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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

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MARIA V. ALTMANN, an individual,)
)
Plaintiff,)
)
v.) Case No.
) 00-08913 FMC (AIJx)
REPUBLIC OF AUSTRIA, a foreign) VOLUME I
state, and the AUSTRIAN GALLERY,) Pages 1 - 133
an agency of the REPUBLIC OF)
AUSTRIA,)
)
Defendants.)
_____)

DEPOSITION OF MARIA ALTMANN
LOS ANGELES, CALIFORNIA
WEDNESDAY, MAY 29, 2002
9:45 A.M.

REPORTED BY: LEESA DURRANT, CSR NO. 11899

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Defendants.)
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Deposition of MARIA ALTMANN, taken on behalf of
the Plaintiff, at 2049 Century Park East, Suite 3200,
Los Angeles, California 90067 commencing at
9:45 a.m., Wednesday, May 29, 2002 before Leesa
Durrant, Certified Shorthand Reporter No. 11899.

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For the Plaintiff:

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Suite 3200
Los Angeles, California 90067
(310) 557-2400

Also Present:

GOTTFRIED TOMAN, ESQ.
KATHERINE PATERNO
DALE PETERSON, videographer

I-N-D-E-X

W-I-T-N-E-S-S

MARIA ALTMANN

Examination by MR. SCHOENBERG

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UNANSWERED QUESTION:

(NONE)

INFORMATION TO BE INSERTED:

(NONE)

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0008

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, MAY 29, 2002;
2 9:45 A.M.
3 * * * * *
4 VIDEOGRAPHER: Going on the record. This is the
5 videotaped deposition of Maria Altmann beginning at
6 9:45 a.m. on May 29th, 2002 in the matter of Altmann
7 versus the Republic of Austria, et al., Case No. 0008913
8 FMC filed in the U.S. District Court, Central District of
9 California.
10 This deposition is being taken at 2049 Century
11 Park East in Los Angeles, California. My name is Dale
12 Peterson. I am a videotape operator and public notary,
13 retained by Supervision Video Services located in Los
14 Angeles, California.
15 Would counsel present please identify yourself

16 and state who you are representing starting with
17 plaintiff's counsel.

18 MR. SCHOENBERG: Yes, my name is Randol Schoenberg,
19 S-c-h-o-e-n-b-e-r-g, and I represent the plaintiff, Maria
20 Altmann.

21 MR. COOPER: I am Scott Cooper. I am counsel of
22 record for the Republic of Austria and the Austrian
23 National Gallery.

24 MR. RICH: Jonathan Rich. I am a colleague of Scott
25 Cooper's and I represent the Republic of Austria and the

0009

1 Austrian National Gallery.

2 MR. TOMAN: My name is Gottfried Toman. I am
3 engaged in the Austria Office of State Attorneys and
4 representing Republic of Austria.

5 MR. COOPER: Also present this morning is Katherine
6 Paterno, a summer associate with our law firm, Proskauer
7 Rose, who's attending the deposition as an observer.

8 VIDEOGRAPHER: Will the court reporter please swear
9 in the witness.

10

11 MARIA ALTMANN,
12 having been first duly sworn, was
13 examined and testified as follows:

14

15 EXAMINATION

16 BY MR. SCHOENBERG:

17 Q Good morning, Mrs. Altmann.

18 A Good morning, Mr. Schoenberg.

19 Q Could you please state your full name for the
20 record?

21 A Maria Altmann -- Maria Viktoria Altmann.

22 Q How do you spell Altmann?

23 A A-l-t-m-a-n-n.

24 Q Let's first for the record mark Exhibit 1 which
25 will be the Third Amended Notice of Deposition of

0010

1 plaintiff Maria V. Altmann to preserve testimony pending
2 appeal under Federal Rule of Civil Procedure 27 (b).

3 (Plaintiff's Exhibit No. 1 was
4 marked for identification by the certified
5 shorthand reporter.)

6 MR. SCHOENBERG: I will note for the record that
7 this deposition is to preserve testimony and is being
8 taken at our request with the stipulation of the
9 defendants and the written stipulation dated August 3rd,
10 2001 is attached to this Third Amended Notice that we've
11 marked as Exhibit 1.

