

# CLAIMS RESOLUTION TRIBUNAL

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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 Accounts of Max Klopfer**

Claim Number: 215271/AY<sup>1</sup>

Award Amount: 242,750.00 Swiss Francs

This Certified Award is based upon the claim of Norma Geraldine Freedman, née Klopfer, (the “Claimant”) to the published accounts of Max Klopfer (the “Account Owner”) at 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 grandfather, Max (Mordachai) Klopfer, who was born to Siegmund Klopfer and Berta Klopfer, née Bernheim, on 9 October 1882 in Munich, Germany, and was married to Berta Lamm on 27 October 1920 in Nuremberg, Germany. The Claimant stated that her grandparents resided at Magdalenstrasse 28 in Munich and that they had three children: Peter, Maria Luise and Lisl, all of whom are being represented by the Claimant in these proceedings. The Claimant added that her great-grandfather, Siegmund Klopfer, was the owner of a bank called *Bankhaus Siegmund Klopfer Jr.*, and the owner of a hotel in Munich called the *Excelsior*. The Claimant stated that her great-grandfather left his substantial assets to his three sons: Leopold, Max and Theodore. The Claimant stated that in approximately 1936 her grandfather, Max Klopfer, who was Jewish, was coerced by the Nazis into signing over his wealth to the German Reich. The Claimant stated that her grandfather was told that if he did not sign over his assets, he would be deported to a concentration camp. The Claimant stated that, as a result, her grandfather signed a waiver to the Nazi authorities giving up his family’s bank, the hotel, an insurance policy, and the family’s house in Munich; and that he and his family then fled to Palestine. The Claimant stated that, after they fled, her grandmother began losing her sight, and therefore the family left Palestine

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<sup>1</sup> The CRT notes that an award to the accounts of Siegmund Klopfer was previously issued to the Claimant under this Claim Number. See *In re Accounts of Siegmund Klopfer*, (approved on 31 December 2003).

and traveled to Trieste, Italy, so that she could obtain medical treatment. The Claimant stated that sometime around 1939 the family managed to flee Italy to Canada, and added that Max Klopfer passed away in Montreal, Canada on 22 March 1939, and that his wife, Berta Klopfer, died there on 28 January 1987.

In a telephone conversation with the CRT on 12 November 2002, Maria Luise Kaufman, née Klopfer, the daughter of Max Klopfer and the Claimant's aunt, stated that she and her family fled Germany for Palestine when she was 14 years old (in 1936), and that she and her family moved in 1937 to Trieste, Italy, where she attended school. Maria Kaufman also stated that she fled Italy in 1938 and traveled to Montreal.

In a telephone conversation with the CRT on 4 April 2003, Ervin Kaufman, Max Klopfer's son-in-law and the Claimant's uncle, stated that he personally went to Geneva in the 1990s, to the *Swiss Bank Corporation* offices, to inquire about accounts owned by his father-in-law. Ervin Kaufman further stated that a few weeks later he received a letter identifying all accounts in the Bank owned by persons named Klopfer, but the letter stated that there were no longer any assets in these accounts. The Claimant's uncle further stated that he no longer possesses this letter, and that Berta Klopfer, his mother-in-law, refused out of principle to claim any assets taken by the Nazis, which is the reason he attempted to claim the accounts himself.

In support of her claim, the Claimant submitted Max Klopfer's marriage certificate, issued in Nuremberg, Germany on 26 June 1920, indicating that he was a banker from Munich; Maria Luise Klopfer's birth certificate, issued in Munich on 24 October 1938, indicating that Maria Luise is the daughter of the banker Max Klopfer from Munich, Germany; Maria Luise Klopfer's certificate of residence, issued in Trieste on 1 September 1938, indicating that she is German, that she is the daughter of Max Klopfer and that she resided in Trieste as of 7 April 1937. The Claimant further submitted a certificate of registration with the authorities in Trieste issued on 1 March 1937 confirming the registration of Max Klopfer, his wife Berta and their children Pietro, Maria and Lisa, and that he resided at via S. Caterina 1. The Claimant also submitted a deposit slip with the letterhead *Bankhaus Sigmund Klopfer, Jr. München* and the burial certificate of Max Klopfer, issued by the Superior Court of Montreal on 8 September 1939. Finally, the Claimant submitted a notarized power of attorney form, by which Max Klopfer granted a general power of attorney to his wife Berta Klopfer on 12 October 1938 in Palestine, which contains his signature, and which indicates that Max Klopfer produced his German passport number A 19647, issued in Munich on 3 January 1934, as proof of identify.

