz, who resided in the United States, and that the Power of Attorney Holder was Leo Stern. Bank 3's records also indicate Account Owner 4's nationality and his additional country of residence, as well as Power of Attorney Holder Leo Stern's nationality and country of residence.

Account 5026491

Bank 4's records indicate that Account Owner 5 was Leo Stern, who resided in Kosice, Czechoslovakia. Furthermore, Bank 4's records indicate the dates of opening and closing of the account at issue.

Account 5034341

Bank 4's records indicate that Account Owner 6 was Leo Stern, who resided in Toulouse, France and the Power of Attorney Holder was Hedwig Stern-Haas. Bank 4's records also indicate Account Owner 6's street address. Furthermore, Bank 4's records indicate the date the power of attorney form was signed. Finally, Bank 4's records contain Account Owner 6's and Power of Attorney Holder Hedwig Stern's signatures.

Account 5034125

Bank 4's records indicate that Account Owner 7 was Leo Stern. Bank 4's records indicate the profession and city and country of residence of Account Owner 7, as well as his date of death. In addition, Bank 4's records indicate the names, street addresses, cities and countries of residence of three individuals who were heirs to Account Owner 7's estate, as well as their familial relationships to Account Owner 7.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Accounts 1014044 - 1014049, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her uncle 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 uncle resided in the area between Bochum and Recklinghausen, in Germany. In contrast, Bank 1's records show that Account Owner 1 resided in a different German city, which is located over 200 kilometers away from both Bochum and Recklinghausen, and to which the Claimant established no connection. The CRT notes that

Bochum and Recklinghausen are located approximately 10 to 20 kilometers from Dortmund and Essen, which are major urban centers, and that all four of these cities are approximately the same size as Account Owner 1's city of residence, making it unlikely that a person who lived in either Bochum or Recklinghausen would identify Account Owner 1's city of residence as his city of residence, rather than his city or Dortmund or Essen, even for the purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person.

As for Account 2016358, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her uncle 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 uncle resided in the area between Bochum and Recklinghausen, in Germany. In contrast, Bank 2's records show that Account Owner 2 resided in Wiesbaden, Germany, which is located over 200 kilometers away from both Bochum and Recklinghausen, and to which the Claimant established no connection. The CRT notes that Bochum and Recklinghausen are located approximately 10 to 20 kilometers from Dortmund and Essen, which are major urban centers, and that all four of these cities are approximately the same size as Wiesbaden, making it unlikely that a person who lived in either Bochum or Recklinghausen would identify Wiesbaden as his city of residence, rather than his own city or Dortmund or Essen, even for the purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle are the same person.

As for Account 4021580, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her uncle 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 available in Bank 3's records. Specifically, the Claimant stated that her uncle resided in Germany. In contrast, Bank 3's records show that Account Owner 3 resided in Romania. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's uncle are the same person.

As for Account 4023281, the CRT concludes that the Claimant has not identified Power of Attorney Holder Leo Stern as her relative. Although the name of her uncle matches the published name of Power of Attorney Holder Leo Stern, the Claimant failed to identify the name, nationality or countries of residence of Account Owner 4. Consequently, the CRT is unable to conclude that Power of Attorney Holder Leo Stern and the Claimant's uncle are the same person.

In addition, the CRT notes that the Claimant did not identify Account Owner 4 as her relative, and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified Power of Attorney Holder Leo Stern, but not Account Owner 4, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 3's records that Power of Attorney Holder Leo Stern and the Account Owner 4 were related.

As for Account 5026491, the CRT concludes that the Claimant has not identified Account Owner 5 as her relative. Although the name of her uncle matches the published name of Account Owner 5, the information provided by the Claimant differs materially from the published information about Account Owner 5 available in Bank 4's records. Specifically, the Claimant stated that her uncle resided in Germany. In contrast, Bank 4's records show that Account Owner 5 resided in Czechoslovakia. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's uncle are the same person.

As for Account 5034341, the CRT concludes that the Claimant has not identified Account Owner 6 as her relative. Although the name of her uncle matches the published name of Account Owner 6, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 6 available in Bank 4's records. Specifically, the Claimant stated that her uncle resided in Germany. In contrast, Bank 4's records show that Account Owner 6 resided in France. In addition, the CRT notes that the Claimant failed to identify Power of Attorney Holder Hedwig Stern-Haas, who appears to be related to Account Owner 6. Consequently, the CRT is unable to conclude that Account Owner 6 and the Claimant's uncle are the same person.

As for Account 5034125, the CRT concludes that the Claimant has not identified Account Owner 7 as her relative. Although the name of her uncle matches the unpublished name of Account Owner 7, the information provided by the Claimant differs materially from the unpublished information about Account Owner 7 available in Bank 4's records. Specifically, the Claimant stated that her uncle died in the United States sometime during the 1970s. In contrast, Bank 4's records show that Account Owner 7 died in a different country, and several decades earlier. Consequently, the CRT is unable to conclude that Account Owner 7 and the Claimant's uncle are 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 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
12 May 2006