12 We're starting earlier than scheduled which is
13 probably unheard of in the history of law, but we're here
14 this morning and we don't have any other stipulations at
15 this time.

16 MR. COOPER: That's correct.

17 Q BY MR. SCHOENBERG: Mrs. Altmann, where were
18 you born?

19 A I was born in Vienna, February 18, 1916.

20 Q And what was your name when you were born?

21 A I was still born with the name of Marie Bloch.

22 It was a couple of years later that my parents combined
23 the name, the maiden name of my mother with my father's
24 name.

25 Q We'll get to that. How do you spell Bloch?

0011

1 A B-l-o-c-h.

2 Q Who was your father?

3 A Gustav, Dr. Gustav Bloch.

4 Q Who was your mother?
5 A Teresa, Teddi for short, Bauer.
6 Q And you mentioned just now that the name was
7 changed from Marie Bloch to Marie Bloch-Bauer; is that
8 correct?
9 A Correct. I was not aware then. I must have
10 been about two years old.
11 Q Is she speaking loud enough?
12 VIDEOGRAPHER: She sure is.
13 THE WITNESS: Do you want me to talk louder? I can.
14 VIDEOGRAPHER: You're fine for me. I can control
15 the volume.
16 Q BY MR. SCHOENBERG: That's fine then. So your
17 name was changed to Bloch-Bauer, and why was that?
18 A Because the male siblings of my mother and Aunt
19 Adele had died very young years and to preserve the name
20 they combined the name of Bloch with Bauer.
21 Q I see. Now you just mentioned Adele
22 Bloch-Bauer. Who was Adele Bloch-Bauer?
23 A Adele was the sister of my mother, married to
24 the brother of my father. She was a double aunt.
25 Q Who was the brother of your father?
0012
1 A Ferdinand Bloch, later Bloch-Bauer.
2 Q So Gustav and Ferdinand Bloch married Teresa --
3 A Two brothers married two sisters.
4 Q You have to wait until I finish the question
5 and then answer.
6 A I'm sorry.
7 Q So Gustav and Ferdinand Bloch married Teresa
8 and Adele Bauer --
9 A Yes.
10 Q -- and the two families took the name
11 Bloch-Bauer?
12 A Correct.
13 Q Now who was the father of your mother?
14 A His name was Moriz Bauer.
15 Q What was his profession?
16 A He was in the banking business and he was
17 director of the Vienna Bank. I never knew him. He died
18 long before I was born.
19 Q Now what profession was your father, Gustav
20 Bloch-Bauer?
21 A He was a lawyer.
22 Q And how about his brother, Ferdinand
23 Bloch-Bauer?
24 A Ferdinand was president of the -- of a sugar
25 company in Vienna.
0013
1 Q Do you know the name of the sugar company?
2 A It was called Brucker Zuckerfabrik, Austrian
3 Sugar Factory.
4 Q I think that's a good translation.
5 Now were you an only child?
6 A No, I was the youngest child. I'm the only one
7 alive among my siblings but I had three brothers and one
8 sister.
9 Q When were your brothers and sisters born?
10 A My oldest born was 1901 and the next '03, '05
11 and '07 and then eight years nothing and then me.
12 Q You said you were born in 1916?
13 A Correct.
14 Q What were the names of your siblings?
15 A Charles, Karl, Robert, Poldie, P-o-l-d-i-e, and
16 Luise. It's actually Leopold.
17 Q And that's in order of oldest to youngest?

18 A In the order I gave it to you.
19 Q Now we prepared a little bit of a family tree
20 that may be difficult to read, but I just want to mark
21 that as Exhibit 2. I think I faxed you a version of
22 this, Jonathan, at one point.
23 (Plaintiff's Exhibit No. 2 was
24 marked for identification by the certified
25 shorthand reporter.)

