

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant Seweryn Lipszyc¹
represented by Iza-Zilma Lipszyc and Anna (Ania) Lipszyc

**in re Account of Wolf Lipszyc
(Power of Attorney Holder Adolf Lipszyc)
and
Account of A. Lipschitz²**

Claim Numbers: 300204/AC; 300205/AC^{3,4}

This Certified Denial is based on the claims of Seweryn Lipszyc (the “Claimant”) to the published account of Wolf Lipszyc and Adolf Lipszyc. This Denial is to the published account of Wolf Lipszyc (“Account Owner 1”), over which Adolf Lipszyc held power of attorney, and to the published account of A. Lipschitz (“Account Owner 2”) at the [REDACTED] (the “Bank”).

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 asserting that his cousins, Wolf Lipszyc, who was born in approximately 1913 in Lodz, Poland, and Adolf Lipszyc, who was born in approximately 1918, also in Lodz, owned a Swiss bank account. The Claimant indicated that Wolf and Adolf Lipszyc, who were Jewish, were shareholders in a textile factory, of which Wolf Lipszyc was the proprietor. According to the Claimant, his cousins sometimes traveled through Switzerland to visit family members living in Belgium. The Claimant indicated that his cousins never married

¹ The Claimant’s daughter, Anna (Ania) Lipszyc, informed the CRT that the Claimant had passed away, and subsequently submitted a copy of his Belgian death certificate on 8 July 2003.

² 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’ names are substantially similar to those of the Claimant’s relatives, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

³ The Claimant submitted an additional claim to the account of Mozes Lipszyc, which is registered under the Claim Number 300206. The CRT will treat the claim to this account in a separate decision.

⁴ 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.

or had children, and that his cousins were deported by the Nazis during the Second World War, and that they were never heard from again. The Claimant indicated that he was born in 1918 in Lodz.

The Claimant submitted documents in support of his application, including: 1) a copy of the Claimant's birth certificate; 2) a copy of a certificate from the Polish Ministry of Justice, dated 18 May 1957, indicating that the Claimant was born on 25 February 1918 in Lodz to Zygmunt and Anna (Ania) Lipszyc, and indicating that the certificate was issued for the Belgian embassy; and 3) an extract from the public records of Brussels, Belgium, indicating that the Claimant was born on 25 February 1918 in Lodz, that he was married to Bianka Franciszka, and that he died on 23 August 2001 in Brussels.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives, Adolf and Wolf Lipszyc. 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 and power of attorney holder's name match or are substantially similar to those 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 5030162

The Bank's records indicate that Account Owner 1 was Wolf Lipszyc, who resided in Lodz, Poland, and that the Power of Attorney Holder was Adolf Lipszyc. The Bank's records also indicate Account Owner 1's alternate name, street address, profession, relationship to Power of Attorney Holder Adolf Lipszyc, and Power of Attorney Holder Adolf Lipszyc's alternate name, street address, profession and title. Furthermore, the Bank's records indicate a date by which the account was opened in the 1920s. Finally, the Bank's records contain Account Owner 1's and Power of Attorney Holder Adolf Lipszyc's signatures.

The CRT notes that, pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). On 3 June 2004, the Bank provided the CRT with additional documents. Certain information about the account described above was contained in these additional documents.

Account 5026330

The Bank's records indicate that Account Owner 2 was A. Lipschitz, who resided in Bucharest, Romania. The Bank's records also indicate Account Owner 2's street address and occupation. Furthermore, the Bank's records indicate the account opening date. Finally, the Bank's records contain Account Owner 2's signature.

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 5030162, the CRT concludes that the Claimant has not identified Account Owner 1 and Power of Attorney Holder Adolf Lipszyc as his relatives. Although the names of his cousins match the published names of Account Owner 1 and Power of Attorney Holder Adolf Lipszyc, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 and Power of Attorney Holder Adolf Lipszyc available in the Bank's records. Specifically, the Claimant stated that Wolf Lipszyc was born in approximately 1913 and that Adolf Lipszyc was born in approximately 1918, and was unable to provide information regarding his relatives' professions or titles. In contrast, the Bank's records show that Account Owner 1 and Power of Attorney Holder Adolf Lipszyc held titles and professions at the time of the account opening in the 1920s that are inconsistent with the ages of the Claimant's relatives. Consequently, the CRT is unable to conclude that Account Owner 1 and Power of Attorney Holder Adolf Lipszyc and the Claimant's cousins are the same people. Moreover, it should be noted that the CRT has found a Claimant who plausibly identified Account Owner 1 as her relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5026330, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his cousin is substantially similar to 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 the Bank's records. Specifically, the Claimant stated that his cousin was born in Lodz, Poland, and did not indicate any other cities or countries of residence for his cousin. In contrast, the Bank's records show that Account Owner 2 resided in Bucharest, Romania. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's cousin are the same person.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 Claimant 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 Claimant or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
19 November 2004