

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Pierre Loeb
also acting on behalf of Monique Stengel

in re Accounts of Albert Knopf

Claim Number: 218415/CN¹

Award Amount: 619,337.50 Swiss Francs

This Certified Award is based upon the claim of Pierre Loeb (the “Claimant”) to the published accounts of Albert Knopf (the “Account Owner”) at the [REDACTED] (the “Bank”).²

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 four Claim Forms identifying the Account Owner as his maternal grandfather, Albert Knopf, who was born on 19 September 1875 in Vienna, Austria, and was married to Wilhemine Knopf, née Kolb, who was born on 9 October 1877. The Claimant indicated that his grandparents had two children: Stella Halpern, née Knopf, the Claimant’s mother, who was born on 4 September 1903 in Vienna, and Fritz Knopf, who was born on 31 May 1908, also in Vienna. The Claimant indicated that, after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), his grandparents, mother, and uncle, who were all Jewish, fled Austria for Nice, France, in June 1939. The Claimant indicated that his grandparents resided in Nice until 1957, when they moved to Hyères, France. The Claimant indicated that his grandparents both died in Hyères in 1958.

¹ The Claimant submitted four Claim Forms, which were registered under the Claim Numbers 218415, 218416, 218436, and 219699. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 218415.

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the accounts at issue in this Award were identified as being held by Albert Knopf [Austria] [2], and Albert Knopf [Nice, France] [1], and further notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of ICEP (the “ICEP Investigation”) did not determine that these accounts were held by the same individual. However, given that there is no information to the contrary, the CRT has determined that, for the purposes of this Award, the accounts shall be treated as having been held by the same person.

In support of his claim, the Claimant submitted documents, including copies of (1) a certificate from the French Ministry of Foreign Affairs, dated 23 March 1955, indicating that Albert Knopf was a refugee from Austria, (2) a business card indicating that Albert Knopf was an inspector at the Austrian National Bank (*Oberinspektor der österreichischen Nationalbank*), (3) a certificate of residence from the Commissioner of Police in Nice, dated 4 July 1946, indicating that Albert Knopf had been residing in Nice since 27 August 1939, (4) a receipt from the French Interior Ministry, dated 5 September 1957, indicating that Albert Knopf changed residences from Nice to Hyères in September 1957, (5) the Claimant's birth certificate, indicating that his mother was Stella Knopf,³ (6) the Claimant's mother's birth certificate, indicating that her father was Albert Knopf of Vienna, and (7) a card from the French Ministry of Veterans and Victims of the War, indicating that Fritz Knopf, the Claimant's uncle, was a political prisoner, interned and deported in 1942.

The Claimant indicated that he was born on 29 June 1940 in Gurs, France. The Claimant is representing his niece, Monique Stengel (the child of Anna Stengel, née Halpern, the Claimant's half-sister), who was born on 21 February 1960 in Neuilly sur Seine, France.

Information Available in the Bank's Record

The Bank's record consists of a customer card. Additionally, 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") submitted a printout from their database of assets blocked in the February 1945 freeze of assets held in Switzerland by nationals of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"). This database was created by the auditors using information available from the Swiss Federal Archive.

According to the Bank's record, the Account Owner was Albert Knopf, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held two demand deposit accounts, which were closed on 31 December 1950 and 31 October 1951. The amounts in the accounts on the dates of their closures are unknown.

The record prepared by the ICEP auditors indicates that Albert Knopf, who resided in Nice, France, held an account at the Bank, the type of which is not indicated. This record further indicates that the account was blocked in the 1945 Freeze. The balance of the account on 16 February 1945 was 45,252.00 Swiss Francs ("SF"). This record does not indicate when this account was closed. The ICEP auditors did not find this account in the Bank'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.

There is no evidence that the Account Owner or his heirs closed his accounts and received the proceeds themselves.

