

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Hanna Schreiber
represented by Dr. Fritz Enderlein

in re Accounts of Ludwig Weil

Claim Number: 212186/AH

This Certified Denial is based on the claim of Hanna Schreiber, née Weil, (the “Claimant”) to the published account of Ludwig Weil (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her father, Ludwig Weil, who was born on 25 July 1876 in Emmendingen, Germany, owned a Swiss bank account. The Claimant stated that Ludwig Weil was married to Marguerite Epstein in 1910 in Freiburg, Germany, and that they had one child, the Claimant, who was born in Freiburg. The Claimant explained that her father and his brother, Theodor Weil, jointly owned a company named *Gebrüder Weil Öfen & Herde*, based in Freiburg, with a branch in Stuttgart, Germany. The Claimant further stated that Ludwig Weil, who was Jewish, lived in Freiburg until 1939, when he fled to Basel, Switzerland, where he remained until his death on 29 April 1940. The Claimant indicated that she was born on 28 December 1911 in Freiburg.

The Claimant submitted documents in support of her application, including: (1) the birth certificate of her daughter, Suzanne Goldstein, indicating that her mother is Hanna Schreiber, the daughter of Ludwig Weil; and (2) a transcript of her father’s death certificate.

¹ In this claim, the Claimant also claimed the accounts of Hanna Weil and Marguerite Weil. The CRT will treat the claims to these accounts in separate decisions.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ludwig Weil. 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 one account whose owner's name matches that provided by the Claimant. The 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 5029143

The Bank's records indicate that Ludwig Weil was from Stuttgart, Germany, and that he was one of several individuals who acted on behalf of a legal entity named in the Bank's records as the Account Owner of the account at issue.² The Bank's records also indicate Ludwig Weil's street address and title. Furthermore, the Bank's records indicate the dates of opening of the accounts at issue. Finally, the Bank's records contain the signature samples of Ludwig Weil and other individuals who acted on behalf of the legal entity.

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 Owner and its Representative

The CRT concludes that the Claimant has not identified Account Owner or its representative as her relative. Although the name of her father matches the published name of the Account Owner's representative, the information provided by the Claimant differs materially from the unpublished information available in the Bank's records. Specifically, the Claimant stated that her father and his brother jointly owned a company named *Geb Brüder Weil Öfen & Herde*. In contrast, the Bank's records indicate that the person named Ludwig Weil was the representative of a different legal entity, which the Claimant did not identify. The CRT also notes that, even if the Claimant had plausibly identified the Account Owner's representative, there is no indication that this person was legally entitled to the proceeds of the account held in the Account Owner's name. The CRT also notes that the Claimant stated that her father was born in Emmendingen and resided in Freiburg until 1939. In contrast, the Bank's records show that the Account Owner's representative resided in Stuttgart, over 180 kilometers away from Emmendingen and Freiburg. In addition, the CRT notes that the Claimant did not identify the title of the Account

² The CRT notes that the name Ludwig Weil was published as an "Account Owner" on the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). After a careful review and receiving additional bank documents regarding this account, the CRT has concluded that Ludwig Weil was not an account owner but acted on behalf of the legal entity which actually owned the account.

Owner's representative or the names, titles or addresses of the other persons who jointly acted on the Account Owner's behalf. Consequently, the CRT is unable to conclude that the Account Owner's representative 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 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 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
18 August 2004