0014

1 THE WITNESS: He knows more about my ancestors than
2 I do.
3 Q BY MR. SCHOENBERG: Is this Exhibit 2 a family
4 tree that you helped me prepare?
5 A I have to look at it. Yeah, I did. Yes.
6 Q Now where was your father born?
7 A My father was born in Czechoslovakia in a place
8 called Jungbunzlau.
9 MR. COOPER: Counsel, I don't want to interrupt. Is
10 that the only question that you're going to ask the
11 witness about the foundation for this document?
12 I would note that it wouldn't be sufficient for
13 its admissibility and while I recognize that in this
14 proceeding you're not able to move for admission, I
15 wouldn't want the document to simply go by without having
16 some discussion on it if you intend to have it admitted
17 based on the witness's testimony.
18 MR. SCHOENBERG: That's fine. I don't intend to
19 have it admitted based on her testimony. I really
20 prepared it more as a guide --
21 MR. COOPER: Very good. Fair enough.
22 MR. SCHOENBERG: -- For everybody involved because
23 the relationships sometimes get confusing and the dates
24 and I can tell you where the information was gleaned.
25 MR. COOPER: If you use it to refresh the witness's

0015

1 recollection, obviously we'll want to have an opportunity
2 to voir dire the witness with respect to the information
3 it contains, but that's fine. Let's go ahead and
4 proceed.
5 MR. SCHOENBERG: I don't think there's going to be a
6 dispute about any of the information on this chart.
7 MR. COOPER: Very good.
8 Q BY MR. SCHOENBERG: So the question was where
9 was your father born and you said Jungbunzlau which is
10 J-u-n-g-b-u-n-z-l-a-u. And that is a town that is now
11 called Mlada Boleslav?
12 A You know more than I do.
13 Q In Bohemia; right?
14 A In Bohemia, yes.
15 Q Was Ferdinand born there also?
16 A I suppose so.
17 Q Now were you an Austrian citizen at some point?
18 A Yes, I was until 1945 when I became an American
19 citizen.
20 Q Were you an Austrian citizen after 1938 when
21 the Nazis took over Austria?
22 MR. COOPER: Calls for a legal conclusion.
23 THE WITNESS: I guess I was. I had an Austrian
24 passport at the time.
25 Q BY MR. SCHOENBERG: Now do you know, was your

0016

1 father an Austrian citizen?
2 A Yes.
3 Q When did he become an Austrian citizen?
4 A I couldn't tell you. He was 54 when I was born
5 so I suppose it must have happened before.

6 Q Was Ferdinand Bloch-Bauer an Austrian or a
7 Czech citizen?
8 A No, he was a Czech citizen.
9 Q How is it possible that your father could be an
10 Austrian citizen and your uncle, his brother, be a Czech
11 citizen?
12 A I suppose my father became an Austrian citizen
13 after a while, but my uncle spent a lot of time in
14 Czechoslovakia and remained a Czech citizen.
15 Q Was August von Wassermann a cousin of your
16 mother's?
17 A My mother's, yes.
18 Q Who was August Von Vasserman?
19 A He was the one that he went -- what do you call
20 it? Wassermann test, the blood test that's done ever
21 since, the testing that the people before they get
22 married they used to have the Wassermann test.
23 Q What disease does it test for?
24 A I think it's syphilis.
25 Q Now are you related to Julius Bauer?
0017
1 A No. He was a friend of the family -- very dear
2 friend of the family. I only knew him as an old
3 gentleman and he spoke at any festivity in the family.
4 But there's no relation.
5 Q What was his profession?
6 A Well, he was like a writer, maybe journalist
7 and at every occasion, good or bad, he gave a speech.
8 Q Are you Jewish?
9 A Yes.
10 Q Were your parents Jewish?
11 A Yes.
12 Q What about your Uncle Ferdinand, was he Jewish?
13 A Yes.
14 Q And what about Adele Bloch-Bauer?
15 A Adele was Jewish but she gave up the religion
16 when one of her favorite brothers died in very young
17 years. She didn't believe in God anymore.
18 Q Now where did you grow up?
19 A I grew up in Vienna. I was in Vienna up to
20 1938.
21 Q And when you were growing up in Vienna, where
22 were Ferdinand and Adele Bloch-Bauer?
23 A They were in great part of the year in Vienna,
24 but the summer was entirely spent in Czechoslovakia and I
25 visited them there too.
0018
1 Q And how old were you about when Adele died?
2 A Nine.
3 Q That was in 1925?
4 A Yes.
5 Q Now I take it you had an opportunity to view
6 your uncle's art collection; is that correct?
7 A Yes, when I was there. We were there
8 practically every week for dinner or lunch and I grew up
9 with that art collection.
10 Q Where did Ferdinand live?
11 A He lived in Vienna in Elisabethstrasse. They
12 called it a palace, but it's actually a very lovely
13 mansion.
14 Q The number on that was 18?
15 A I'm sorry. Elisabethstrasse street, No. 18.
16 Q Where is that located in Vienna?
17 A It's located on the Schillerplattz which is
18 just a block away from the Ring Boulevard which is the
19 main street, a few minutes from the opera and a very nice

20 location.

