

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Max Lazard**

Claim Number: 217048/CN

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Max Lazard (the “Account Owner”) at [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 identifying the Account Owner as his father, Max Michel Lazard, who was born on 29 July 1889 in Saarlouis, Prussia (now, Germany), and was married to [REDACTED], née [REDACTED], on 12 July 1940 in Moulins-lès-Metz, France. The Claimant indicated that his father, who was Jewish, had resided in the region of Paris, France around 1933, and subsequently lived in Moulins-lès-Metz and Pont-à-Mousson, France. The Claimant indicated that in 1942, his father was deported by the Nazis, first to Drancy, and then to Auschwitz, where he perished. The Claimant submitted copies of (1) his birth certificate, indicating that his father was Max Michel Lazard, and that his father was a merchant, and (2) his father’s *livret de famille* (family book), indicating that Max Lazard was born on 29 July 1889 in Saarlouis and that he perished in Auschwitz on 19 August 1942. The Claimant indicated that he was born on 25 May 1942 in Pont-à-Mousson.

### **Information Available in the Bank’s Records**

The Bank’s records consist of extracts from the Bank’s ledgers, correspondence, and internal memoranda. According to these records, the Account Owner was Max Lazard. 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 that the Account Owner resided in Neuilly-sur-Seine, France. The Bank’s records indicate that the Account Owner held a custody account, numbered 2083. The Bank’s records further indicate that the custody account contained various securities. According to the Bank’s records, pursuant to the Account Owner’s orders, the Bank sold the assets

contained in the custody account on 23 June 1936. The Bank's records further indicate that some of the proceeds from this transaction were sent to the Account Owner in "demand notes" of a company named *P.E.M. Guernsey*. The Bank's records also indicate that the Bank bought three bars of gold from the Account Owner, and that the proceeds from these transactions were transferred to the Account Owner's account at *Lazard Brothers & Co., Ltd.* in London, the United Kingdom. The Bank's records indicate that the remaining balance was sent to the Account Owner by check to London.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner.<sup>1</sup>

In support of his claim, the Claimant submitted documents, including his birth certificate and his father's family book, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Max Lazard, and indicates that his date of birth was 29 July 1889 and place of birth was Saarlouis, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Max Lazard appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and was deported, first to Drancy, and then to Auschwitz, where he perished. As noted above, a person named Max Lazard was included in the CRT's database of victims.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's

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<sup>1</sup> The published city of residence of the Account Owner was Neuilly-sur-Seine, which the CRT notes is located in the region of Paris, where the Claimant indicated his father resided around the year 1933.

father. These documents include the Claimant's birth certificate and his father's family book. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The Bank's records indicate that in 1936, nearly four years prior to the occupation of France by Nazi Germany, the Bank purchased securities and gold from the Account Owner, and that the proceeds were sent to the Account Owner directly (in demand notes and by check) or transferred to the Account Owner's account at *Lazard Brothers & Co., Ltd.* in London. Therefore, the CRT concludes that the Account Owner received the proceeds of the claimed account.

### 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. 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal  
17 November 2006