

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Frank M. Schlesinger

**in re Accounts of Karl Lederer
and
Accounts of Otto Sachsel
(Power of Attorney Holder Paul Lederer)¹**

Claim Number: 216319/AE

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to accounts of Karl Lederer and Paul Lederer. The CRT did not locate an account belonging to Paul Lederer 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 Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published accounts of Karl Lederer (“Account Owner 1”) at the [REDACTED] (“Bank 1”),² to the published accounts of Karl Lederer (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published accounts of Otto Sachsel (“Account Owner 3”) at Bank 1.

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

Karl Lederer

The Claimant submitted a Claim Form asserting that his paternal grandfather, Karl Lederer, who was born in Prague, Czechoslovakia (now Czech Republic), and was married to [REDACTED],

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 substantially similar to those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative.

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably those of Victims of Nazi Persecution (the “ICEP List”), Account Owner 1 is indicated as having one account. Upon careful review, the CRT has concluded that Bank 1’s records evidence the existence of two accounts.

née [REDACTED], owned a Swiss bank account. The Claimant indicated that his grandfather, who was Jewish, owned a garment business. The Claimant further indicated that sometime between 1933 and 1945, his grandfather committed suicide. The Claimant did not provide any additional information about his grandfather.

The Claimant submitted documents in support of his claim, including: (1) his own passport; (2) his grandfather's registration form, indicating that his name was Karl Lederer, that he was a businessman, lived in Vienna, Austria, and was married to [REDACTED], née [REDACTED]; and (3) a document containing information supplied by the magistrate's office in Vienna, indicating that Karl Lederer lived in Vienna from 1929 to 1939, and that he died there in 1939.

Paul Lederer

The Claimant further asserted that his father, Paul Lederer, who was born on 14 February 1910 in Vienna, and was married to [REDACTED], née [REDACTED], on 14 July 1933, also owned a Swiss bank account. The Claimant indicated that his father was Jewish. The Claimant did not provide any other information about his father.

The Claimant submitted documents in support of his claim, including: (1) his father's marriage certificate, indicating his name as Paul Lederer; (2) his father's registration form, dated 13 April 1937, indicating that his name was Paul Lederer, that he was a sales representative, lived in Vienna, and was married to [REDACTED], née [REDACTED]; and (3) a document containing information supplied by the magistrate's office in Vienna, indicating that Paul Lederer lived in Vienna until 29 September 1938, when he fled to Yugoslavia.

The Claimant indicated that he was born on 17 April 1937 in Vienna.

Information in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives, Karl Lederer and Paul Lederer. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the ICEP reported three accounts whose owners' names match that provided by the Claimant, and four accounts whose power of attorney holder's name matches that provided by the Claimant. Upon review of the Bank's records, the CRT also located one additional account that was not reported by the auditors. The accounts are identified below by its Account Identification Number, which are numbers assigned to the accounts by the ICEP auditors for tracking purposes.

Account 5026095 and 5026095.1.1

Bank 1's records indicate that Account Owner 1 was Karl Lederer, who resided in Prague, Czechoslovakia, and that Anna Mittler and Oskar Mittler held power of attorney over the accounts. Bank 1's records also indicate Account Owner 1's street address and his professional title. Bank 1's records further indicate the dates of opening of the accounts at issue.

Furthermore, Bank 1's records indicate the date on which power of attorney was granted to the power of attorney holders.

Accounts 1000262 and 1000329

Bank 2's records indicate that Account Owner 2 was Karl Lederer. Bank 2's records also indicate Account Owner 2's town and country of residence.

Accounts 5030029, 5034515, 5034516, and 5034517

Bank 1's records indicate that Account Owner 3 was Otto Sachsel, who resided in Prague, Czechoslovakia, and that Paul Lederer ("Power of Attorney Holder Paul Lederer"), Paul Sachsel and Luise Zemlinsky held power of attorney over the accounts. Bank 1's records further indicate Power of Attorney Holder Paul Lederer's city of residence, street address, and title.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Accounts 5026095 and 5026095.1, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his grandfather matches 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 indicated that his grandfather was born in Prague, Czechoslovakia, but the documents he submitted indicate that his grandfather subsequently lived in Vienna, Austria, including during the 1930s. In contrast, Bank 1's records show that Account Owner 1 resided in Prague at this time. In addition, the Claimant indicated that his grandfather owned a garment business, and did not indicate that he used a professional title. By contrast, Bank 1's records show that Account Owner 1 used a professional title. Moreover, the CRT notes that the Claimant did not identify the names of the individuals who held power of attorney over the accounts. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant who plausibly identified Account Owner 1 as his relative. All decisions are published upon release on the CRT's website at <http://www.crt-ii.org>.

As for Accounts 1000262 and 1000329, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his grandfather matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his grandfather was born in Prague, and submitted his grandfather's registration form, indicating that he subsequently resided in Vienna. In contrast, Bank 2's records show that Account Owner 2 resided in a different country, which the Claimant did not

identify, and to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person.

As for Accounts 5030029, 5034515, 5034516, and 5034517, the CRT concludes that the Claimant has not identified Power of Attorney Holder Paul Lederer as his relative. Although the name of his father matches the published name of Power of Attorney Holder Paul Lederer, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder Paul Lederer available in Bank 1's records. Specifically, the Claimant submitted documents indicating that his father resided in Vienna, and that he subsequently fled to Yugoslavia. In contrast, Bank 1's records show that Power of Attorney Holder Paul Lederer resided in a different country. In addition, the Claimant indicated that his father was a sales representative, and did not indicate that he used a professional title. In contrast, Bank 1's records show that Power of Attorney Holder Paul Lederer used a professional title. Moreover, the CRT notes that the Claimant did not identify Account Owner 3 or either of the other two individuals who held power of attorney over these accounts. Consequently, the CRT is unable to conclude that Power of Attorney Holder Paul Lederer and the Claimant's father are the same person.

In addition, the CRT notes that the Claimant did not identify Account Owner 3 as his 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 Paul Lederer, but not Account Owner 3, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank 1's records that Power of Attorney Holder Paul Lederer and Account Owner 3 were related.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 Claimants should identify the Account Identification Number that 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 his claim 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
15 July 2005