

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Harvey Stern

in re Accounts of Walter Stern

Claim Number: 216189/AV^{1,2}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of two individuals named Walter Stern (“Account Owner 1” and “Account Owner 2”), both at 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her late husband, Walter Stern, who was born on 20 April 1909 in Attendorn, Germany, and was married to the Claimant on 10 November 1946 in Melbourne, Australia, owned a Swiss bank account. According to the Claimant, her spouse, who was Jewish, resided in Attendorn, where he was an industrial chemist. The Claimant stated that her spouse fled from Germany to Switzerland in 1937 or 1938, that he went to Italy in 1938 and to England in 1939, and that he emigrated to Australia in 1940. The Claimant indicated that her spouse died in Melbourne on 23 December 1996. The Claimant indicated that she was born on 14 January 1915 in Warsaw, Poland.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Walter Stern.

The Claimant submitted documents in support of her claim, including the Claimant’s marriage certificate, which identifies her spouse as Walter Stern and indicates that he was an industrial chemist who was born in Attendorn.

¹ The Claimant submitted an additional claim to the accounts of Hermann Stern, which is registered under the Claim Number 216188. In a separate decision, the CRT awarded these accounts to the Claimant. See *In re Accounts of Hermann Stern* (approved on 28 September 2004).

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 216189.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Walter 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 four accounts whose owners' names match 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.

Account 1013293 and Account 1013294

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

Account 1013761 and Account 1013762

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

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 Account 1013293 and Account 1013294, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her spouse 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 the Bank's records. Specifically, the Claimant stated that her spouse was an industrial chemist. In contrast, the Bank's records show that Account Owner 1 had a different profession. The CRT notes that the profession of the Claimant's relative and the profession of Account Owner 1 are not mutually exclusive. However, the CRT further notes that it is implausible that the Claimant's spouse had the profession indicated in the Bank's records by the time one of the accounts at issue was opened, given his age at this time. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's spouse are the same person.

As for Account 1013761 and Account 1013762, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her late husband matches the

published name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that her spouse resided in Attendorn. In contrast, the Bank's records show that Account Owner 2 resided in a different city, over 280 kilometers from Attendorn, to which the Claimant established no connection. Furthermore, the CRT notes that there are several cities that are closer to Attendorn than Account Owner 2's city of residence, and it is therefore unlikely that Account Owner 2 would have resided in Attendorn but listed the city in the Bank's records, rather than Attendorn or one of the closer cities, as his place of residence. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's spouse 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 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
14 December 2005