

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Accounts of Hildegard Kauffmann

Claim Number: 217279/SJ^{1,2}

Award Amount: 497,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Hildegard Kauffmann. This Award is to the published account of Hildegard Kauffmann (the “Account Owner”) at the Basel branch of the [REDACTED] (“Bank I”) and to the unpublished accounts of Hildegard Kauffmann at the [REDACTED] (“Bank II”) (together the “Banks”).

All awards 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 his maternal grandmother’s cousin, Hildegard Kauffmann, who was born on 9 April 1907 in Stargard, Germany (known as Starogard, Poland, after the First World War), and who was briefly married for nine months in 1943, until the Nazis murdered her husband, who was Jewish. The Claimant further stated that Hildegard Kauffmann, who was also Jewish, was one of five children of [REDACTED] and Eva Kauffmann, née Gottschalk. The Claimant added that Hildegard Kauffmann and her siblings, [REDACTED] (who died in 1918), [REDACTED], [REDACTED], and [REDACTED] all grew up at the family home in Starogard, which was called *Villa*

¹ The Claimant submitted two Claim Forms to the accounts of Hildegard Kauffmann, which were registered under the Claim Numbers 217279 and 220947. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 217279.

² The Claimant submitted eight additional claims to the accounts of Eva Kauffmann, [REDACTED], [REDACTED], [REDACTED], Fritz Kauffmann, [REDACTED], [REDACTED] and [REDACTED], which are registered under the claim numbers 217259, 217269, 217829, 217839, 217849, 219314, 219315 and 219316, respectively. The CRT has already treated the claim to [REDACTED], 217839. See *In re Account of* [REDACTED]. The CRT will treat the claims to the other accounts in separate decisions.

Kauffmann. The Claimant added that [REDACTED] was a wealthy owner of shoe factories in Starogard, including the *Peter Kauffmann Synowie*.

The Claimant stated that Hildegard Kauffmann and her younger brother, [REDACTED], were not issued visas in 1939, when their parents were forced to flee to Copenhagen, Denmark. As a result, the two youngest Kauffmann children remained in Starogard with a housekeeper. The Claimant explained that in 1940 Hildegard and [REDACTED] Kauffmann were deported, first to the Warsaw Ghetto and later to a concentration camp, where [REDACTED] was killed in 1943 and from where Hildegard Kauffmann escaped. The Claimant stated that Hildegard Kauffmann survived the rest of the Holocaust by hiding in Warsaw under an assumed Aryan identity. The Claimant stated that in 1946, Hildegard returned to Starogard with only her dress and her backpack, as the Nazis had confiscated everything else. The Claimant further stated that Hildegard Kauffmann emigrated to London, England in 1949. The Claimant stated that Hildegard Kauffmann died in the United Kingdom on 23 February 1953, without issue.

The Claimant indicated that Hildegard Kauffmann's brother, Fritz Kauffmann, was a doctor and a bacteriologist, who worked in Berlin, Germany from 1923 until 1932, at which time he moved to a sanatorium in Davos, Switzerland, in order to recover from tuberculosis. The Claimant explained that in 1933, rather than face Nazi persecution in Germany, Fritz moved to Copenhagen, Denmark. Finally, the Claimant stated that Fritz Kauffmann died in Copenhagen on 27 September 1978.

The Claimant added that one of Hildegard Kauffmann's other brothers, [REDACTED], was living and working in Berlin in 1924. The Claimant stated that [REDACTED] was an engineer at the Automotive Research Institute of the Technical University in Berlin until he was fired in 1933 because he was Jewish, whereupon he fled Germany by car with very few possessions. The Claimant stated that in 1934 [REDACTED] traveled first to Switzerland, then to Strasbourg, France, Starogard, Poland, and Copenhagen, Denmark before continuing to London and then to New York and Michigan, the United States. Finally, the Claimant stated that [REDACTED] died in Florida, the United States in 1988, without issue.

