

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant [REDACTED]¹

in re Account of Emanuel Lorant (Power of Attorney Holder)

Claim Number: 733650/MC; 788962/MC²

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Emmanuel Lorant, Peter Lorant, Armand Lorant and Oskar Lorant. The CRT did not locate an account belonging to Peter Lorant, Armand Lorant and Oskar Lorant 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 an account over which Emanuel Lorant (the “Power of Attorney Holder”), among others, held power of attorney 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 Claimant

The Claimant submitted two Initial Questionnaires (“IQs”) asserting that his paternal uncle, Emmanuel Lorant, who was born on 11 March 1881 in Romania, owned a Swiss Bank account. The Claimant stated that his uncle, who was Jewish, resided partly in Vienna, Austria, and partly in Arad, Romania, where he managed a textile factory, and that he traveled frequently to Budapest, Hungary. The Claimant also stated that he, together with his father [REDACTED] and his father’s other brother [REDACTED] jointly owned a Swiss bank account during the

¹ The CRT was informed that [REDACTED] (the “Claimant”) passed away.

² The Claimant did not submit a Claim Form to the CRT. However, in 1999 he submitted two Initial Questionnaires (“IQs”), numbered HUN-0157005 and ENG-0770121, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned Claim Numbers 733650 and 788962, respectively.

1930s at another Swiss bank. According to the Claimant, his uncle Emmanuel died on 12 December 1933.

The Claimant indicated that he was born on 27 June 1922.

Information Available in the Bank's Records

The Bank's records consist of several power of attorney forms and printouts from the Bank's database. The records indicate the name of the owner of the account and four persons who held power of attorney over the account, one of whom was Emanuel Lorant, who resided in Arad.

The CRT's Analysis

Identification of the Account Owner and the Power of Attorney Holder

The Claimant has plausibly identified the Power of Attorney Holder. The Claimant's uncle's name matches the published name of Power of Attorney Holder Emanuel Lorant. The Claimant also identified the Power of Attorney Holder's city of residence, which matches unpublished information about the Power of Attorney Holder contained in the Bank's records. The CRT notes that the Claimant did not identify the Account Owner.

Status of the Power of Attorney Holder as a Victim of Nazi Persecution

The CRT notes that while the Power of Attorney Holder died in 1933, prior to the invasion of Romania, and before the incorporation of Austria into the Reich in March 1938 (the "Anschluss"), his brothers and nephew, who were his likely direct heirs, were Victims of Nazi Persecution. The Claimant stated that his family was Jewish, and that they resided in Nazi-allied Hungary.

The Claimant's Relationship to the Account Owner and Entitlement to the Account

The CRT notes that while the Claimant has plausibly demonstrated that the Power of Attorney Holder was his paternal uncle, he did not identify the Account Owner. The CRT notes 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, although the Claimant may have plausibly identified the Power of Attorney Holder, the Claimant is not entitled to the account, as there is no evidence in the Bank's records that the Power of Attorney Holder had ownership interest in the account.

Right of Appeal

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 claims. The Claimant 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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010