

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Avraham Rottenberg
represented by Tamir Rottenberg

in re Accounts of Max Rosenberg

Claim Numbers: 005252/MG; 724281/MG^{1,2}

This Certified Denial is based on the claims of Avraham Rottenberg (the “Claimant”) to an account of Maximilian Rottenberg. This Denial is to the published accounts of four individuals named Max Rosenberg (“Account Owner 1,” “Account Owner 2,” “Account Owner 3” and “Account Owner 4”) at the [REDACTED] (“Bank 1”), the [REDACTED] (“Bank 2”) and held at an unknown bank (“Bank 3”).³

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 Claimant

The Claimant submitted a Claim Form and an Initial Questionnaire, asserting that his father, Maximilian Rottenberg, who was born on 27 September 1889 in Vrutky, today Slovakia, and was married to Irma Orovan, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, resided in Zvolen, today Slovakia until 1949, when he moved to Israel. The Claimant further stated that his father died in 1962 in Israel. The Claimant expressed concern to the CRT that his father’s name may have been misspelled as “Rosenberg” in records of Swiss banks. The Claimant indicated that he was born on 27 June 1932 in Bratislava, today Slovakia.

¹ In 1999 Claimant Rottenberg submitted an Initial Questionnaire, numbered HEB-0336 158, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 724281.

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.

³ The CRT did not locate an account belonging to Maximilian Rottenberg 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.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Maximilian Rottenberg. 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 five accounts whose owners' names are similar to that provided by the Claimant. In addition, documents evidencing an account belonging to Max Rosenberg 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"). 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 1012239, 1012240

Bank 1's records indicate that Account Owner 1 was Max Rosenberg, who resided in Germany. Bank 1's records also indicate Account Owner 1's cities of residence. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Accounts 1012241, 1012242

Bank 1's records indicate that Account Owner 2 was Max Rosenberg, who resided in Germany. Bank 1's records also indicate Account Owner 2's city of residence and title. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Account 5024323

Bank 2's records indicate that Account Owner 3 was Max Rosenberg, who resided in Berlin, Germany. Bank 2's records also indicate Account Owner 3's street address in Berlin and the name of a joint account owner. Furthermore, Bank 2's records indicate the date of opening of the account at issue. Finally, Bank 2's records contain Account Owner 3's signature.

Account 6002041

Bank 3's records indicate that Account Owner 4 was Max Rosenberg. Bank 3's records also indicate Account Owner 4's city and country of residence.

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 Accounts 1012239 and 1012340, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father is similar to the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his father's last name is spelled Rottenberg and that he resided in what is today Slovakia. In contrast, Bank 1's records show that Account Owner 1's last name was spelled Rosenberg and that he resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person. Moreover, it should be noted that the CRT has awarded the accounts to other claimants, who plausibly identified the Account Owner as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Accounts 1012241 and 1012342, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father is similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that his father's last name is spelled Rottenberg and that he resided in what is today Slovakia. In contrast, Bank 1's records show that Account Owner 2's last name was spelled Rosenberg and that he resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person. Moreover, it should be noted that the CRT has awarded the accounts to other claimants, who plausibly identified the Account Owner as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5024343, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his father is similar to the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that his father's last name is spelled Rottenberg and that he resided in what is today Slovakia. In contrast, Bank 2's records show that Account Owner 3's last name was spelled Rosenberg and that he resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person. Moreover, it should be noted that the CRT has awarded the account to other claimants, who plausibly identified the Account Owner as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 6002041, the CRT concludes that the Claimant has not identified Account Owner 4 as his relative. Although the name of his father is similar to the published name of Account Owner 4, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 4 available in Bank 3's records. Specifically, the Claimant stated that his father's last name is spelled Rottenberg and that he resided in what is today Slovakia. In contrast, Bank 3's records show that Account Owner 4's last name was spelled Rosenberg and that he resided in another country. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's father are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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 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
23 March 2007