21 Q So you said you had a good opportunity to view
22 Ferdinand's art collection?

23 A Yes, of course. They are always Christmas,
24 Easter and practically every Sunday for lunch.

25 Q Now you just mentioned that you celebrated

0019

1 Christmas and Easter, but you said earlier that you were
2 Jewish; is that correct?

3 A Yes, but I do have to admit that it was my
4 family in Vienna it was a little different. We did
5 celebrate Christmas and Easter though we were Jewish and
6 had Jewish religion in school, but we did celebrate those
7 holidays.

8 Q Did your father go to temple on --

9 A He went to temple on one day only, the day of
10 atonement.

11 Q On Yom Kippur?

12 A Yom Kippur.

13 Q Who did he sit next to at temple?

14 A I beg your pardon?

15 Q Who did he sit next to at temple?

16 A He sat next to the brothers Rothschild. They
17 were friends of his and they had given him for lifetime,
18 Stradivarius cello, which was picked up by the Gestapo
19 and my father died a few weeks after.

20 Q Now Gustav Klimt died just a little bit after
21 you were born, so you didn't know him, did you?

22 A I never knew him, no.

23 Q But you saw some of his paintings in
24 Ferdinand's house?

25 A My uncle had made -- after his wife passed away

0020

1 so early, he had made like a memorial room which was her
2 former bedroom and in that room were all of his paintings
3 and always, all year-round beautiful flowers, and so I
4 recall that very vividly.

5 MR. SCHOENBERG: Scott, I'm going to have her
6 identify the Klimt paintings. Do you want a copy of
7 these when we identify them?

8 MR. COOPER: Anything that you are going to have
9 admitted as an exhibit in the deposition, I would like to
10 have a copy.

11 (Plaintiff's Exhibit No. 3 was
12 marked for identification by the certified
13 shorthand reporter.)

14 Q BY MR. SCHOENBERG: Mrs. Altmann, I would like
15 for you to go through these one by one and maybe hold
16 them up to the camera as you identify them and tell me
17 whether you recall these paintings being in the house of
18 your uncle?

19 A In the bedroom, yes. Yes, this first one is --

20 MR. COOPER: Mr. Schoenberg, I don't want to
21 interrupt this. It's implicit, but not explicit from the
22 witness's testimony thus far that she was in the bedroom
23 and saw these paintings firsthand. You might want to
24 just clarify that because she volunteered the
25 information. You didn't have the opportunity to ask that

0021

1 question.

2 Q BY MR. SCHOENBERG: We'll go through these
3 paintings. I want you to identify and tell us whether
4 you saw these particular paintings in the house of
5 Ferdinand Bloch-Bauer.

6 A Most definitely.

7 Q Go through them one by one and tell us whether

8 you saw these paintings in Ferdinand's house.
9 A Yes, they were. As I said, a former bedroom of
10 my aunt was transformed into a memorial room with just
11 nothing but the Klimt paintings in there and flowers.
12 Always beautiful flowers.
13 Now this first one is the Gold portrait and it
14 is the painting that my uncle commissioned Klimt to paint
15 of his wife.
16 The second one which was painted as I
17 understand a few years after this one is "Adele
18 Bloch-Bauer II."
19 This painting is the "Apple Tree I." It says
20 I, but I didn't realize there's an "Apple Tree II." At
21 least I don't know it, but this is the third one.
22 The fourth one is the Beechwood which is this
23 one. I love that one.
24 And this one is called "Houses in Unterach"
25 which was a lake in Austria.

0022

1 This one, I understand my uncle donated in the
2 year 1936 to the gallery and got a lovely thank you note
3 for it and this is Schloss, which means castle, Kammer am
4 Attersee which is a lake.

