

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Max Stern

Claim Number: 224087/MG¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to accounts of Max Stern. This Denial is to the published accounts of four individuals named Max Stern (“Account Owner 1,” “Account Owner 2,” “Account Owner 3,” and “Account Owner 4”) at the [REDACTED] (“Bank 1”), to the published account of Max Stern (“Account Owner 5”) at the [REDACTED] (“Bank 2”), to the unpublished account of Max Stern (“Account Owner 6”) at the [REDACTED] (“Bank 3”), and to the published account of Max Stern (“Account Owner 7”) at an unnamed Swiss bank.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 her father, [REDACTED], who was born on 17 September 1899 in Hildesheim, Germany, and was married to [REDACTED], née [REDACTED], on 24 August 1943 in Guayaquil, Ecuador, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, resided in Hildesheim until 1938, when he fled from Germany, first to Genova, Italy, where he remained for one year, and then to Guayaquil, where he lived until his death on 17 March 1980. The Claimant indicated that she was born on 12 September 1945 in Guayaquil.

The Claimant submitted documents in support of her application, including: (1) a copy of her father’s birth certificate; (2) a copy of her father’s German passport, issued on 26 June 1936, which indicates that his profession is *Kaufmann* (businessman), and that his residence is Hildesheim; and (3) a copy of her own birth certificate.

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 224096. The CRT has awarded the account of [REDACTED] to the Claimant. This Award was approved by the Court on 4 October 2002. See *In re Account of [REDACTED]*.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her relative, [REDACTED]. 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 eleven accounts whose owners' names match that provided by the Claimant. Upon review of additional records, the CRT also located one additional account that was not reported by the auditors. 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 1014051, 1014052, 1014053 and 1014054

Bank 1's records indicate that Account Owner 1 was Max Stern, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence. Furthermore, Bank 1's records indicate the dates of opening of one of the accounts at issue and the date of closing of all of the accounts at issue.

Accounts 1014055 and 1014056

Bank 1's records indicate that Account Owner 2 was Max Stern, who resided in Germany. Bank 1's records also indicate Account Owner 2's city of residence and street addresses. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

Accounts 1014057 and 1014058

Bank 1's records indicate that Account Owner 3 was Max Stern, who resided in Germany. Bank 1's records also indicate Account Owner 3's city of residence in Germany, and his other city of residence in another country. Furthermore, Bank 1's records indicate the date of opening of one of the accounts at issue and the dates of closing of all of the accounts at issue.

Account 1014059

Bank 1's records indicate that Account Owner 4 was Max Stern, who resided in Germany. Bank 1's records also indicate Account Owner 4's city of residence and title. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 5034248

Bank 2's records indicate that Account Owner 5 was Max Stern. Bank 2's records also indicate the street address, the city and the country, where Account Owner 5 used an address. Furthermore, Bank 2's records contain Account Owner 5's signature.

Account 3016984

Bank 3's records indicate that Account Owner 6 was Max Stern. Bank 3's records also indicate

Account Owner 6's city and country of residence, street address and title. Furthermore, Bank 3's records contain Account Owner 6's signature.

Account 6002369

The records for this account indicate that Account Owner 7 was Max Stern, who owned an account at an unnamed Swiss bank. These records also indicate Max Stern's date of birth, city and country of residence, street address and profession. Furthermore, these records contain Account Owner 7's signature.

