

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Norma Geraldine Freedman
also acting on behalf of Peter Siegmund Klopfer, Maria Luise Kaufman and Lisl Zadek

in re Account of Siegmund Klopfer

Claim Number: 215271/ES

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Norma Geraldine Freedman, née Klopfer, (the “Claimant”) to the account of Max Mordachai Klopfer.¹ This Award is to the account of Siegmund Klopfer (the “Account Owner”) at the Zurich branch of the [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 her great-grandfather, Siegmund Klopfer, who resided at Magdalene St. 28, Munich, Germany, and was married to Berta Klopfer, née Bernheim. The Claimant stated that her great-grandfather, who was Jewish, was the owner of a bank called *Bankhaus Siegmund Klopfer Jr* in Munich and the owner of a hotel in Munich called the *Excelsior*. The Claimant stated that her great-grandfather died in the early 1920s and left all his assets to his three sons: Leopold, Max and Theodore. The Claimant stated that around 1936, her grandfather, Max Klopfer, received threats from the Nazis, who told him that should he refuse to give up the family’s assets to the Nazis, he would be transported to a concentration camp. According to the Claimant, her grandfather signed a consent giving up the bank, the hotel, an insurance policy, and the family’s house on Magdalene St. 28 to the Nazi authorities, and then the family fled in 1935 to Palestine where they stayed at the Arnow Hotel. The Claimant stated that because her grandmother was losing her sight and the doctors in Palestine could not treat her, in 1936 the family immigrated to Trieste, Italy, where she could get treatment. The Claimant added that around the year 1939 the family managed to flee to Canada. The Claimant stated that her grandfather died on 22 March 1939 in Montreal, Canada.

¹ The CRT will treat the claim to this account in a separate decision.

In support of her claim, the Claimant submitted her grandfather's marriage certificate, identifying him as Max Klopfer of Munich and indicating the family name was spelled Klopfer; Max Klopfer's personal records from the municipality of Trieste, confirming he had three children: Peter, Maria Luise and Lisl; Lisl's birth certificate; Maria Luise's birth certificate issued in Munich on 24 October 1938; and her certificate of residence issued in Trieste on 1 September 1938, stating that Maria Luise is the daughter of the banker Max Klopfer from Munich, Germany, and that she resided in Trieste as of 20 April 1937. The Claimant also submitted a deposit slip with the letterhead *Bankhaus Sigmund Klopfer Jr, München*.

The Claimant indicated that she was born on 2 April 1946 in Montreal, Canada. The Claimant is representing her father, Peter Siegmund Klopfer, who was born on 30 April 1921 in Munich, her two aunts, Maria Luise Kaufman, née Klopfer, who was born on 1 August 1922 in Munich, and Lisl Zadek, née Klopfer, who was born on 18 September 1924 in Munich.

Information Available in the Bank's Record

The Bank's record consists of an extract from the Bank's ledger. According to this record, the Account Owner was Siegmund Klopfer. The Bank's record does not state the Account Owner's place of residence. The Bank's record indicates that the Account Owner held an account of unknown type. The auditors who carried out the investigation of this Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") indicated that the account was closed to bank fees on 22 December 1964. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-grandfather's name matches the published name of the Account Owner. In support of her claim, the Claimant also submitted a deposit slip with the letterhead *Bankhaus Sigmund Klopfer Jr, München*. The Claimant also submitted numerous documents bearing the Klopfer family name, including Max Klopfer's marriage certificate; Max Klopfer's personal records from the municipality of Trieste; and the birth certificates of Maria Luise, née Klopfer, and Lisl Zadek, née Klopfer. The CRT further notes that the name Siegmund Klopfer appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the heir to the Account Owner's account was a Victim of Nazi Persecution. The Claimant explained that the Account Owner's son, Max Klopfer, who was Jewish, was forced to relinquish all of his assets to the Nazi authorities before he fled Germany. The Claimant also explained that the Account Owner, who died in the early 1920s, left all his assets to his three sons, including Max Klopfer.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, specific biographical information and a detailed family tree, demonstrating that the Account Owner was her great-grandfather. The Claimant submitted numerous documents bearing the Klopfer family name, including Max Klopfer's marriage certificate; Max Klopfer's personal records from the municipality of Trieste; and the birth certificates of Maria Luise, née Klopfer, and Lisl Zadek, née Klopfer. The CRT notes that the foregoing information is of the type that family members would possess. The documents submitted by the Claimant also include a deposit slip with the letterhead *Bankhaus Sigmund Klopfer Jr, München*. Taking into account all of the foregoing information, the CRT concludes that the Claimant and the parties she is representing are related to the Account Owner, as the Claimant has asserted in her Claim Form.

The Issue of Who Received the Proceeds

According to the ICEP Investigation, the account was closed to Bank fees on 22 December 1964.

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 her great-grandfather, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 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 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the represented parties, Peter Siegmund Klopfer, Maria Luise Kaufman and Lisl Zadek, who are the grandchildren of the Account Owner, have a better entitlement to the account than the Claimant, who is the great-granddaughter of the Account Owner. Therefore, the represented parties, Peter Siegmund Klopfer, Maria Luise Kaufman and Lisl Zadek, are each entitled to one-third of 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 her claim to determine whether there are additional Swiss bank accounts to which she 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