

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of Eva Lang

Claim Numbers: 401994/SB; 401196/SB^{1, 2}

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Eva Klar, née Lang.³ This Denial is to the published account of Eva Lang (the “Account Owner”) 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 Claimants

The Claimants, who are siblings, each submitted a Claim Form in 2005 asserting that their cousin, Eva Lang, who was born in 1902 in Karasz, Hungary, and married [REDACTED] on 7 October 1928 in Nyiregyhaza, Hungary, owned a Swiss bank account. The Claimants stated that their cousin, who was Jewish, resided in Nyiregyhaza. The Claimants further stated that their cousin’s family owned large tracts of land in Nyiregyhaza. The Claimants did not indicate their cousin’s fate, but did state that Gustav Klar perished in 1944. Claimant [REDACTED 1] indicated that she was born on 2 September 1958 in the United States and Claimant [REDACTED 2] indicated that she was born on 14 March 1961, also in the United States.

¹ The CRT notes that, together, the Claimants have filed over 90 claims to various accounts. The Claimants should note that this determination relates only to the Claim Numbers and Claimed Account Owner referred to in this decision.

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 Claimants in one proceeding.

³ The CRT did not locate an account belonging to Eva Klar 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.

The Claimants submitted documents in support of their claims, including a copy of Eva Lang's marriage certificate, which indicates that she married [REDACTED] on 7 October 1928.

Information Available in the Bank's Records

The CRT notes that the Claimants each submitted a claim to an account belonging to their relative, Eva Lang. 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 one account whose owner's name matches that provided by the Claimant. The 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 1010391

The Bank's records indicate that the Account Owner was Eva Lang. The Bank's records also indicate the Account Owner's marital status and city and country of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the account 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 Owner

The CRT concludes that the Claimants have not identified the Account Owner as their relative. Although the name of their cousin matches the published name of the Account Owner, the information provided by the Claimants differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their cousin married in 1928 and resided in Nyiregyhaza, Hungary. In contrast, the Bank's records show that the Account Owner was unmarried a decade after the Claimants' cousin's marriage and that the Account Owner resided in a different city, which is over 150 kilometers from Nyiregyhaza. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' cousin 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants 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