

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Elsa Lyard

in re Accounts of Erich Richter

Claim Number: 402212/SB¹

This Certified Denial is based on the claim of Elsa Lyard, née Matter, (the “Claimant”) to the account of Erich (Erwin) Richter. This Denial is to the published accounts of Erich Richter (the “Account Owner”) at the [REDACTED] (the “Bank”).²

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 in 2005 asserting that her cousin, Erich Richter, owned a Swiss bank account. The Claimant provided limited information regarding her cousin, stating only that he was Jewish and that the Richter family resided in Germany. The Claimant did not indicate her cousin’s fate, but did indicate that her cousin’s father, Otto Richter, perished in 1937 in Oranienburg-Sachsenhausen concentration camp. The Claimant indicated that she was born on 20 September 1920 in Witterswil, Switzerland.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Erich Richter. 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 two accounts whose owner’s name matches that provided

¹ The Claimant submitted three additional claims, which are registered under the Claim Numbers 218341, 218342 and 218343. In separate decisions, the CRT awarded the accounts of Otto Richter to the Claimant and treated the Claimant’s claim to the account of Frieda Richter. See *In re Accounts of Otto Richter* (approved on 4 April 2003) and *In re Account of Frieda Richter* (approved on 30 November 2005). The CRT will treat the remaining claim in a separate determination.

² The CRT did not locate an account belonging to Erwin Richter 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”).

by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 5024186 and 5026574

The Bank's records indicate that the Account Owner was Erich Richter. The Bank's records also indicate the Account Owner's occupation, the name of his wife and his cities and country of residence, together with the name of a power of attorney holder. Finally, the Bank's records contain the signatures of the Account Owner and the power of attorney holder.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is 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 Claimant has not identified the Account Owner as her relative. Although the name of her cousin matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her cousin resided in Germany. In contrast, the Bank's records show that the Account Owner resided in a different country. The CRT also notes that the Claimant did not identify the Account Owner's spouse. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's cousin are the same person.

Right of Appeal and Request for Reconsideration

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 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 Claimant should be aware that the CRT will carry out further research on her 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 March 2007