

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants Elena Dolgov and Gregory Abram Zhodzishsky

in re Accounts of Max Zucker

Claim Numbers: 004849/AH; 219021/AH¹

This Certified Denial is based on the claim of Elena Dolgov, née Zhodzishsky, (“Claimant Dolgov”) and the claim of Gregory Abram Zhodzishsky (“Claimant Zhodzishsky”) (together the “Claimants”) to the published accounts of Max Zucker and to accounts of Isaac Zuckerman (or Isaac Sacherman).² This Denial is to the published accounts of Max Zucker (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 Claimants

The Claimants submitted Claim Forms asserting that their maternal great-uncle, Max Zucker (or Zuckerman), who was Jewish and who lived in Nuremberg, Germany, owned a Swiss bank account.

Claimant Zhodzishsky stated that his grandfather, Isaac Zuckerman, who was born in 1884 in Vilnius, Lithuania (then Vilna, Poland), and was married to Ann Zuckerman, née Davidson, in 1908 in Vilna, was a wealthy pharmacist and dentist who owned a prosperous business along with his brother Max, in Berlin and Nuremberg, Germany. Claimant Zhodzishsky indicated that his grandfather was the actual owner of Max Zucker’s account, which his brother opened on his behalf following the rise of anti-Semitism in Poland. Claimant Zhodzishsky stated that his grandfather and his children, who were Jewish, were shot and burned in a barn in Lebedevo by the Nazis on 21 June 1942. Claimant Zhodzishsky further stated that he could not find out the fate of his great uncle Max Zucker, but he knows that more than 60 of his relatives were murdered by the Nazis. Claimant Zhodzishsky stated that, because many Jews shortened their surnames, he believed his grandfather’s brother, Max, may have shortened his name from

¹ Claimant Zhodzishsky submitted an Initial Questionnaire with the court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 219021.

² The CRT did not locate any accounts belonging to Isaac Zuckerman or Sacherman 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”).

Zuckerman to Zucker. Claimant Zhodzishsky indicated that he was born on 24 June 1929 in Oshmyany, Belarus. Claimant Dolgov submitted a claim form with substantially similar information to that provided by Claimant Zhodzishsky. Claimant Dolgov indicated that she was born in Lebedevo, Belarus, on 24 July 1939.

Claimant Zhodzishsky previously submitted an Initial Questionnaire in 1999 asserting his entitlement to bank accounts in Warsaw and Vilna, Poland, owned by his father, Abram Zhodzishsky, and to assets in Germany as well as bank accounts in Berlin owned by his grandfather, Isaac Zuckerman.

The Claimants submitted documents in support of their claim, including their father's marriage and death certificates; their mother's birth certificate and photograph of her gravestone indicating other deceased relatives; testimony from Yad Vashem regarding their mother; and a letter from their mother describing her life history.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Max Zucker. The auditors who carried out the investigation of this bank 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. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. The accounts are identified below by their Account Identification Number, which is a number assigned to the accounts by the ICEP auditors for tracking purposes.

Accounts 5030267 and 5030267.1

The Bank's records indicate that the Account Owner was Max Zucker, who resided in Nuremberg, Germany, and that the Power of Attorney Holder was Martha Falk. The Bank's records also indicate the Account Owner's title. Furthermore, the Bank's records indicate the date of closing of the accounts at issue.

The CRT's Analysis

Joinder of Claims

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 Claimants in one proceeding.

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

Identification of the Account Owner

The CRT concludes that the Account Owner and the Claimants' maternal great-uncle are not the same person. Although the name of their great-uncle matches the published name of the Account Owner, the information provided by the Claimants differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants did not identify Power of Attorney Holder Martha Falk or the Account Owner's title as indicated in the Bank's records. In addition, the CRT notes that the Claimants did not provide any documents to indicate their relative's change of name from Zuckerman to Zucker, or to establish a connection to Nuremberg, Germany.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 the CRT will carry out further research on their 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