5 Q Now this last one, was this portrait of Amalie
6 Zuckerkandl in that memorial room?

7 A No, it was not. As a matter of fact, I don't
8 recall that painting, but my brother said it was in my
9 uncle's bedroom. I don't remember that. I don't
10 remember having entered my uncle's bedroom. This was it.

11 Q Now you mentioned that the second to last one,
12 the castle Kammer am Attersee was donated to the Austrian
13 Gallery in 1936. Do you remember what painting replaced
14 that in the memorial room?

15 A No.

16 Q Was there a portrait of Kokoschka, by Oskar
17 Kokoschka by your Uncle Ferdinand?

18 MR. COOPER: Leading. Lacks foundation.

19 THE WITNESS: Pardon me?

20 MR. COOPER: It was an objection to the form of the
21 question. I said it was leading and it lacks foundation
22 which means that there's no establishment in the record
23 that you have that information.

24 Q BY MR. SCHOENBERG: You can answer the
25 question.

0023

1 A I saw the painting. It was particularly ugly
2 in my opinion. But I must say that I don't recall having
3 seen it in the memorial room. I saw the painting, but I
4 don't recall where it was hanging. It might have been
5 there, but --

6 Q Okay. Let's mark actually the next exhibit,
7 Exhibit 4.

8 (Plaintiff's Exhibit No. 4 was
9 marked for identification by the certified
10 shorthand reporter.)

11 Q BY MR. SCHOENBERG: Exhibit 4 is Bates stamp
12 numbered pages 1 through 6.

13 Mrs. Altmann, what is Exhibit 4?

14 A Do you want me to tell you?

15 Q Yes. What is it?

16 A It was a letter that my Aunt Adele wrote to my
17 brother Robert when he was -- I think it was about his
18 18th birthday. And the letter is incredible because it
19 shows so much about her character and her incredible urge
20 for knowledge. And that's what she tells him in the
21 letter, that he should surround himself with extremely

22 intelligent people that know art and are very educated
23 and that's -- it's a very special letter in which she
24 tries to tell him what's important in life.

25 MR. COOPER: Move to strike as nonresponsive.

0024

1 Q BY MR. SCHOENBERG: Did Adele have a formal
2 education?

3 A No. In those days girls did not go to
4 university, so she got married when she was 17 to just
5 get out of the house and to be able to surround herself
6 with people that were important to her.

7 Q And who are some of the people that she
8 surrounded herself with?

9 A Well, she surrounded herself with people from
10 all areas. She had people that were politicians. There
11 were people in the music world like Mahler and Strauss,
12 Richard Strauss. And in the medical field it was
13 Professor Tandler. And in the art it was Klimt and I am
14 sure it was Schindler too who was the father of Alma
15 Mahler. She had what was called in France a salon where
16 she surrounded herself with people in every aspect of art
17 and intellect.

18 Q What about her political orientation?

19 MR. COOPER: Lacks foundation.

20 THE WITNESS: Pardon?

21 MR. COOPER: Lacks foundation. I'm just making the
22 objection that there's no basis established in the record
23 for what he's asking.

24 MR. SCHOENBERG: He's just making an objection. You
25 can answer the question.

0025

1 Q What was Adele's political orientation?

2 A She was a socialist.

3 Q And what about your Uncle Ferdinand?

4 MR. COOPER: Lacks foundation.

5 THE WITNESS: I think he had no time to think of
6 politics. He was a very hardworking, busy man.

7 Q BY MR. SCHOENBERG: Was Adele close to any
8 political figures in Austria?

9 A Yes, she was a great friend of Karl Renner.

10 Q What about your Uncle Ferdinand, was he close
11 to any Austrian or Czech political figure?

12 MR. COOPER: Same objections.

13 THE WITNESS: Yes, he was very friendly with
14 Masaryk, at that time the head of Czechoslovakia --
15 president of Czechoslovakia.

16 Q BY MR. SCHOENBERG: How do you know that?

17 A I just heard it from my father. Not only that,
18 when my husband and I lived in Fall River, Massachusetts,
19 we went to Boston and we met the son of Masaryk there
20 and, of course, he remembered me from knowing who I was
21 and he was very unhappy at that time and he returned then
22 to Prague. He committed suicide before being captured.

