

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Peter Pfann

in re Account of Dr. Paul Karplus

Claim Numbers: 213468/AY

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Peter Pfann (the “Claimant”) to the accounts of Paul Karplus (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).

All awards 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 identifying the Account Owner as his maternal grandmother’s cousin, Dr. Paul Karplus, who was born to Berthold Karplus and Eugénie Karplus, née Werner, on 31 August 1882 in Vienna, Austria, and was married to Frieda Karplus, née Rotter. The Claimant stated that Paul Karplus and his wife had no children. The Claimant also stated that Paul Karplus, who was Jewish, held the professional title of Doctor, and that together with his brother, Hans Karplus, owned a timber company located at Liechtensteinstrasse 39 in Vienna. The Claimant further stated that the Nazis forced Paul Karplus and his wife to relinquish their apartment, and that on 27 April 1942, they were deported to the Wlodawa Ghetto and were never heard from again. The Claimant indicated that he had previously tried to locate accounts belonging to his grandmother’s cousin, but he was unsuccessful in his attempts. In support of his claim, the Claimant submitted numerous documents including the birth certificates of his grandmother, Emma Maria Werner (which stated that her parents were Dr. Ludwig Moriz Werner and Anna Werner, née Askonas); his mother, Maria Theresia Eugenie Tremel (which stated that her parents were Victor Eduard Taddaus Tremel and Emma Maria Tremel, née Werner) and himself (which stated that his parents were Ernst Konrad Franz Pfann and Maria Theresia Eugenia Pfann, née Tremel). The Claimant also submitted a letter, dated 18 June 1997, from the Jewish Community in Vienna, which stated that Berthold Karplus and Eugénie Karplus, née Werner had sons including Alfred

Friedrich, Hans and Paul; that on 27 April 1942 Paul Karplus and his wife, Frieda, were sent to the Wlodawa Ghetto in Poland where they perished; and that Eugenie Karplus, who lived at Liechtensteinstrasse 39, died on 1 April 1927. The Claimant also submitted another document from the Jewish Community of Vienna titled “Married Couple: Karplus - Tremel”¹ which stated that on 12 October 1901, Dr. Richard Karplus (whose parents were Berthold Karplus and Eugenie Karplus, née Werner) married Emma Maria Tremel, née Werner (whose parents were Dr. Ludwig Werner and Anna Werner née Askonas) and that Hans Karplus, a wood merchant, was a witness. The Claimant also submitted a detailed family tree, showing that the Claimant’s grandmother’s cousin was Dr. Paul Karplus. The Claimant stated that he was born in Vienna on 12 January 1921.

Information Available in the Bank’s Records

The Bank’s records consist of an account registry card and printouts from the Bank’s database. According to the Bank’s records, the Account Owner was Dr. Paul Karplus, who resided at Riemergasse 8 in Vienna, and the Power of Attorney Holder was *Kommerzialrat* Hans Karplus. The Bank’s records indicate that the bank correspondence was initially sent to Dr. Konrad Bloch, a lawyer in Zurich, but subsequently the Bank was ordered to hold all correspondence. The Bank’s records further indicate that on 27 July 1938 the Account Owner ordered the Bank to mail the correspondence to his home address.

The Bank’s records indicate that the Account Owner held a custody account, numbered 39120, which was opened in 1935 and closed on 7 September 1938. The value of the account on the date of its closure is not known. There is no indication in the Bank’s records that the Account Owner, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Paul Karplus and Hans Karplus. The file concerning the assets of Dr. Paul Karplus, numbered 36269, indicates that he was born on 31 August 1882, that he was married to Frieda Karplus, née Roller, that he worked for the Patent Office in Vienna and that he lived at Riemergasse 8 in Vienna I. According to these records, as of 27 April 1938, Dr. Paul Karplus owned assets totaling 54,737.00 Reichsmarks. These records make no mention of assets held in a Swiss bank account.

