

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to the Estate of Claimant [REDACTED]<sup>1</sup>

**in re Account of *Polnische Versicherungsgesellschaft Patria AG***

Claim Number: 200919/MC

This Certified Denial is based upon the claim of Chaim [REDACTED] (the “Claimant”) to the published account of *Polnische Versicherungsgesellschaft Patria AG* (the “Account Owner”) at the Zurich branch of 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 identifying the Account Owner as a Polish insurance company named *Patria AG*, which was located in Warsaw, Poland. The Claimant stated that he claimed the account belonging to this insurance company because another company, *Fabryka Wyrobow Pluszowych H. Sachs*, which was owned by his father, [REDACTED], may have taken out an insurance policy with it.

The Claimant stated that his father, who was Jewish, was born on 9 February 1883 and was married to [REDACTED], and that together they had five children: [REDACTED], [REDACTED], [REDACTED] (the Claimant), [REDACTED], and [REDACTED]. The Claimant stated that his family lived in Lodz, Poland. The Claimant explained that his parents, sister [REDACTED], and brother Abraham all perished at the hands of the Nazis.

In support of his claim, the Claimant submitted copies of documents, including: (1) his birth certificate, indicating that [REDACTED] was born on 28 September 1912 in Radomsko, Poland, and that [REDACTED] and [REDACTED] were his parents; (2) an excerpt from the city of Lodz register (*Wyciąg z ksiąg stałej ludności miasta Łodzi*), dated 10 August 1932, indicating that [REDACTED] was married to [REDACTED], née [REDACTED], that their children were [REDACTED], [REDACTED] and [REDACTED], and that they were all Jewish; (3) an excerpt from the trade registry (*Odpis poswiadczony Rejestru Handlowego*) of his father’s company, indicating that *Fabryka Wyrobow Pluszowych H. Sachs* was owned by [REDACTED], that it

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<sup>1</sup> The CRT notes that [REDACTED] (the “Claimant”) passed away on 14 August 2003.

was registered on 8 January 1936, that it was located at Poludniowa street 52 in Lodz and that it was “aryanized” on 25 July 1940; and (4) a price list from his father’s company, dated 6 March 1939, which contains a notation indicating that *Fabryka Wyrobów Pluszowych H. Sachs* had customers in the United Kingdom.

The Claimant indicated that he was born on 28 September 1912 in Radomsko.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998 and an Initial Questionnaire (IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED] and *Fabryka Wyrobów Pluszowych H. Sachs*.<sup>2</sup>

### **Information Available in the Bank’s Record**

The Bank’s records indicate that the Account Owner was the *Polnische Versicherungsgesellschaft Patria AG*, a Polish insurance company, located in Warsaw, Poland. The Bank’s records indicate the type of the account held by the Account Owner and its opening date.

### **The CRT’s Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant identified the name and location of the insurance company, which matches the published name, city and country, of the Account Owner.

#### Status of the Account Owner as Victim of Nazi Persecution

The CRT notes that the Claimant has not provided any information as to whether the Account Owner was a Victim of Nazi Persecution. However, the Claimant has made plausible showing that his father, who he asserts was the beneficial owner of funds in the account, was a Victim of Nazi Persecution. The Claimant stated that his father was Jewish, that he resided in Nazi-occupied Poland during the Second World War, and that he perished during the Holocaust.

#### The Claimant’s Relationship to the Account Owner and Entitlement to the Account

According to Article 23(3) of the Rules, if the Account Owner is a legal or other entity (such as a corporation, association, organization, etc.), the Award will be made in favor of those Claimants who establish a right of ownership to the assets of the entity. In this case, the Claimant based his

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<sup>2</sup> The CRT did not locate accounts belonging to Hirsch Gutman Zaks (Sachs) or *Fabryka Wyrobów Pluszowych H. Sachs* 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”).

claim upon the assertion that his father's company held an insurance policy issued by the insurance company which owned the account at issue. The Claimant did not assert that his father held an ownership interest in the insurance company, or that he or his father was related to the owner(s) of the insurance company. Nor is there any indication in the Bank's records that the Claimant's father held an ownership interest in the company.

The CRT notes that even if the Claimant's father's company did hold a policy with the insurance company that owned the account, it would not establish the Claimant's entitlement to the claimed account, absent a showing that the Claimant's father held an ownership interest in the insurance company. Accordingly, the CRT concludes that the Claimant is not entitled to the proceeds of the claimed account.

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial 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 Award Denial.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been denied in this Certified Award Denial, the Claimant should identify 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 and by the Special Masters.

Claims Resolution Tribunal  
30 August 2010