

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Robert Plashkes

## **in re Account of Charlotte Plaschkes and Leopold Plaschkes**

Claim Number: 501637/BW

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Robert Plashkes (the “Claimant”) to the published account of Charlotte Plaschkes (“Account Owner Charlotte Plaschkes”) and Leopold Plaschkes (“Account Owner Leopold Plaschkes”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).<sup>1</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.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owners as his parents, Charlotte Plaschkes, née Trautmann, who was born on 16 October 1888, and Leopold Plaschkes, who was born on 13 March 1884 in St. Pölten, Austria. The Claimant indicated his parents, who were Jewish, were married in Vienna, Austria in 1923, and that his father was a lawyer. The Claimant further indicated that he and his parents lived in Vienna until several months after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), at which time they fled to Palestine (now Israel) to escape Nazi persecution. The Claimant indicated that his father and mother lived there until their deaths in 1942 and 1959, respectively. The Claimant submitted a copy of his birth certificate, indicating that he was born Robert Plaschkes on 29 May 1926 in Vienna, and that his parents were Dr. Leopold Plaschkes, who was a lawyer, and Charlotte Plaschkes, née Trautmann.

The Claimant indicated that he was born on 29 May 1926 in Vienna.

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<sup>1</sup> 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”), *Frau* Charlotte Plaschkes is listed as having one account, and Leopold Plaschkes is listed as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account, held jointly by Leopold Plaschkes and Charlotte Plaschkes.

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

The Bank's record consists of a registry of closure of numbered accounts. According to this record, the Account Owners were Dr. Leopold Plaschkes and *Frau* (Mrs.) Charlotte Plaschkes, who both resided in Vienna, Austria. The Bank's record indicates that the Account Owners held a numbered account under the designation 61071. The type of this account is not indicated in the Bank's records.

The Bank's record indicates that the account was transferred on 4 November 1938 to the bank (*Bankhaus*) *Breisach & Co.* in Vienna. The Bank's record does not indicate the amount in the account on the date of its transfer. There is no evidence in the Bank's record that the Account Owners or their heirs closed the account 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, 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 Leopold Plaschkes and Charlotte Plaschkes, née Trautmann.

The file concerning the assets of Leopold Plaschkes, numbered 29212, contains Leopold Plaschkes 1938 Census declaration, correspondence regarding his assets between various Nazi authorities, and a letter written by Leopold Plaschkes. The 1938 Census declaration indicates that Leopold Plaschkes was born on 13 March 1884 in St. Pölten, Niederdonau, that he was a lawyer who resided in Vienna II at Gr. Mohrenstrasse 3b, and that he was married to Charlotte Plaschkes, née Trautmann. According to the declaration, Leopold Plaschkes owned a rental property on Breitegasse 5 in Gainfarn (Niederdonau) and securities, which were held in an account at the bank *Breisach & Co.* in Vienna. In an attachment to his declaration, Dr. Plaschkes explained that, pursuant to the foreign currency law of 23 March 1938, he had instructed *Breisach & Co.* to sell a number of [foreign currency denominated] securities and to purchase with the proceeds certain securities issued by the *Creditanstalt Wiener Bankverein*, the remainder going to his deposit account at *Breisach & Co.* In correspondence updating his 1938 Census declaration, Leopold Plaschkes wrote on 20 January 1939 from Haifa, Palestine, where he then resided, that he had resided at his Vienna address until 3 October 1938. According to his letter, from the remaining foreign currency denominated securities in his account at *Breisach & Co.*, his Sterling denominated Austrian government bonds had been exchanged under the Compensation Offer of the Government of the Reich of 1938 (*Entschädigungsangebot der Reichsregierung von 1938*) for 1938 Series Investment Bonds of the German Reich and other bonds had been sold. He further stated in his letter that the fiscal authorities had put a lien in the amount of 13,900.00 Reichsmark ("RM") against his account at *Breisach & Co.* as security for payment of his flight tax (*Reichsfluchtsteuer*) assessment. Correspondence in the file indicates that on 18 March 1939 the flight tax authorities (*Reichsfluchtsteuerstelle*) assessed Leopold Plaschkes' flight tax at RM 55,628.00 based on estimated assets totaling RM 222,511.00. This correspondence also indicates that, because Leopold Plaschke had left the Reich before 12

November 1938, the tax office of Moabit-West in Berlin was responsible for dealing with his atonement tax (*Judenvermögensabgabe*) liability. Finally, the file contains a confiscation order for Leopold Plaschkes' and his family's assets dated 15 August 1941, which lists his children as Michael Israel, born 9 November 1924 and Robert Israel, born 29 May 1926, both in Vienna.

The file concerning the assets of Charlotte Plaschkes, née Trautmann, numbered 29213, indicate that she was born on 17 October 1888 in Vienna, that she was married to Dr. Leopold Plaschkes, and that she lived at Gr. Mohrengasse 3b in Vienna II. According to this record, as of 15 July 1938, Charlotte Plaschkes owned assets totaling RM 2,310.00.

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. The Claimant's mother's and father's names, city and country of residence match the published names, city and country of residence of the Account Owners. The Claimant also identified his father's professional title, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted his birth certificate, which states that his parents were Dr. Leopold Plaschkes, a lawyer, and Charlotte Plaschkes, who resided in Vienna. This document provides independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town as the names and city of residence of the Account Owners recorded in the Bank's record.

Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), the CRT notes that the names Leopold Plaschkes, and Frau Charlotte Plaschkes appear 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.

### Status of the Account Owners as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that the family lived in Nazi-controlled Austria until they were forced to flee in late 1938.

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

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's mother and father. The Claimant submitted his birth certificate, which lists his date

of birth as 29 May 1926, and indicates that his parents were Dr. Leopold Plaschkes, a lawyer, and Charlotte Plaschkes, who resided in Vienna. Further, Claimant submitted his Canadian passport indicating his name is Robert Plashkes and that he was born on 29 May 1926 in Vienna. There is no information to indicate that the Account Owners have other surviving heirs.

#### The Issue of Who Receives the Proceeds

The Bank's record indicates that the Account Owners' account was transferred to the bank *Breisach & Co.* in Vienna on 4 November 1938. As noted above, Account Owner Leopold Plaschkes reported his account at *Breisach & Co.* in his 1938 Census declaration.

Given that the Account Owners remained in Nazi-controlled Austria until October 1938; that the Bank's records indicate that in November 1938 the account was transferred to a bank in Vienna and that the Vienna account had been declared to Nazi authorities in Account Owner Leopold Plaschkes' 1938 Census declaration; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about their account 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 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 the Claimant. 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 has plausibly demonstrated that the Account Owners were his parents, 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 claimed account.

#### Amount of the Award

In this case, the Account Owners held one account. Although the type of the account is not indicated in the Bank's records, the Bank's records do indicate that the account was transferred to the bank *Breisach & Co.* in Vienna. Further, Account Owner Leopold Plaschkes' 1938 Census declaration indicates that he held a custody account at *Breisach & Co.* and that *Breisach & Co.* sold some securities owned by Account Owner Leopold Plaschkes and purchased other securities, including preferential shares of the *Creditanstalt Wiener Bankverein*, with the proceeds. These facts strongly suggest that the Account Owners' account at the Bank was, in fact, a custody account, the content of which was transferred to *Breisach & Co.* For the purposes of this award, the CRT therefore concludes that the Account Owners 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 ICEP Investigation, in 1945 the average value of a custody account was SF 13,000.00. 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 162,500.00.

### **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 2005