¹ “Ehepaar Karplus - Tremel”

The file concerning the assets of Hans Karplus, numbered 20077, indicates that he was born on 12 December 1872, that he was single, that he was self-employed, and that he lived at Liechtensteinstrasse 39 in Vienna IX. The records indicate that Hans Karplus owned a timber company named *Berth. Karplus*, which was located at the above address. The records further indicate that Hans Karplus had a sister, Elise Lederer, who resided at Liechtensteinstrasse 41 in Vienna IX. According to these records, as of 14 July 1938, Hans Karplus owned assets totaling 31,556.84 Reichsmarks. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandmother's cousin's name and place of residence match the published name and place of residence of the Account Owner. The Claimant stated that his relative used the professional title of Doctor and resided at Riemergasse 8 in Vienna, matching unpublished information about the Account Owner contained in the Bank's documents. The Claimant further identified the Power of Attorney Holder, Hans Karplus, indicating he was Dr. Paul Karplus's brother and stated that they jointly owned a timber company located at Liechtensteinstrasse 39 in Vienna, which matches the information about the company and the address provided in the Austrian State Archives. Additionally, the Claimant indicated that Dr. Paul Karplus was born on 31 August 1882 in Vienna and was married to Frieda Karplus, née Roller, which also matches information provided in the Austrian State Archives. The CRT notes that Dr. Paul Karplus' address provided in the Austrian State Archives matches the address in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Dr. Paul Karplus, and indicates that his date of birth was 31 August 1882, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there were a total of six claims to the same account of a person with essentially the same name, Dr. Johann Paul Karplus (not Dr. Paul Karplus), also of Vienna. After careful consideration of the records, the CRT has come to the conclusion that the Claimants were referring to different people. The other five claimants are related to one another, and they share the same history of their ancestor. These claims were disconfirmed because the Claimants identified a different person, named Dr. Johann Paul Karplus of Vienna, who was born on 25 October 1866 (not 16 years later on 31 August 1882), who was married to Valerie Von Lieben (not Frieda Roller), and who lived at different addresses in Vienna (not Riemergasse 8). These other Claimants identified Paul Karplus and Hans Karplus as father and son, respectively (not brothers). Taking all of these factors into account, the CRT concludes

that the Claimant has plausibly identified the Account Owner. Moreover, it would not have been possible for the Claimant to identify the Account Owner on the basis of a common name derived from the list of names published in February 2001, since the Claimant's name is different from that of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant indicated that the Account Owner was Jewish, that he resided in Nazi Austria and was forced to relinquish his apartment, and that he was deported with his wife to Ghetto Wlodawa on 27 April 1942, and was never heard from again. As noted above, a person named Dr. Paul Karplus was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting numerous documents including two documents from the Jewish Community in Vienna, which state that Dr. Paul Karplus was the son of Berthold Karplus and Eugénie Karplus, née Werner; that Dr. Richard Karplus was the son of Berthold Karplus and Eugenie Karplus, née Werner; and that Emma Maria Werner (the Claimant's grandmother) was the daughter of Dr. Ludwig Moritz Werner and Anna Werner, née Askonas. The Claimant also submitted the birth certificates of his grandmother, his mother and himself, and a detailed family tree showing that the Account Owner was his maternal grandmother's cousin. Moreover, the CRT notes that the Claimant identified unpublished information about the Account Owner's residence and professional title contained in the Bank's records, and that the Claimant identified a person named Dr. Paul Karplus, who was born on 31 August 1882, which matches information contained in the Yad Vashem records.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who were Jewish reported their assets in the 1938 census, and, subsequently, their accounts were closed unknown to whom or were transferred to Nazi-controlled Bank's. Given that the Account Owner's custody account was closed on 7 September 1938; that the CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis; that the Account Owner and his wife were deported to the Wlodawa Ghetto and were never heard from again; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account Owners because of the Banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see

Appendix A), the CRT concludes that it is plausible that the account proceeds in this case were not paid to the Account Owner, the Power of Attorney Holder or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his first cousin, twice removed and step great-uncle, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner or the Power of Attorney Holder nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 162,500.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
31 December 2003