

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Willi Rosenthal¹ and Willy Rosenthal

Claim Number: 003665/AY and 711063/AY

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Willy Rosenthal and to an account of the company *Handschuhfabrik M. Wagner (Rosenthal Handschuhfabrik)*. The CRT did not locate an account belonging to *Handschuhfabrik M. Wagner* or *Rosenthal Handschuhfabrik* in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (the “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 This Denial is to the unpublished account of Willi Rosenthal (“Account Owner 1”) and to the published accounts of Willy Rosenthal (“Account Owner 2”) at the [REDACTED] (the “Bank”).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 a Claim Form asserting that her paternal grandfather, Willy Rosenthal, owned a Swiss bank account. The Claimant stated that her grandfather was born on 25 April 1889 in Eisleben, Germany, and was married to [REDACTED], née [REDACTED]. According to the Claimant, after her grandfather’s first wife died on 22 October 1930, her grandfather was remarried to [REDACTED], née [REDACTED]r. The Claimant identified her grandfather as the owner of a glove factory by the name of *Handschuhfabrik M. Wagner*, located in Münsterberg, Silesia, Germany (now Ziebice, Poland), where he also resided. The Claimant provided her grandfather's business and private street addresses. According to the Claimant, her grandfather,

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’ names are substantially similar to that of the Claimant’s relative, 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.

who was Jewish, was deported during the Second World War, probably to Theresienstadt, and was never heard from again. The Claimant indicated that she was born on 30 June 1958 in Haifa, Israel.

In support of her claim, the Claimant submitted several documents, including: (1) copies of her father's birth and death certificates; (2) a tracing service notice regarding Willy Rosenthal; and (3) an inheritance document.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her grandfather.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her grandfather, Willy Rosenthal. The auditors who carried out the ICEP Investigation reported three accounts whose owners' names match or are substantially similar to that provided by the Claimant. Each account is identified below by its Account Identification Number.

Account 1013959

The Bank's records indicate that Account Owner 1 was Willi Rosenthal. The Bank's records also indicate Account Owner 1's city and country of residence. Furthermore, the Bank's records indicate the date of closing of the account at issue.

Accounts 1013960 and 1013961

The Bank's records indicate that Account Owner 2 was Willy Rosenthal, who resided in Germany. The Bank's records also indicate Account Owner 2's city of residence. Furthermore, the Bank's records indicate the dates of opening of the accounts at issue and the date of closing of one of these accounts.

The CRT's Analysis

Admissibility of the Claim

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

Identification of the Account Owners

As for Account 1013959, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandfather is substantially similar to the unpublished name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her grandfather resided in Münsterberg, Silesia,

Germany (now Ziebice, Poland). In contrast, the Bank's records show that Account Owner 1 resided in another country, to which the Claimant did not establish a connection. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Accounts 1013960 and 1013961, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her 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 the Bank's records. Specifically, the Claimant stated that her grandfather resided in Münsterberg, Silesia, Germany (now Ziebice, Poland). In contrast, the Bank's records show that Account Owner 2 resided in another German city, which is over 600 kilometers from Münsterberg. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather 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
13 October 2004