

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Fritz Lederer
(Power of Attorney Holders Rudolf Schwarz-Hiller and Fritzi Czimo (AKA Fritzi
Neumann))¹**

Claim Number: 204334/AC²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Rudolf Schwarz. This Denial is to the published accounts of Fritz Lederer (the “Account Owner”), over which Rudolf Schwarz-Hiller (“Power of Attorney Holder 1”) and Fritzi Czimo (also known as Fritzi Neumann) (“Power of Attorney Holder 2”) (together the “Power of Attorney Holders”) held power of attorney, 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 a Claim Form asserting that her paternal uncle, Dr. Rudolf Schwarz-Hiller (also Ritter Schwarz-Hiller von Jiskor), who was born on 14 August 1876 in Vienna, Austria, and was married to [REDACTED], née [REDACTED], on 11 December 1912 in London, the United Kingdom, owned a Swiss bank account. The Claimant indicated that her uncle, who was Jewish, was a prominent lawyer who resided at 6 Dominikanerbastei in Vienna 1, and that as early as 1918, he traveled to Switzerland for business and pleasure. The Claimant indicated that her uncle and his wife had no children, and that after her uncle died in 1932, his wife remained in Vienna until 1942, when she was deported to Theresienstadt, where she perished. According to the Claimant, her father, [REDACTED], was Rudolf Schwarz-Hiller’s only brother, and she is his only surviving heir. The Claimant indicated that she was born on 20 March 1926 in Rotterdam, the Netherlands.

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 additional claims to the accounts of Egon Friedrich Schwarz, Anna Nürnberg, and Olga Schwarz, which are registered under the Claim Numbers 400872 and 601148. The CRT will treat the claims to these accounts in separate determinations.

The Claimant previously submitted an HCPO claim form in 1997, asserting her entitlement to a Swiss bank account owned by Egon Friedrich Schwarz, Anna Nürnberg, or Olga Schwarz.³

The Claimant submitted documents in support of her application, including: (1) a copy of her uncle's obituary, indicating that Dr. Rudolf Schwarz-Hiller died on 19 July 1932, listing his wife, [REDACTED], his brother, [REDACTED], and his mother, [REDACTED], as his surviving family members, and indicating that the family lived in Vienna and Rotterdam; and (2) a copy of her own birth certificate, indicating that [REDACTED], the daughter of [REDACTED] and [REDACTED], was born on 20 March 1926 in Rotterdam.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Rudolf Schwarz-Hiller. 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 two accounts whose power of attorney holder's name matches 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.

Accounts 5032052 and 5032053

The Bank's records indicate that the Account Owner was Fritz Lederer, who resided in Vienna, Austria, that Power of Attorney Holder 1 was Rudolf Schwarz-Hiller, and that Power of Attorney Holder 2 was *Frau* (Mrs.) Fritzi Czimo (also known as Fritzi Neumann). The Bank's records also indicate the Account Owner's street address, and Power of Attorney Holder 1's title. Furthermore, the Bank's records indicate the opening dates of the accounts at issue, and the dates on which the Power of Attorney Holders were granted power of attorney.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents confirm the name and city of residence of the Account Owner.

The CRT's Analysis

Admissibility of the Claims

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").

³ As noted above, the CRT will treat the claims to these accounts in separate determinations.

Identification of the Account Owner and the Power of Attorney Holders

The CRT concludes that the Claimant has plausibly identified Power of Attorney Holder 1 as her relative. Her uncle's name matches the published name of Power of Attorney Holder 1, and her uncle's professional title matches unpublished information in the Bank's records. However, the CRT concludes that the Claimant has not identified the Account Owner or Power of Attorney Holder 2 as her relatives. The Claimant did not identify the Account Owner's name or Power of Attorney Holder 2's name, and did not indicate that they were her relatives.

In addition, the CRT notes that the Claimant did not identify the Account Owner as her relative, and 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 no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified Power of Attorney Holder 1, but not the Account Owner, as her relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that Power of Attorney Holder 1 and the Account Owner were related.

The CRT has taken utmost care in matching the names of the person identified by the Claimant as a possible account owner to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation. The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed this claim carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Rudolf Schwarz-Hiller's surname, which include Schwarz, and has determined that these accounts do not belong to the Claimant's relative.

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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

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, or the alternative surname of the Account Owner identified above, which 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
21 September 2005