

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Maria Altmann,  
also acting on behalf of Antoinette Bentley, Peter Bentley, Elizabeth Jarvis,  
and Marietta Hurst,  
represented by E. Randol Schoenberg

## **in re Accounts of Otto Pick and Käthe Pick**

Claim Number 215866/HS

Award Amount: 351,750.00 Swiss Francs

This Certified Award is based upon the claim of Maria Altmann, née Bloch-Bauer, (the “Claimant”) to the unpublished account of Ferdinand Bloch-Bauer.<sup>1</sup> This Award is to the published accounts of Otto Pick (“Account Owner Otto Pick”) and Käthe Pick (“Account Owner Käthe Pick”) (together the “Account Owners”) at the Zurich branch of [REDACTED] (the “Bank”).<sup>2</sup>

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

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<sup>1</sup> In her Claim Form, the Claimant also identified other family members who held Swiss bank accounts. In a separate decision, the CRT has awarded accounts belonging to Luise Gutmann to her children, Nelly Auersperg, née Gutmann, and Francis Gutmann, who were represented by the Claimant. See *In re Accounts of Luise Gutmann* (approved on 18 August 2004). The CRT did not locate an account belonging to the Claimant’s relative, Ferdinand Bloch-Bauer, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources. The CRT will treat the claims to the accounts of Leopold Bloch-Bauer and Otto Gutmann in separate decisions.

<sup>2</sup> The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP list”), Otto Pick (“Account Owner Otto Pick”) and Käthe Pick (“Account Owner Käthe Pick”) (together the “Account Owners”) are indicated as owning three accounts each. Upon careful review, the CRT has concluded that the Banks’ records evidence the existence of three accounts which the Account Owners held jointly.

## Information Provided by the Claimant

The Claimant identified the Account Owners as Otto Pick and Käthe Pick, the parents of her sister-in-law, represented party Antoinette Bentley (formerly Bloch-Bauer), née Pick; and the grandparents of her nephew and nieces: Antoinette Bentley's son, represented party Peter Bentley (formerly Bloch-Bauer); and the children of Otto and Käthe Pick's son, Hans Pick, represented parties Elizabeth Jarvis, née Prentice, (formerly Pick); and Marietta Hurst, née Prentice, (formerly Pick).

The Claimant submitted a chapter from the book *Was Einmal War*, by Sophie Lillie, on art collections belonging to Jewish families in Vienna, Austria, before the *Anschluss*, containing information on Otto and Käthe Pick.<sup>3</sup> According to this chapter, Otto Pick was born on 17 July 1874<sup>4</sup> in Jaromer, Bohemia (now in the Czech Republic), Käthe Pick, née Pollak von Parnau, was born on 23 December 1882 in Vienna, and they both resided in a palace at Reiserstrasse 40 in Vienna III. This chapter also indicates that Otto and Käthe Pick had a son, Hans Pick, who was born on 27 February 1907, and was married to Eva Pick, née Schlesinger-Acs; and a daughter, Antoinette Pick, who was born on 29 May 1909 in Vienna, and was married to Leopold Bloch-Bauer, whom the Claimant identified as her brother. This chapter further indicates that Otto Pick was the owner of the firm *E. G. Pick* in Oberleutensdorf (now Litvinov, Czech Republic), president of the *Hutfabrik AG* in Temesvar, Romania, and a member of the boards (“*Verwaltungsrat*”) of *Messe AG* and *AG Roth-Kosteletzter Spinnerei und Weberei* in Prague, Czechoslovakia (now Czech Republic).

According to the chapter from *Was Einmal War*, Otto Pick owned a large collection of silver objects and gold boxes from Augsburg, Germany, which was kept in his residence at Reiserstrasse 40 in Vienna. The residence was owned by his daughter, Antoinette Bloch-Bauer, and was occupied by the SS immediately after the *Anschluss* (incorporation of Austria into the Reich). In July 1938, the house was confiscated by the Nazi party for use by the Reich's Propaganda Office.

According to the chapter from *Was Einmal War*, Otto and Käthe Pick resided in France after the *Anschluss* and ultimately settled in Vancouver, British Columbia, Canada. The Picks were assessed 1.5 million Reichsmark (“RM”) in “flight tax” (“*Reichsfluchtsteuer*”), which constituted one-fourth of their total assets. Several villas belonging to Käthe Pick and her siblings, Dr. Bruno Pollack-Parnau, Else Mandl-Maldenau, and Berta Schlesinger, located at Andergasse 38, 40, and 42 in Dornbach, Vienna XVII, as well as other real property owned by the siblings, were confiscated by the Nazis beginning in June 1938.