23 Q Who was the father of Masaryk?

24 A He was president of Czechoslovakia.

25 Q And Karl Renner, who was Karl Renner?

0026

1 A Karl Renner was a very big socialist figure who
2 became president after the war. I never met him.

3 Q How do you know that Adele was close to Karl
4 Renner?

5 A From the hearsay of my siblings and I
6 understand there was an exchange of letters that were
7 removed from her night table while she was unconscious.

8 Q Back to Exhibit 4, on the first page at the top
9 there's an insignia with a deer jumping over a tree and

10 underneath it says "Schloss Jungfer" --
11 A Schloss means castle, Jungfer Brezan which is
12 on the border. They called it a castle. It looked
13 somewhat like the White House. I would call it a
14 mansion, but at that time they called it a castle. And
15 the stag, that was apparently his ex libris.
16 Q Ex libris.
17 A It's a mark for his books. He loved hunting
18 and that's why he had a stag in there.
19 Q Was this Schloss Jungfer Brezan, was that the
20 property that you were talking about in Czechoslovakia?
21 A It was the property that was taken over by
22 Heydrich --
23 Q We'll get to that. Before we get to that, the
24 property was owned by Ferdinand and Adele?
25 A And Adele.

0027

1 Q And you visited there?
2 A Very often. Almost every summer I was there
3 for two weeks or so.
4 Q Now at the end of the letter on the page
5 numbered 6 is your -- is a signature of Adele and then
6 there's another note below that says -- that's signed
7 Buddha, B-u-d-d-h-a.
8 A I wouldn't know. That must have been a
9 nickname that my brother Robert gave her, but I wouldn't
10 know what it means.
11 Q Now when we were going through the paintings,
12 the last one was this portrait of Amalie Zuckerkandl.
13 Who was Amalie Zuckerkandl?
14 A Amalie Zuckerkandl, the way I recall her, she
15 was a dear friend of my mother. I recall her very well.
16 She was a very, very nice lady. My uncle was very
17 generous to a lot of people, so that is only hearsay,
18 that he tried to help her by buying that portrait.
19 Q Do you know what happened to Mrs. Zuckerkandl
20 during the war?
21 A Yes, I understand that she was deported and
22 died in concentration camp.
23 MR. COOPER: Lacks foundation.
24 Q BY MR. SCHOENBERG: Did you know any of her
25 children personally?

0028

1 A Yes. I remember Minnie. I think her name was
2 Minnie who afterwards married -- I only knew her as a
3 married woman. Rudolph Mueller-Hoffman was her husband.
4 I remember him. He was very nice.
5 Q What did he do?
6 MR. COOPER: Lacks foundation.
7 THE WITNESS: I don't even know. He wasn't a
8 lawyer. I think he was in the art world.
9 Q BY MR. SCHOENBERG: Now you mentioned earlier
10 that Ferdinand ran a sugar company. Did any of your
11 siblings work for Ferdinand in the sugar company?
12 A My oldest brother Charles was director of the
13 sugar company. Actually it was called Brucker
14 Zuckerfabrik in -- that doesn't make any difference. My
15 brother Robert was personal secretary to my uncle.
16 Q What about your other brother, Poldie, or
17 Leopold?
18 A Poldie never worked for my uncle.
19 Q Was your uncle the only shareholder of the
20 sugar company?
21 A No. No. No. No. There was a group of
22 people. As a matter of fact, the in-laws of my brother,
23 Poldie, were big shareholders in there and then there

24 were quite a few others. As I say, I recall the names,
25 but that's all.

0029

1 Q Who was your brother Leopold married to?

2 A He was married to Toni, Antoinette Pick,
3 P-i-c-k, and they were big shareholders in the sugar
4 company.

5 Q And Toni Pick or Toni Bentley is her name now?

6 A Yes, they changed it from Bloch-Bauer to
7 Bentley.

8 Q She's still alive; right?

9 A Yeah, but you can't call it living. She's
10 alive, but it's no life. She doesn't know who she is.
11 She's blind. It's horrible.

