

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

## **in re Accounts of Ludwig von Busse-Smith**

Claim Number: 218037/PY/AH<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Ludwig von Busse-Smith and to an account of Klaus Ernst Busse. The CRT did not locate an account belonging to Klaus Ernst Busse 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 account of Ludwig von Busse-Smith (the “Account Owner”) 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 owner, and the bank have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that his paternal grandfather, Dr. Ludwig Busse, who was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant indicated that his grandfather resided in Berlin-Charlottenburg, Germany and was the owner of a pharmacy. The Claimant was unable to provide information about the fate and circumstances of his grandfather, who was Jewish, during the Second World War, but indicated that [REDACTED] was presumed to have died on 12 December 1942, and that the Claimant’s father, [REDACTED], was forced to flee Germany to Shanghai, China in 1936. The Claimant indicated that he was born on 7 December 1955 in San Jose, California, the United States.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Klaus Ernst Busse.

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<sup>1</sup> 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 218037.

The Claimant submitted documents in support of his application, including: (1) his father's birth certificate, which indicates that he was the son of Dr. Ludwig Busse, and [REDACTED], née [REDACTED], who resided in Berlin-Charlottenburg; (2) his father's passport, which indicates that [REDACTED] was born in and resided in Berlin.

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Dr. Ludwig Busse. The auditors who carried out the ICEP Investigation reported two accounts whose owner's name is substantially similar to 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 5030461 and 5030464

The Bank's records indicate that the Account Owner was Ludwig von Busse-Smith, who resided in Wiesbaden, Germany. The Bank's records also indicate the name of another person, with whom these accounts were jointly held, who appears to be closely related to the Account Owner. The Bank's records further indicate the joint account owner's country and city of residence. Finally, the Bank's records indicate the dates of opening 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.

#### Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his grandfather is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant's grandfather held a doctor title, which the Account Owner is not indicated as holding, while the Account Owner held a nobility title, which the Claimant's grandfather is not indicated as holding. Furthermore, the Claimant did not indicate that his grandfather ever used the name "Smith," as did the Account Owner. The Claimant also did not identify the name of the joint account owner, despite the fact that they appear to be closely related to the Account Owner. In addition, the Claimant indicated that his grandfather resided in Berlin, Germany. In contrast, the Bank's records show that the Account Owner resided in Wiesbaden, Germany, which is located more than 300 kilometers from Berlin. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather 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 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  
19 November 2004