The Claimant also submitted documents related to restitution claims with the Austrian Government after the Second World War and a formerly classified post-War report prepared by the Property Division of the United States Occupation forces. According to these documents,

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<sup>3</sup> Sophie Lillie, *WAS EINMAL WAR: HANDBUCH DER ENTEIGNETEN KUNSTSAMMLUNGEN WIENS*, Czernin Verlag: Wien, 2003, pp. 821 - 836.

<sup>4</sup> The CRT notes that, according to Otto Pick's declaration of assets that he was required to file, he identified his date of birth as 17 August 1874.

Otto Pick and members of the Bloch-Bauer family were major shareholders in the *Österreichische Zuckerindustrie AG* (Austrian Sugar Industry), a major Austrian sugar producer before the *Anschluss*. The documents indicate that on 5 March 1938, Otto Pick and other major shareholders in the sugar company concluded a syndicate voting agreement in Zurich, Switzerland, leaving more than half the sugar company's shares in trust with a Swiss bank in an effort to save the company from confiscation by the Nazis. These documents also indicate that on 14 March 1938, the Gestapo raided the sugar company's main offices in Vienna, confiscating its register and books. Furthermore, according to these documents, the Gestapo imprisoned Otto Pick's son-in-law, Leopold Bloch-Bauer, in order to force Otto Pick and the other shareholders to turn over their shares in the sugar company, which was eventually "aryanized" through the sale of its shares under duress and at a depressed price to a non-Jewish German businessman.

In telephone conversations with the CRT on 20 September 2004 and 4 October 2004, Peter Bentley stated that his grandparents were in Egypt on business connected to their cotton spinning factory at the time of the *Anschluss*, and that his uncle and aunt (Hans and Eva Pick) were also out of Austria, possibly in Palestine. Peter Bentley added that on the night of the *Anschluss*, he, his mother, and Hans and Eva Pick's two daughters (Elizabeth Jarvis and Marietta Hurst) fled from Austria to Czechoslovakia, but that his father, Leopold Bloch-Bauer, remained behind in Austria, where he was later imprisoned by the Nazis. Peter Bentley further indicated that he, his parents, Hans and Eva Pick and their children were later reunited in Zurich. Peter Bentley added that he, his parents and Hans and Eva Pick and their children traveled from the United Kingdom to Quebec, Canada, eventually settling in Vancouver. According to Peter Bentley, Otto and Käthe Pick did not return to Austria after the *Anschluss* and lived in France until shortly before it was invaded by the Nazis in early 1940, at which point they fled Europe and settled in Vancouver. Peter Bentley indicated that in connection with their immigration to Canada, he and his parents changed their surname from Bloch-Bauer to Bentley, that Hans and Eva Pick changed their own and their daughters' surnames from Pick to Prentice, and that Hans changed his first name to John. Peter Bentley further indicated that both his grandparents passed away in Vancouver, his grandfather in the 1950s and his grandmother in the 1960s. The Austrian restitution documents submitted by the Claimant indicate that Otto Pick's heirs were Käthe Pick, John Prentice, and Antoinette Bentley, all of whom resided in Vancouver. Peter Bentley additionally indicated that John Prentice passed away in February 1987 in Vancouver, and that Eva Prentice passed away in 2003, also in Vancouver.

Peter Bentley submitted the change of name deed of Leopold Bloch-Bauer, indicating that he changed his name to Leopold Bentley on 10 November 1938, and a copy of a notice of name change that appeared in a newspaper, indicating that Leopold Bloch-Bauer and Antoinette Bloch-Bauer had changed their last names to Bentley and that they had also changed the last name of their child, Peter Bloch-Bauer, to Bentley. Additionally, Elizabeth Jarvis and Marietta Hurst submitted documents, including: their birth certificates, dated in 1933 and 1935, respectively, in Vienna, indicating that their father was Dr. Hans Pick; a letter to their father from the vital statistics division of the British Columbia Board of Health, dated in 1941, and a notice of name change from a newspaper, dated 10 November 1938 in British Columbia, indicating that Hans Pick, his wife, Eva, and their daughters, Elizabeth and Marietta, changed their surname from Pick to Prentice and that Hans Pick changed his first name to John. Further, Marietta Hurst submitted her marriage certificate, indicating that her maiden name was Prentice.

