

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]

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

## **in re Account of Dezsö Waldmann**

Claim Numbers: 209538/MBC;<sup>1</sup> 217624/MBC; 221541/MBC<sup>2</sup>

This Certified Denial is based upon the claims of [REDACTED 1], formerly [REDACTED] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Dezsö Waldmann (the “Account Owner”) at the Davos branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Claim Forms identifying the Account Owner as his father’s cousin, Dezsö Waldmann, who was born to [REDACTED] and [REDACTED], née [REDACTED], in Hungary. Claimant [REDACTED 1] specified that [REDACTED] was the brother of [REDACTED], Claimant [REDACTED 1]’s paternal grandfather. According to Claimant [REDACTED 1], his relative, who was Jewish, was a businessman, and lived in Budapest, Hungary, and Dombovar, Hungary. Claimant [REDACTED 1] stated that his relative perished in Auschwitz in 1944.

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<sup>1</sup> [REDACTED 2] (“Claimant [REDACTED 2]”) submitted an additional claim to the account of Franz Kurschner, which is registered under the Claim Number 209572. The CRT will treat the claim to this account in a separate determination.

<sup>2</sup> [REDACTED 1] (“Claimant [REDACTED 1]”) submitted additional claims to the accounts of Adolph Klopstock, Erno Waldmann, and Ludwig Holzmann, which are registered under the Claim Numbers 221540, 221542, and 221543, respectively. The CRT will treat the claims to these accounts in separate determinations.

In support of his claim, Claimant [REDACTED 1] submitted copies of: his parents' marriage certificate, indicating that [REDACTED] was married to [REDACTED], née [REDACTED], and that [REDACTED] resided in Budapest; his father's death certificate, indicating that [REDACTED]'s father was [REDACTED]; his birth certificate, indicating that [REDACTED] and [REDACTED], née [REDACTED], were his parents; and a name-change certificate from the Hungarian interior ministry, indicating that [REDACTED] changed his surname from [REDACTED] to [REDACTED] on 26 November 1952.

Claimant [REDACTED 1] indicated that he was born on 31 March 1927 in Budapest. Claimant [REDACTED 1] previously submitted two Initial Questionnaires to the Court in 1999, asserting his entitlement to a Swiss bank account owned by *Suss Holtzman Klopstock*.<sup>3</sup>

#### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his maternal great-uncle, Dezsö (David) Waldmann, who was born in Hungary. In a telephone conversation with the CRT on 24 January 2002, Claimant [REDACTED 2] stated that his great-uncle, who was Jewish, lived in Budapest, Hungary, and that his family was quite large. Claimant [REDACTED 2] further stated that he does not have specific information regarding his great-uncle's fate, but indicated that he was a victim of Nazi persecution. Claimant [REDACTED 2] submitted his birth certificate, indicating that he was born to [REDACTED] and [REDACTED], née [REDACTED], and his parents' marriage certificate and death certificates, indicating that [REDACTED] and [REDACTED], née [REDACTED], were from Budapest and that [REDACTED], née [REDACTED], was the daughter of [REDACTED].

Claimant [REDACTED 2] indicated that he was born on 19 July 1935 in Budapest. Claimant [REDACTED 2] is representing his sister, [REDACTED], née [REDACTED], who was born on 6 March 1940 in Budapest. Claimant [REDACTED 2] previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Joseph Waldmann.<sup>4</sup>

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Dezsö Waldmann, who resided in Budapest. The Bank's record indicates that the Account Owner rented a safe deposit box, numbered 5, on 12 March 1939. The Bank's record does not indicate the value of the contents of the safe deposit box. The Bank's record indicates that the safe deposit box was closed on 2 March 1940.

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<sup>3</sup> The CRT did not locate an account belonging to *Suss Holtzman Klopstock* 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").

<sup>4</sup> The CRT did not locate an account belonging to Joseph Waldmann in the Account History Database prepared pursuant to the ICEP Investigation.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

### Identification of the Account Owner

The Claimants' relatives' names and countries of residence both match the published name and country of residence of the Account Owner. The Claimants have each further identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the name Dezsö Waldmann appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner that is available in the Bank's record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claim to this account was disconfirmed because that claimant provided a different city of residence than the city of residence of the Account Owner, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that his father's cousin was Jewish and that he perished in Auschwitz in 1944. Claimant [REDACTED 2] stated that his great-uncle was Jewish and that he was a Victim of Nazi Persecution.

### The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitted specific biographical information, demonstrating that the Account Owner was his father's cousin. The CRT notes that Claimant [REDACTED 1] identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that Claimant [REDACTED 1] submitted a copy of his parents' marriage certificate, indicating that his father's surname was [REDACTED], and that he resided in Budapest, which provides

independent verification that Claimant [REDACTED 1]'s relatives bore the same family name and resided in the same city as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim Forms.

Claimant [REDACTED 2] has also plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was his great-uncle. The CRT notes that Claimant [REDACTED 2] identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that Claimant [REDACTED 2] submitted a copy of his parents' marriage certificate and death certificates, indicating that they resided in Budapest, and that Claimant [REDACTED 2]'s maternal grandfather's surname was [REDACTED], which provides independent verification that Claimant [REDACTED 2]'s relatives bore the same family name and resided in the same city as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has surviving heirs other than the party whom Claimant [REDACTED 2] is representing.

#### The Issue of Who Received the Proceeds

The Bank's record indicates that the safe deposit box was closed on 2 March 1940, which, the CRT notes, is before the date of formal alliance between Germany and Hungary, which was 20 November 1940. Therefore, the CRT determines that the Account Owner was able to access the account, and concludes that the Account Owner closed the safe deposit box himself and received the proceeds.

#### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

#### **Scope of the Denial**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

**Certification of the Denial**

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal  
17 November 2006