The Claimant stated that she was born on 2 April 1946 in Montreal. The Claimant is representing her father, Peter Siegmund Klopfer, who was born on 30 April 1921 in Munich, and her 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, also in Munich.

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

The Bank's records consist of two customer cards. According to these records, the Account Owner was Max Klopfer, a banker who resided in Munich, Germany, and Trieste, Italy, at via S.

Catania 1. The Bank's records show that the Account Owner held one demand deposit account which he opened whilst in Munich on 30 September 1930. The Bank's records indicate that in addition to this account, the Account Owner held two demand deposit accounts which were opened on 31 March 1936, as well as one custody account, numbered L55979, which was opened on 1 April 1936. The Bank's records indicate that these additional accounts were opened at a time when the Account Owner was no longer residing in Munich, but had not yet settled in Trieste: the customer card relating to these accounts bears the notation "Vg", an abbreviation which in German stands for *verzogen*, which in English means "moved." The Bank's records indicate that the Account Owner contacted the Bank from Italy on an unknown date and provided it with his address in Trieste.

According to the Bank's records, the first demand deposit account was closed on 20 May 1936, the additional demand deposit accounts were closed on 10 August 1937 and 20 October 1938, and the custody account, numbered L55979, was closed on 14 May 1938. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts at issue and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name and countries of residence match the published name and countries of residence of the Account Owner. The Claimant identified her grandfather's cities of residence as Munich, Germany, and Trieste, Italy, which match the two unpublished cities of residence of the Account Owner contained in the Bank's records. In addition, the Claimant also identified her grandfather as a banker, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted Max Klopfer's marriage certificate, issued in Nuremberg, Germany on 26 June 1920, indicating that he was a banker from Munich, Maria Luise Klopfer's birth certificate, issued in Munich on 24 October 1938, indicating that Maria Luise is the daughter of the banker Max Klopfer from Munich, Germany and a certificate of registration with the authorities in Trieste issued on 1 March 1937 indicating the registration of Max Klopfer, his wife Berta and their children Pietro, Maria and Lisa. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and profession and resided in the same cities of residence as the name, profession and cities of residence recorded in the Bank's records as the name, profession and cities of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Max Klopfer and indicates that his date of birth was 9 October 1882 and place of birth was Munich, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further 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 was forced to sign over all his possessions to the Nazis before he fled Germany for Palestine.

As noted above, a person named Max Klopfer was included in the CRT's database of victims.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandfather, and that the parties she is representing are the Account Owner's children. These documents include Maria Luise Klopfer's birth certificate, indicating that Maria Luise is the daughter of Max Klopfer, and a certificate of registration with the authorities in Trieste indicating the registration of Max Klopfer, his wife Berta and their children Pietro, Maria and Lisa.

### The Issue of Who Received the Proceeds

With respect to the demand deposit account closed on 20 May 1936, the CRT notes that the Claimant stated that her grandfather, who was a German citizen, was forced to sign over his wealth to the German Reich before he was allowed to leave Germany. Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax - and other confiscatory measures; that the Account Owner would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; and given the application of Presumptions (a), (h), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), and Appendix C, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, or his heirs.

With respect to the other three accounts, the CRT notes that the Bank's records indicate that the demand deposit accounts were closed on 10 August 1937 and 20 October 1938, respectively, and the custody account was closed on 14 May 1938, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the accounts were closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, 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, even for the stated purpose of obtaining indemnification from the 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, the CRT concludes that there is a sufficient probability that the accounts 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 Peter Siegmund Klopfer, Maria Luise Kaufman and Lisl Zadek, who are represented by 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 the represented parties' father, and that relationship justifies 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. Furthermore, the CRT notes that Peter Siegmund Klopfer, Maria Luise Kaufman and Lisl Zadek, as the Account Owner's children, have a better entitlement to the accounts than the Claimant, who is the Account Owner's granddaughter.

### Amount of the Award

In this case, the Account Owner held three demand deposit accounts and 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 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 demand deposit account was 2,140.00 Swiss Francs ("SF"), and the average value of a custody account was SF 13,000.00. Consequently, the total 1945 average value of the accounts was SF 19,420.00. 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 242,750.00.

### 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. In this case, the Claimant is representing her father, Peter Siegmund Klopfer, and her aunts, Maria Luise Kaufman, née Klopfer, and Lisl Zadek, née Klopfer. Accordingly, Peter Siegmund Klopfer, Maria Luise Kaufman and Lisl Zadek, as children of the Account Owner, are each entitled to receive 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 August 2004