In support of his claim, the Claimant submitted documents, including Eva Kauffmann's birth certificate, indicating that her father was [REDACTED]; the marriage certificate of the Claimant's great-grandfather ([REDACTED]), indicating that his father was also [REDACTED]; the engagement announcement and marriage certificate of [REDACTED] and [REDACTED] (the Claimant's grandparents), indicating that [REDACTED]'s father was [REDACTED]; the birth certificate of the Claimant's mother ([REDACTED 2]), indicating her mother was [REDACTED], née [REDACTED]; the Claimant's own marriage certificate, indicating his mother's maiden name was [REDACTED 2]; a letter addressed to [REDACTED] on the company letterhead of *Peter Kauffmann Synowie*, Starogard; photographs of the *Villa Kauffmann* (the family home in Starogard); letters referring to and written by Hildegard Kauffmann, including her signature; and letters written by [REDACTED], including his signature.

The Claimant indicated that he was born on 16 January 1957 in Los Angeles, California, the United States. The Claimant is representing his mother, [REDACTED 2], who was born on 29 May 1926 in Berlin.

Information Available in the Banks' Records

Bank I

Bank I's records consist of power of attorney forms, dated 6 February 1930 and 20 February 1931; a revocation of the first power of attorney form, dated 1 September 1931, drafted on company letterhead from *Peter Kauffmann Synowie, Fabryka Obuwia* in Starogard, Poland; and a card acknowledging the receipt of general terms and conditions applying to custody accounts. These records indicate that the Account Owner was *Fräulein* (Miss) Hildegard Kauffmann from Starogard, Poland, and that the Power of Attorney Holders were originally Dr. Fritz Kauffmann, who resided at Johann Siegismundstrasse 5 in Berlin-Halensee, Germany, and Dr. *Ing.* (*Ingenieur*, Engineer) [REDACTED], who resided at Königin Elisabethstrasse 39a in Berlin-Charlottenburg. These records further indicate that the Account Owner held a custody account, numbered 36644, as well as a savings account, numbered 7581. Bank I's records also include a letter drafted on 1 September 1931, revoking the powers of attorney granted to Fritz and [REDACTED] Kauffmann. Bank I's records indicate that Eva Kauffmann, née Gottschalk, from Starogard was appointed as the Power of Attorney Holder on 20 February 1931. Those records contain the signatures of the Account Owner, as well as the original and subsequent Power of Attorney Holders.

Bank I's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find the custody account in Bank I's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT notes that the auditors who carried out the ICEP Investigation did not report the savings account. Thus, there is no information before the CRT as to its disposition.

There is no evidence in Bank I's records that the Account Owner, her heirs, or the Power of Attorney Holders closed the accounts at issue and received the proceeds themselves.

Bank II

Bank II's records consist of customer cards. According to these records, the Account Owner was *Frl.* (*Fräulein*, Miss) Hildegard Kauffmann, with addresses in Starogard, Poland and Copenhagen, Denmark. Bank II's records indicate that the Account Owner held two custody accounts, identified by the account numbers 49957 and 331017. These records indicate that account numbered 49957 was opened on 19 June 1933. It is not clear from the records when account number 331017 was opened. There is a notation that account number 331017 was opened in "V 1955," however, it is not clear whether this notation indicates that the account was opened in May 1955 or if it was opened before (*Vor* or *V.*) 1955. Bank II's records indicate that custody account numbered 49957 was closed on 2 March 1957 and that its proceeds were

transferred to custody account numbered 331017. Bank II's records further indicate that the custody account numbered 331017 was closed on 10 July 1958.

These records do not show to whom the accounts at issue were paid, nor do these records indicate the amounts in the accounts on the dates of their closure. There is no evidence in Bank II's records that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

Bank I

The Claimant has plausibly identified the Account Owner at Bank I. The name of his grandmother's cousin matches the published name of the Account Owner. The names of his grandmother's aunt and her other cousins match the published names of the Power of Attorney Holders contained in the records of Bank I. In addition, the Claimant identified the Account Owner's place of residence as Starogard, Poland, which matches further published information about the Account Owner contained in the records of Bank I. The Claimant also stated that the Account Owner's brothers were Dr. Fritz Kauffmann and Engineer [REDACTED], both of whom resided in Berlin in the early 1930s, which matches unpublished information about the Power of Attorney Holders contained in the records of Bank I. Moreover, the Claimant provided documents indicating that *Peter Kauffmann Synowie*, located in Starogard, Poland, was owned by the Account Owner's family, which also matches unpublished information contained in the records of Bank I.

