

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant [REDACTED]

in re Account of Filip Liebermann and Accounts of F. Liebermann

Claim Numbers: 751474/SB; 752397/SB^{1, 2}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the account of Filipe (Philippe) Liebermann.³ This Denial is to the published account of Filip Liebermann (“Account Owner 1”) at the [REDACTED] (the “Bank”), and to the published accounts of F. Liebermann (“Account Owner 2”) also 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 ATAG Ernst & Young claim forms in 1998, asserting that his paternal uncle, Filipe Liebermann, owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish, was a businessman who resided in Stanislawow, Poland (today Ivanov Frankovsk, the Ukraine). The Claimant further stated that his uncle perished in 1941. The Claimant indicated that he was born on 3 July 1916 in Vienna, Austria.

¹ The Claimant did not submit a CRT Claim Form. However, in 1998 he submitted two ATAG Ernst & Young claim forms (“ATAG Form”), numbered C BSL Q 71 021 111 647 and C BUD B 51 097 154 206, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Forms were forwarded to the CRT and have been assigned Claim Numbers 751474 and 752397, respectively.

² According to Article 37 of 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.

³ The CRT did not locate an account belonging to Filipe (Philippe) Liebermann in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (the “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Filipe Liebermann. 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 owner's first name initial and last name matches that provided by the Claimant. In addition, documents evidencing accounts belonging to Filip Liebermann were obtained from the Swiss Federal Archive in Bern, Switzerland, and pertain to accounts reported in a survey conducted pursuant to Swiss Federal legislation requiring the registration of assets dormant since 9 May 1945 held in Switzerland by foreigners or stateless persons known or presumed to have been victims of racial, religious or political persecution (the "1962 Survey"), and from the publication entitled *Nasze finanse*, published by the Press Office of the Polish Ministry of Finance, number 25, dated February 1998. Each account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

Account 6002440

The Swiss Federal Archive records indicate that Account Owner 1 was Filip Liebermann. The Swiss Federal Archive records also indicate Account Owner 1's city and country of residence and the name of his son.

Accounts 1011246 and 1011247

The Bank's records indicate that Account Owner 2 was F. Liebermann. The Bank's records also indicate Account Owner 2's title, city and country of residence and the dates of closing of the accounts at issue.

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 Owners

As for Account 6002440, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his uncle matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in the Swiss Federal Archive records. Specifically, the Claimant did not identify the name of Account Owner 1's son indicated in the Swiss Federal Archive records. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the account to other claimants, who plausibly identified Account Owner 1 as their relative, and

who identified Account Owner 1's son. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Accounts 1011246 and 1011247, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his uncle matches the published first name initial and last name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that his uncle resided in Poland. In contrast, the Bank's records show that Account Owner 2 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle 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 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
27 February 2007