

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant Filip Levy¹

in re Accounts of *Rigaer Union Versicherungs-Aktien-Gesellschaft*

Claim Number: 215142/MC²

This Certified Denial is based on the claim of Filip Levy (the “Claimant”) to the published accounts of *Rigaer Union Versicherungs-Aktien-Gesellschaft* (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 asserting that his mother, Jete (Jetty, Pitty) Levija, who was born on 12 October 1889 in Riga, Latvia, and was married to Samuel Levijs (Levy), was a bookkeeper and manager of the *Rigaer Union Versicherungs-Aktien-Gesellschaft* in Riga, and was also a part owner of that company. The Claimant stated that his mother held 20 percent of the shares of the company and sat on the board of directors of the company. The Claimant stated that his mother, who was Jewish, escaped from Riga during the Second World War and returned to that city after 1945. According to the Claimant, when his mother attempted to escape from the Nazis in Riga, she had her company stock certificates with her and subsequently lost them, along with all of her other documents. In a telephone conversation with the CRT, the Claimant stated that he does not know what happened to the company or to its main shareholder, who he claimed was named Werner Wimbe. The Claimant stated that his mother died in Riga in 1964.

The Claimant submitted a copy of his own birth certificate, identifying his parents as Samuel and Jette Levijs, and a copy of his mother’s birth certificate.

The Claimant indicated that he was born on 3 June 1924 in Riga. The CRT notes that publicly available records indicate that the Claimant passed away on 15 September 2007.

¹ According to publicly available records, Filip Levy (the “Claimant”) passed away on 15 September 2007.

² The Claimant submitted two additional claims, numbered 213068 and 216775. In a separate decision, the CRT treated the Claimant’s claims to the account of Samuel Levy and the accounts of S. Levy. See *In re Account of Samuel Levy and Accounts of S. Levy* (approved on 27 February 2007).

Information Available in the Bank's Records

The Bank's records indicate that the Account Owner was the insurance company *Rigaer Union Versicherungs-Aktien-Gesellschaft*, which was located at Grosse Schlosstrasse 6 in Riga, Latvia. The records also contain documents indicating that on 14 December 1940, the company was acquired by *Versicherungsverwaltung Lettland* of Riga, and that on 1 January 1943, the company changed its name to the name of its acquirer.

According to information in the files made available to the CRT, in an effort to obtain additional information about the ownership of the Account Owner, the Bank, through an intermediary, contacted Latvian archives, which provided the Bank with additional records regarding the ownership of the company prior to 1940. These archival records include a 28 January 1939 record of a shareholders' meeting of *Rigaer Union Versicherungs-Aktien-Gesellschaft*, which includes the names of 21 shareholders of the company, and the number of shares that they each held as of 28 January 1939. This record, like the other records obtained from the Latvian archives by the Bank, makes no mention of an individual or shareholder named Jete Levija (Levy), nor of a shareholder named Werner Wimbe.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name of the company indicated in the Claimant's claim matches the name 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 actual owner(s) of Account Owner was a Victim of Nazi Persecution. However, the Claimant has made plausible showing that his mother, who he asserts was the owner of 20 percent of the shares of the account owner, was a Victim of Nazi Persecution. The Claimant stated that his mother was Jewish, that she fled Riga during the Second World War.

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

The Claimant stated that the Account Owner was a company for which his mother served as a bookkeeper and manager, and that she held 20 percent of the company's shares and was a member of its board of directors. The Claimant could not provide documentation or other proof that his mother had a right of ownership to the Account Owner's assets at the Bank.

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 stated that his mother owned 20 percent of the shares of the Account Owner. The Claimant did not provide any proof or documentation that his mother had any rights to the Account Owner's

assets. Moreover, the archival records obtained by the Bank and made available to the CRT do not mention an individual with the Claimant's mother's name as a shareholder, owner, or member of the board of directors of the Account Owner. Therefore, given that the Claimant has not established a right of ownership to the Account Owner's accounts, he is not entitled to the claimed accounts.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant's Estate 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's Estate 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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010