Bank II

The Claimant has plausibly identified the Account Owner at Bank II. The name of his grandmother's cousin matches the unpublished name of the Account Owner. The Claimant identified the Account Owner's place of residence as Starogard, Poland, which matches additional unpublished information about the Account Owner. Furthermore, the Claimant indicated that [REDACTED], Eva and Fritz Kauffmann all eventually moved to Copenhagen, Denmark, which is consistent with unpublished information about the Account Owner's second address contained in Bank II's records. The CRT notes that although the Claimant stated that the Account Owner was briefly married in 1943, at least one of the accounts at Bank II was opened in 1933, when the Account Owner would have still been referred to as *Fräulein* (Miss) Hildegard Kauffmann.

The CRT notes that Bank II's records do not clearly indicate when custody account 331017 was opened. If the notation "V 1955" is interpreted to mean that the account was opened in May 1955, then the account would have been opened after the Account Owner's death in 1953. In that case, Bank II may have opened the account in the Account Owner's name for administrative purposes. If, however, the records are interpreted to mean that the account was opened before

1955, then the Account Owner could have opened the account herself. In any event, it is clear from the records that the same Account Owner held both custody accounts at Bank II and that the Claimant has identified this Account Owner as his relative.

In support of his claim, the Claimant submitted documents, including letters referring to and written by Hildegard Kauffmann, including her signature; letters written by [REDACTED], including his signature; and a letter addressed to [REDACTED] on the company letterhead of *Peter Kauffmann Synowie*. The CRT further notes that the signatures of Hildegard Kauffmann and [REDACTED], provided by the Claimant, match those signatures contained in the records of Bank II. Finally, the CRT notes that there are no other claims to these accounts.

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 stated that the Account Owner was Jewish, that she was unable to leave Poland with her parents in 1939, and that she was deported to the Warsaw Ghetto and later to a concentration camp, where her brother Peter was murdered and from where she escaped.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the cousin of the Claimant's grandmother. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records and that the Claimant submitted copies of documents that most likely only a family member would possess. These documents include Fritz Kauffmann's birth certificate, indicating that his mother was Eva Kauffmann; Eva Kauffmann's birth certificate, indicating that her father was [REDACTED]; the marriage certificate of the Claimant's great-grandfather ([REDACTED]), indicating that his father was also [REDACTED]; the engagement announcement and marriage certificate of [REDACTED] and [REDACTED] (the Claimant's grandparents), indicating that [REDACTED]'s father was [REDACTED]; the birth certificate of the Claimant's mother ([REDACTED 2]), indicating her mother was [REDACTED], née [REDACTED]; and the Claimant's own marriage certificate, indicating his mother's maiden name was [REDACTED 2]. But for the Claimant's mother, whom he is representing in these proceedings, there is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With regard to the custody account and savings account at Bank I, given that the Account Owner was deported from her home in 1940; that there is no record of the payment of the Account Owner's accounts to her, nor any record of a date of closure of the accounts; that the Account Owner and her heirs would not have been able to obtain information about her 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 were not paid to the Account Owner or her 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.

With respect to the custody accounts numbered 49957 and 331017 at Bank II, which were closed in 1957 and 1958, respectively, and given that the Account Owner died prior to the closure of these accounts; that there is no record of payment of the Account Owner’s accounts to her in Bank II’s record; that the Account Owner and her heirs would not have been able to obtain information about her 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 bank’s concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs.

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 grandmother’s cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

As noted above, it is not clear from Bank II’s records whether account 331017 was opened by the Account Owner or by Bank II after her death. Because the records are not clear, the CRT has interpreted the records in the light most favorable to the Claimant, that is, that the Account Owner in fact held two separate custody accounts at Bank II. Accordingly, the Claimant is entitled to a total of three custody accounts and one savings account held by the Account Owner at Bank I and Bank II. 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of a savings account was 830.00 Swiss Francs. As the Account Owner held three custody accounts and one savings account, the total 1945 average value of these accounts is 39,830.00 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 497,875.00 Swiss Francs.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner’s spouse nor any descendants of the Account Owner’s parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner’s grandparents who have submitted a claim, in equal

shares by representation. In this case, the Claimant is representing his mother. Accordingly, his mother is entitled to receive the total award amount.

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