

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Oren Yuval

**in re Account of Anna Lina Bertha Zimmermann
and
Accounts of Curt Walter Zimmermann and Auguste Feustel
(Power of Attorney Holder Anna Lina Bertha Zimmermann)¹**

Claim Number: 213967/SB^{2, 3}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Anna Zimmermann.⁴ This Denial is to the published account of Anna Lina Bertha Zimmermann (“Account Owner 1”) at the [REDACTED] (the “Bank”), and to the published accounts of Curt Walter Zimmermann and Auguste Feustel (“Account Owner 2” and Account Owner 3”), over which Anna Lina Bertha Zimmermann (the “Power of Attorney Holder”) held power of attorney, held at 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 her maternal grandmother, Anna Zimmermann, who was born on 24 September 1909 in Germany, and was married to [REDACTED], in 1928 Baku (today part of Azerbaijan) owned a Swiss bank account. The

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 the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted four additional claims, which are registered under the Claim Numbers 207309, 210900, 212723 and 213593. The CRT will treat these claims in separate determinations.

³ The Claimant submitted Initial Questionnaires to the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires under the Claim Numbers 738633, 738634, 738635, 738637 and 738638. The CRT will treat these claims in separate determinations.

⁴ The CRT did not locate an account belonging to Anna Zimmermann 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”).

Claimant stated that her grandmother, who was Jewish, was the daughter of [REDACTED] and [REDACTED] and was a musician who resided in Switzerland, Berlin, Germany and Baku. The Claimant further stated that her grandmother traveled to many countries for her work including Russia, Poland, and the Ukraine. The Claimant stated that her grandmother died on 16 November 1989 in Yerevan (today part of Armenia). The Claimant indicated that she was born on 15 May 1959 in Yerevan.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Anna Zimmermann. 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 three accounts whose owner's or power of attorney holder's names match 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 5033771

The Bank's records indicate that Account Owner 1 was Anna Lina Bertha Zimmermann, who resided in Dresden, Germany, and that Curt Walter held power of attorney over her account. The Bank's records also indicate Account Owner 1's street address in Dresden and the name of a second power of attorney holder. Furthermore, the Bank's records indicate the date of closing of the account at issue. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents indicate Account Owner 1's maiden name and the name of her spouse, and contains Account Owner 1's and the power of attorney holders' signatures.

Accounts 5024035 and 5035795

The Bank's records indicate that Account Owner 2 and Account Owner 3 were Curt Zimmermann and Auguste Feustel, both of whom resided in Dresden, Germany, and that the Power of Attorney Holder was Anna Lina Bertha Zimmermann. The Bank's records also indicate the street address of Account Owner 2 and Account Owner 3 and the Power of Attorney Holder's street address, city and country of residence, together with the Power of Attorney Holder's maiden name and the name of her spouse. Finally, the Bank's records contain the signatures of Account Owner 2, Account Owner 3, and the Power of Attorney Holder.

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 Owners

As for Account 5033771, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandmother matches the published 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 her grandmother was married to Hayk Dalakyan and had the maiden name of Zimmermann or Weinberger (Arakelow). In contrast, the Bank's records show that Account Owner 1 was married to a different person and had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandmother are the same person.

As for Accounts 5024035 and 5035795, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her grandmother matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her grandmother was married to Hayk Dalakyan and had the maiden name of Zimmermann or Weinberger (Arakelow). In contrast, the Bank's records show that the Power of Attorney Holder was married to a different person and had a different maiden name. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's grandmother are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been

treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

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
27 February 2007