

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Ludwig Werner
and
Account of Josef Werner
(Power of Attorney Holder Ludwig Werner)¹**

Claim Numbers: 208893/AX; 208895/AX; 208896/AX; 209849/AX; 210254/AX;
210256/MD/AX; 210527/AX; 210529/AX; 601603/AX^{2,3,4}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Ludwig Werner, George Rolland, Lisbeth Werner, Bernhard Werner, Heinrich Ferenbach, Mina Werner, Leo Werner, and Frida Werner. The CRT did not locate an account belonging to George Rolland, Lisbeth Werner, Bernhard Werner, Heinrich Ferenbach, Mina Werner, Leo Werner, or Frida Werner 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 This Denial is to the unpublished account of Ludwig Werner (“Account Owner 1”) and to the published account of Josef Werner (“Account Owner 2”), both at the [REDACTED] (the “Bank”).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 owner, and the bank have been redacted.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative.

² The Claimant submitted additional claims to the accounts of Louise Rolland and Edith Ferenbach, which are registered under the Claim Numbers 208894 and 209848, respectively. The CRT will treat the claims to these accounts in separate decisions.

³ According to Article 37 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 nine claims of the Claimants in one proceeding.

⁴ The Claimant submitted Initial Questionnaires with the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 208895, 208896, 209849, and 210527.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his father, Ludwig Werner, who was born on 28 August 1879 in Austria, owned a Swiss bank account. The Claimant stated that Ludwig Werner was married to [REDACTED], née [REDACTED], and that he lived in Vienna, Austria. The Claimant also stated that his father may have had addresses in Czernovitz-Bukovina, formerly in the Austrian Empire (today in Romania and the Ukraine), and in Zurich, Switzerland. The Claimant further stated that his father owned an import-export textile business and travelled to Switzerland on business. The Claimant explained that his father, who was Jewish, performed slave labor for the Nazi Todt Organization and was later killed by the Nazis in 1943. The Claimant indicated that he was born on 17 July 1924 in Austria.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Ludwig Werner. The auditors who carried out the ICEP Investigation reported two accounts whose owners' and power of attorney holders' names are 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.

Account 5026599

The Bank's records indicate that Account Owner 1 was Ludwig Werner. The Bank's records also indicate Account Owner 1's title, his wife's and daughter's names, as well as his street address, city and country of residence. Finally, the Bank's records contain Account Owner 1's signature.

Account 5024506

The Bank's records indicate that Account Owner 2 was Josef Werner, who resided in Prievidza, Czechoslovakia, and that the Power of Attorney Holders were Account Owner 1, Valerie Werner and Magda Werner. The Bank's records also indicate the Power of Attorney Holders' titles, and cities and countries of residence, as well as their street addresses. Furthermore, the Bank's records indicate the date on which the power of attorney form was signed. Finally, the Bank's records contain Account Owner 2's and the Power of Attorney Holders' signatures.

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 Account Owner 1 (who is also a Power of Attorney Holder in Account 5024506) as his relative. Although the name of his father matches the unpublished 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 his father was a businessman who resided in Austria and possibly had additional addresses in Czernovitz-Bukovina, formerly in the Austrian Empire (today in Romania and the Ukraine), and in Zurich, Switzerland. In contrast, the Bank's records show that Account Owner 1 lived in a different country, to which the Claimant established no connection, and held a title, which was not identified by the Claimant. Moreover, the Bank's records indicate the name of Account Owner 1's daughter, whereas the Claimant did not indicate that his father had a daughter. Finally, the Claimant did not identify Account Owner 2 and Power of Attorney Holders Valerie Werner and Magda Werner, although they share the same last name as Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 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 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
30 September 2004