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 Accounts 1014051, 1014052, 1014053 and 1014054, 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 Hildesheim, Germany, until 1938, then in Genova, Italy, for one year and finally in Guayaquil, Ecuador, where he lived until his death in 1980. In contrast, Bank 1's records show that Account Owner 1 resided in a different city in Germany, which is more than 500 kilometers from Hildesheim, which was not identified by the Claimant, and to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1014055 and 1014056, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that her father resided in Hildesheim, Germany, until 1938, then in Genova, Italy, for one year and finally in Guayaquil, Ecuador, where he lived until his death in 1980. In contrast, Bank 1's records show that Account Owner 2 resided in a different city in Germany, which is more than 200 kilometers from Hildesheim, which was not identified by the Claimant, and to which the Claimant did not establish any connection. Moreover, the CRT notes that Hildesheim, which is a mid-size city, is located only 30 kilometers from the larger city of Hannover; the CRT therefore determines that it is not plausible that a resident of Hildesheim would indicate that he resided in Account Owner 2's more distant city of residence, rather than in Hannover or Hildesheim. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Accounts 1014057 and 1014058, the CRT concludes that the Claimant has not identified Account Owner 3 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 unpublished information about Account Owner 3 available in Bank 1's records. Specifically, the Claimant stated that her father resided in Hildesheim, Germany, until 1938, then in Genova, Italy, for one year and finally in Guayaquil, Ecuador, where he lived until his death in 1980. In contrast, Bank 1's records show that Account Owner 3 resided in a different city in Germany, which is more than 125 kilometers from Hildesheim, and in a different city and country, which were not identified by the Claimant, and to which the Claimant did not establish any connection. Moreover, the CRT notes that Hildesheim, which is a mid-size city, is located only 30 kilometers from the larger city of Hannover; the CRT therefore determines that it is not plausible that a resident of Hildesheim would indicate that he resided in Account Owner 3's more distant city of residence, rather than in Hannover or Hildesheim. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

As for Account 1014059, the CRT concludes that the Claimant has not identified Account Owner 4 as her relative. Although the name of her father matches the published 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 father resided in Hildesheim, Germany, until 1938, then in Genova, Italy, for one year and finally in Guayaquil, Ecuador, where he lived until his death in 1980. In contrast, Bank 1's records show that Account Owner 4 resided in a different city in Germany, which is more than 350 kilometers from Hildesheim, 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 indicate that her father had a title, whilst Bank 1's records show that Account Owner 4 held a title. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's father are the same person.

As for Account 5034248, the CRT concludes that the Claimant has not identified Account Owner 5 as her relative. Although the name of her father matches the published name of Account Owner 5, the information provided by the Claimant differs materially from the unpublished information about Account Owner 5 available in Bank 2's records. Specifically, the Claimant stated that her father resided in Hildesheim, Germany, until 1938, then in Genova, Italy, for one year and finally in Guayaquil, Ecuador, where he lived until his death in 1980. In contrast, Bank 2's records show that Account Owner 5 used an address in a different country, which was not identified by the Claimant, and to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's father are the same person.

As for Account 3016984, the CRT concludes that the Claimant has not identified Account Owner 6 as her relative. Although the name of her father matches the published name of Account Owner 6, the information provided by the Claimant differs materially from the unpublished information about Account Owner 6 available in Bank 3's records. Specifically, the Claimant stated that her father resided in Hildesheim, Germany, until 1938, then in Genova, Italy, for one year and finally in Guayaquil, Ecuador, where he lived until his death in 1980. Furthermore, according to the Claimant her father was a businessman. In contrast, Bank 3's

records show that Account Owner 6 had a residence in a different country, which was not identified by the Claimant, and to which the Claimant did not establish any connection. Moreover, Account Owner 6's title is inconsistent with the profession of the Claimant's father. Consequently, the CRT is unable to conclude that Account Owner 6 and the Claimant's father are the same person.

As for account 6002369, the CRT concludes that the Claimant has not identified Account Owner 7 as her relative. Although the name of her father matches the published name of Account Owner 7, the information provided by the Claimant differs materially from the unpublished information about Account Owner 7 available in the records for Bank 4. Specifically, the Claimant stated that her father was born on 17 September 1899, resided in Hildesheim, Germany, until 1938, then in Genova, Italy, for one year, and finally in Guayaquil, Ecuador, where he lived until his death in 1980. In contrast, the records for Bank 4 show that Account Owner 7 was born in a different decade and resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 7 and the Claimant's father 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
21 September 2005