

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Karl Roth
represented by Michael Lissner

**in re Accounts of Karl Roth
and
Account of Karl Stefan Roth
and
Accounts of Carl Roth**

Claim Numbers: 400387/SB; 708303/SB^{1,2}

This Certified Denial is based on the claims of Karl Roth (the “Claimant”) to the accounts of Karl Roth.³ This Denial is to the published accounts of two individuals named Karl Roth (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”), respectively, to the published account of Karl Stefan Roth (“Account Owner 3”) at the [REDACTED] (“Bank 3”), and to the published accounts of two individuals named Carl Roth (“Account Owner 4” and “Account Owner 5”) at Bank 2 and at the [REDACTED] (“Bank 4”), respectively.

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 in 2005, asserting that he, the Claimant, who was born on 13 February 1920 in Vienna, Austria, and was married to [REDACTED] on 17 October 1941 in Palestine (now Israel), owned a Swiss bank account. The Claimant stated that he is Jewish and

¹ 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.

² Karl Roth did not submit a Claim Form to the Claims Resolution Tribunal in 2001. However, in 1999 he submitted an Initial Questionnaire, numbered GER-0004137, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, 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 Initial Questionnaire was forwarded to the CRT and has been assigned claim number 708303.

³ In this claim, the Claimant also claimed the accounts of Jenny Roth and Lilly Roth. The CRT will treat the claim to these accounts in a separate determination.

resided in Austria until 1938, when he fled Austria to Czechoslovakia, eventually arriving in Palestine (now Israel), via Hungary, Romania and Turkey. The Claimant stated that he remained in Palestine (now Israel) until after the end of the Second World War. The Claimant informed the CRT in a telephone conversation on 10 May 2005 that his full name is Karl Roth and that he does not have a middle name.

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

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to himself. 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 five accounts whose owners' names match that provided 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.

Account 1011398

Bank 1's records indicate that Account Owner 1 was Karl Roth. Bank 1's records also indicate Account Owner 1's city and country of residence.

Account 1012529

Bank 2's records indicate that Account Owner 2 was Karl Roth, who resided in Germany. Bank 2's records also indicate Account Owner 2's professional title and city of residence and the name of a person who jointly owned the account at issue. Furthermore, Bank 2's records indicate the dates of opening and closing of the account at issue.

Account 4021256

Bank 3's records indicate that Account Owner 3 was Karl Stefan Roth. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank 3 to obtain additional information about this account ("Voluntary Assistance"). Bank 3 provided the CRT with additional documents. These documents consist of a list of account owners and indicate Account Owner 3's city and country of residence.

Account 1000629

Bank 2's records indicate that Account Owner 4 was Carl Roth, who resided in Uzbekistan. Bank 2's records also indicate Account Owner 4's professional title and a second city and country of residence. Furthermore, Bank 2's records indicate the date of closing of the account at issue.

Account 5030210

Bank 4's records indicate that Account Owner 4 was Carl Roth, who resided in Offenburg, Germany. Furthermore, Bank 4's records indicate the date of opening of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Account 1011398, the CRT concludes that the Claimant has not identified Account Owner 1 as himself. Although the Claimant's name matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that he resided in Austria until 1938, when he fled to Czechoslovakia, ultimately arriving in Palestine (now Israel). In contrast, Bank 1's records show that Account Owner 1 resided in a city in another country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant are the same person.

As for Account 1012529, the CRT concludes that the Claimant has not identified Account Owner 2 as himself. Although the Claimant's name matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that he was born in 1920, while Bank 2's records show that Account Owner 2 had a professional title at a time at which the Claimant was only a young child. Moreover, the CRT notes that the Claimant stated that he resided in Austria until 1938, whereas Bank 2's records show that prior to that year Account Owner 2 resided in a city in Germany. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant are the same person.

As for Account 4021256, the CRT concludes that the Claimant has not identified Account Owner 3 as himself. Although the Claimant's name matches the published first and last name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that he resided in Austria until 1938, when he fled to Czechoslovakia, ultimately arriving in Palestine (now Israel). In contrast, Bank 3's records show that Account Owner 3 resided in another country, which the Claimant did not identify. The CRT also notes that the Claimant stated that he did not have a middle name, whereas Bank 3's records indicate that Account Owner 3 had the middle name, Stefan. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant are the same person.

As for Account 1000629, the CRT concludes that the Claimant has not identified Account Owner 4 as himself. Although the Claimant's name matches the published name of Account

Owner 4, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 4 available in Bank 2's records. Specifically, the Claimant stated that he resided in Austria until 1938, when he fled to Czechoslovakia, ultimately arriving in Palestine (now Israel). In contrast, Bank 2's records show that Account Owner 4 resided in Uzbekistan. The CRT also notes that the Claimant did not identify Account Owner 4's second city and country of residence. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant are the same person.

As for Account 5030210, the CRT concludes that the Claimant has not identified Account Owner 5 as himself. Although the Claimant's name matches the published name of Account Owner 5, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 5 available in Bank 4's records. Specifically, the Claimant stated that he resided in Austria until 1938, when he fled to Czechoslovakia, ultimately arriving in Palestine (now Israel). In contrast, Bank 4's records show that Account Owner 5 resided in Offenburg, Germany. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant 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 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 Claimant should identify the Account Identification Number, which form 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
18 April 2006