The Claimant indicated that she was born on 18 February 1916 in Vienna. The Claimant represents her sister-in-law, Antoinette Bentley, who was born on 29 May 1909 in Vienna; the latter's son, Peter Bentley, who was born on 17 March 1930 in Vienna; and the children of Antoinette Bentley's brother, John Prentice: Elizabeth Jarvis who was born on 8 December 1933 in Vienna, and Marietta Hurst, who was born on 3 July 1935 in Vienna.

### **Information Available in the Bank's Records**

The Bank's records consist of two account cards. According to these records, the Account Owners were *Ing.* (Engineer) Otto Pick and *Frau* (Mrs.) Käthe Pick, who resided in Vienna and Zurich. The Bank's records indicate that the Account Owners held two custody accounts and a demand deposit account. The Bank's records further indicate that the demand deposit account and one of the custody accounts were closed on 10 April 1939 and that the other custody account was closed on 14 June 1939. The amount in the accounts on their dates of closure is unknown. There is no evidence in the Bank's records that the Account Owners closed the accounts and received the proceeds themselves.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/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 *Ing.* Otto Pick, numbered 47766, and Käthe Pick, numbered 47767. These records were signed by Otto and Käthe Pick in Zurich on 14 July 1938.

#### Otto Pick

The documents concerning the assets of *Ing.* (Engineer) Otto Pick indicate that he was born on 17 August 1874, that he was an industrialist and engineer, and that he was married to Käthe Pick. Additionally, according to these records, Otto Pick owned a textile mill, *Pick & Co.*, which was located at Esslinggasse 17 in Vienna I. That address is also listed as Otto Pick's place of residence; however, several documents in these records indicate that Otto Pick also resided at Reisnerstrasse 40 in Vienna III. Moreover, the records indicate that Otto Pick owned various securities worth nearly RM 1.4 million. The records also contain a letter from an attorney, Dr. Franz Weiss, to the Viennese Nazi authorities, dated 14 January 1941, stating that he represented Otto and Käthe Pick, that they temporarily resided in Le Touquet, France, after leaving Austria, and that they left for the United States before the outbreak of the Second World War. That letter also indicates that Otto and Käthe Pick's entire domestic assets were transferred to the *Länderbank* in Vienna, which was appointed as the administrator of those assets, and that *Pick & Co.* was also transferred to a local administrator. In addition, the records contain a document stating that Otto and Käthe Pick resided in Le Touquet as of 23 July 1938. Moreover, the records indicate that Otto Pick was assessed flight tax of RM 540,854.00 on 27 January 1939, and that this was increased to RM 1,586,115.00 on 19 August 1939. Furthermore, the records

contain a document indicating that, sometime before 18 January 1939, Otto Pick's residence at Esslinggasse 17 was taken over by another family, and that the home located at Reisnerstrasse 40 was confiscated and assigned to the Nazi Ministry of Propaganda. That same document indicates that Otto Pick had a son, Dr. Hans Pick, who was born on 27 February 1907, was married to Eva Pick, born on 7 April 1911, and was residing in Le Touquet. Finally, these records contain an article from the Nazi newspaper, *Völkischer Beobachter*, regarding Dr. Hans Pick, which indicates that he formerly resided at Reisnerstrasse in Vienna, and states that he and his wife were residing in Zurich and Le Touquet at the time that the article was written, apparently in January 1939. These records make no mention of assets held in a Swiss bank account.