³ The Claimant's birth certificate indicates that his mother, Stella Halpern, née Knopf, was divorced, and that she and Oscar Loeb were his parents.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Albert Knopf, numbered 24608. These, however, are incomplete and fragmented, and indicate only that Albert Knopf was born on 19 September 1875, and resided at Mautner Markhof Strasse 7, in Baden. 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. With respect to the two demand deposit accounts, the Claimant’s grandfather’s name and country of residence of Austria match the published name and country of residence of the Account Owner specified for those accounts. The Claimant identified the Account Owner’s city of residence as Vienna, which matches unpublished information about the Account Owner contained in the Bank’s record regarding the demand deposit accounts. With respect to the account of unknown type, the Claimant’s grandfather’s name and city and country of residence of Nice, France, match the published name and city and country of residence of the Account Owner specified for that account.

In support of his claim, the Claimant submitted documents, including copies of (1) a 1955 certificate from the French Ministry of Foreign Affairs, indicating that Albert Knopf was a refugee from Austria, (2) a business card indicating that Albert Knopf was an inspector at the Austrian National Bank, (3) the Claimant’s mother’s birth certificate, indicating that Albert Knopf resided in Vienna, (4) a 1946 certificate of residence from the Commissioner of Police in Nice, stating that Albert Knopf had been residing in Nice since 27 August 1939, and (5) a 1957 receipt from the French Interior Ministry, stating that Albert Knopf changed residences from Nice to Hyères, France, in September 1957. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same cities recorded in the Bank’s records as the name and cities of residence of the Account Owner.

The CRT notes that the limited information available from the 1938 Census records regarding Albert Knopf indicates that he was born on 19 September 1875, which matches the Claimant’s grandfather’s date of birth. The CRT further notes that these 1938 Census records indicate that Albert Knopf resided in Baden, which is located 40 kilometers from Vienna, but which was not identified by the Claimant as his grandfather’s place of residence. However, given the proximity of Baden to Vienna, that the documentation submitted by the Claimant indicates that Albert Knopf worked at the Austrian National Bank, which was located in Vienna, that the Claimant’s mother’s birth certificate indicates that her father, Albert Knopf, was from Vienna, and given

that the Claimant was not born until after his family fled Austria, the CRT determines that it is plausible that Albert Knopf maintained addresses both in Baden and in Vienna, and that he specified Vienna as his domicile for purposes of maintaining a bank account. 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, and that he fled Austria for France after the *Anschluss*. The Claimant also submitted a certificate from the French Ministry of Foreign Affairs, indicating that Albert Knopf was a refugee from Austria.

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 Claimant's grandfather. These documents include a copy of the Claimant's birth certificate, indicating the name of his mother as Stella Knopf, and a copy of the Claimant's mother's birth certificate, indicating that her father was Albert Knopf. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's record indicates that the Account Owner's two demand deposit accounts were closed on 31 December 1950 and 31 October 1951, respectively, and the auditors who conducted the ICEP Investigation indicated that the account of unknown type was frozen on 16 February 1945, and subsequently closed on an unknown date.

With respect to the account of unknown type, given that the account was included in the 1945 Freeze and there is no record of a date of closure of the account; and with respect to all three of the Account Owner's accounts, given 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 were not paid to the Account Owner or his 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 and Monique Stengel, whom he is representing. 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 grandfather and Monique Stengel's great-grandfather, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Award is for two demand deposit accounts and one account of unknown type.

With respect to the demand deposit accounts, 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 demand deposit account was SF 2,140.00, for a combined average value of SF 4,280.00 for two demand deposit accounts. 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 an award amount of SF 53,500.00.

The record prepared by the ICEP auditors indicates that the balance of the account of unknown type as of 16 February 1945 was SF 45,252.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 15.00, which reflects standardized bank fees charged to the account in 1945. Consequently, the adjusted balance of the account at issue is SF 45,267.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 565,837.50.

Consequently, the total award amount is SF 619,337.50.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the Award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, the Claimant and his niece, Monique Stengel, are each entitled to a one-half share 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 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
29 December 2005