

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Edmund Willner
(Power of Attorney Holder Bronislaw Willner)**

Claim Numbers: 003111/AH; 150029/AH^{1,2}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the account of Bronislaw Willner. This Denial is to the published account of Edmund Willner (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 two Claim Forms asserting that his maternal great-uncle, Bronislaw Willner, who was born in Poland, was a power of attorney holder to a Swiss bank account. In a telephone conversation with the CRT on 15 October 2002, the Claimant indicated that Bronislaw Willner, who was Jewish, resided in Lwow, Poland and had a son named Edmund Willner. In a telephone conversation with the CRT on 2 July 2003, the Claimant added that Bronislaw Willner owned an office-supply store or factory in Lwow. The Claimant stated that he does not possess any additional information about Bronislaw Willner or Edmund Willner, and that he believes they were killed by the Nazis during the Second World War. The Claimant indicated that he was born on 9 August 1934 in Tarnopol, Poland.

The Claimant submitted documents in support of his application, including: (1) his birth certificate, indicating that his mother’s maiden name was Willner; (2) a letter from the Warsaw

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 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 two claims of the Claimant in one proceeding.

Museum of Technology, confirming that in 1922 a store named *Emil Urich - Typewriters* existed in Lwow.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to an account belonging to his relative, Bronislaw Willner. 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 power of attorney holder'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 5024501

The Bank's records indicate that the Account Owner was Edmund Willner, who resided in Lwow, Poland, and that the Power of Attorney Holder was Bronislaw Willner. The Bank's records also indicate the Account Owner's street address. In addition, the Bank's records also indicate the Power of Attorney Holder's street address, city and country of residence, and his title. Furthermore, the Bank's records indicate the date of opening of the account at issue. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signature samples.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner and the Power of Attorney Holder as his relatives. Although the names of his maternal great-uncle and his son match the published names of the Account Owner and the Power of Attorney Holder, the information provided by the Claimant differs from the unpublished information about the Account Owner and Power of Attorney Holder available in the Bank's records. The CRT notes that the Claimant did not identify the Account Owner's and Power of Attorney Holder's street addresses. In addition, the Claimant did not identify the Power of Attorney Holder's title, which is likely to indicate a different profession from a storeowner. Consequently, the CRT is unable to conclude that the Account Owner and the Power of Attorney Holder and the Claimant's great-uncle and great-uncle's son are the same person. Moreover, it should be noted that the CRT has found a claimant who plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

The CRT also notes that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account cease to exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

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 claims 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