### Käthe Pick

The documents concerning the assets of Käthe Pick indicate that she was born on 23 December 1882 and resided at Reisnerstrasse 40 in Vienna III. The records further indicate that Käthe Pick owned rental property located at Rosenbursenstrasse 2 in Vienna I, as well as a one-quarter share of rental properties located at Gumpendorferstrasse 111 in Vienna VI, and at Andergasse 38-40, in Vienna XVII. In addition, the records indicate that Käthe Pick owned various securities worth a total of RM 123,325.00 and jewelry, precious metals and art works valued at RM 30,000.00. These records make no mention of assets held in a Swiss bank account.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. Her relatives' names and countries of residence match the published names and countries of residence of the Account Owners contained in the Bank's records. Additionally, the materials submitted by the Claimant identify Otto Pick's professional title, "Ing.", and his and his wife's city of residence as Vienna, which match unpublished information about the Account Owners. Further, the information submitted by the Claimant indicates that the Account Owners were married, which matches unpublished information contained in the Bank's records that they jointly held the accounts at issue. The CRT notes additionally, that the biographical information submitted by the Claimant, such as her relatives' birthdates and business interests, matches information about the Account Owners contained in the 1938 Census. In support of her claim, the Claimant submitted a chapter from the book *Was Einmal War* on Otto and Käthe Pick, documents related to her family's restitution claims with the Austrian Government and a report prepared by the Property Division of the United States Occupation forces on the *Österreichische Zuckerindustrie AG*, providing independent verification that the people who are claimed to be the Account Owners had the same names as those recorded in the Bank's records as the names of the Account Owners and that they resided in Vienna, which is one of the cities of residence recorded in the Bank's records for the Account Owners. The CRT notes that the other claims to these accounts were disconfirmed because those claimants failed to identify one of the Account Owners, provided different countries or cities of residence for the Account Owners, and/or provided a different professional title for Account Owner Otto Pick.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant submitted documents, including a chapter from the book *Was Einmal War*, documents related to restitution claims with the Austrian Government, and a report prepared by the Property Division of the United States Occupation forces on the *Österreichische Zuckerindustrie AG*, showing that the Account Owners were Jewish. Additionally, Peter Bentley indicated that although the Account Owners were not in Austria at the time of the *Anschluss*, the Account Owners' daughter and grandchildren were forced to flee Austria, and the documents submitted by the Claimant indicate that the Account Owners' son-in-law, Leopold Bloch-Bauer, was arrested by the Nazis in an effort to force Account Owner Otto Pick to sell his shares in the sugar company. Furthermore, Account Owner Otto Pick's 1938 Census records show that he was assessed flight tax of RM 1,586,115.00 and that the Account Owners' property in Austria was confiscated by the Nazis.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she and the parties she represents are related to the Account Owners by submitting documents demonstrating that the Account Owners were the parents of her sister-in-law, Antoinette Bentley, and that they were the grandparents of Peter Bentley, Elizabeth Jarvis, and Marietta Hurst. These documents include: a chapter from *Was Einmal War*; documents related to the Claimant's family's restitution claims with the Austrian Government; the change of name deed and a notice of name change regarding Peter Bentley and his parents; the birth certificates of Elizabeth Jarvis and Marietta Hurst; a letter from the Vital Statistics Division of the British Columbia Board of Health and a notice of name change regarding Elizabeth Jarvis, Marietta Hurst, and their parents; and Marietta Hurst's marriage certificate. There is no information to indicate that the Account Owners have surviving heirs other than the parties which the Claimant is representing.

### The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that the accounts were closed in April and June 1939, at which time, according to the information provided by the Claimants, the Account Owners were outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the accounts were closed; that the Nazis had previously imprisoned Account Owner Otto Pick's son-in-law, Leopold Bloch-Bauer, in an effort to force Account Owner Otto Pick to turn over his shares in the sugar company held in Switzerland, indicating that the Nazi authorities knew that the Account Owners held assets in Switzerland; that all the Account Owners' domestic assets, including their residence, were confiscated and flight tax of RM 540,854.00, which was later increased to RM 1,586,115.00, was assessed against Account Owner Otto Pick; that the Account Owners may have had relatives remaining in Austria and that they may therefore have yielded to Nazi pressure to turn over their accounts in order to ensure their safety; that the Account Owners or their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the Austrian or German authorities, 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 Owners 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 Antoinette Bentley, Elizabeth Jarvis and Marietta Hurst. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant and the parties she represents have plausibly demonstrated that the Account Owners were Antoinette Bentley's parents and Elizabeth Jarvis's and Marietta Hurst's grandparents, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the accounts at issue. Further, the CRT notes that Antoinette Bentley, as a child of the Account Owners, has a better entitlement than her son, Peter Bentley; and that Elizabeth Jarvis, Marietta Hurst, and Antoinette Bentley, as blood relatives of the Account Owners, have a better entitlement to the accounts than does the Claimant, who is the sister of the Account Owners' son-in-law.

#### Amount of the Award

In this case, the Account Owners held two custody accounts and one demand deposit 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 ("SF") and the average value of a demand deposit account was SF 2,140.00. Thus, the average historic value of the Account Owners' two custody accounts and one demand deposit account was SF 28,140.00. 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 SF 351,750.00.

#### Division of the Award

According to Article 23(1)(c), 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, Antoinette Bentley is entitled to one-half of the total award amount and Elizabeth Jarvis and Marietta Hurst are each entitled to one-fourth of the total award amount.

### **Scope of the Award**

The Claimant and the represented parties should be award 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 they 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  
18 November 2004