12 Q And when did your brother marry Toni Pick?

13 A I think he must have met her in '36. Something
14 like that, I think.

15 Q So before the war?

16 A No. No. No. It was before because I got
17 married in 1937. It must have been 1934 that he got
18 married.

19 Q What about Karl, was he married before the war?

20 A No, he married after the war.

21 Q And your brother Robert, was he married before
22 the war?

23 A Yes, he was married. As a matter of fact, the
24 birth of his son, my husband read in at that time there
25 was still a newspaper in Dachau, that's where he read

0030

1 that my father died and that Robert got the little boy.

2 Q Who was that?

3 A George Bentley.

4 Q But I was asking -- who did he marry, Robert?

5 A He married Thea Stern.

6 Q Is she still alive?

7 A She's still alive. She's a couple of years
8 younger than I am.

9 Q Where does she live?

10 A She lives in Vancouver, British Columbia.

11 Q What about your sister Luise, was she married
12 before the war?

13 A Yes, Luise was married -- I was 12. Luise was
14 married, I think in -- I was 11 when she married, so you
15 can figure it out.

16 Q Around '29 or '30?

17 A Yeah.

18 Q Who did she marry?

19 A She married, his name was Baron Victor Gutmann,
20 G-u-t-m-a-n-n.

21 Q Where did they live?

22 A They lived in Vienna and a great part of
23 Yugoslavia where my brother-in-law had a lumber industry
24 and owned some forests there.

25 Q When did you get married?

0031

1 A I got married on December 9th, 1937.

2 Q And to whom were you married?

3 A I was married to Fritz Altmann.

4 Q Where did the wedding take place?

5 A It was one of the very last huge weddings in
6 Vienna. It was in Vienna.

7 Q Was it in the main synagogue?

8 A No, it was -- my husband wanted the synagogue
9 because his father -- that was his father's temple and
10 that's where my husband wanted us to get married.

11 Q Which one was?

12 A Turner, T-u-r-n-e-r.
13 Q Did Fritz have any brothers and sisters?
14 A Yes, Fritz was just like me, the youngest among
15 five. Fritz had three brothers and one sister.
16 Q Who were his brothers and sister?
17 A Bernhard was his oldest brother. He was 20
18 years older than Fritz and then Julius and Klara was his
19 sister.
20 Q What did Bernhard Altmann did?
21 A Bernhard had a very large knitting mill in
22 Vienna and was afterwards very successful in America
23 doing the same thing.
24 Q Did you receive any gifts from Ferdinand when
25 you were married?

0032

1 A Yes.
2 Q What did you receive?
3 A I received a diamond necklace and matching
4 earrings from Aunt Adele. And the sad thing is I never
5 even wore it once because when the Nazis came to Vienna,
6 they came and picked up my entire jewelry and the
7 necklace was. After the war, they imprisoned the men
8 that had taken the jewelry and he said that the diamond
9 necklace was sent to Hammond Gerring's wife.
10 Q Who was that who said that?
11 A The Gestapo men who came to arrest us -- to
12 arrest Fritz. They arrested him after the war and asked
13 him about the jewelry of Bernhard's wife.
14 Q What was his name, the Gestapo?
15 A Mr. Landau.
16 MR. COOPER: Move to strike the last two answers as
17 nonresponsive. If you would pause just a moment between
18 his question and your answer, that way I won't interrupt
19 you.

20 THE WITNESS: That's perfectly all right. Yes, I
21 will.

22 Q BY MR. SCHOENBERG: Who was the -- what was the
23 name of the Gestapo officer that you were just referring
24 to?

25 A Landau, L-a-n-d-a-u.

0033

1 MR. COOPER: Lacks foundation.
2 Q BY MR. SCHOENBERG: Now after your wedding at
3 the end of 1937, you went on your honeymoon?
4 A We went in December on the honeymoon and we
5 came back in January.
6 Q And where did you live?
7 A We lived in a beautiful totally new apartment
8 that was in the living quarters of the factory that my
9 brother-in-law owned and it was brand-new and beautiful,
10 but we lived there only six weeks.
11 Q Do you remember when the Nazis annexed Austria
12 is what is known as the Anschluss?
13 A I remember it very well.
14 Q Where were you?
15 A I happened to be at my parents' house where
16 there was chamber music every Friday evening and it was
17 just when the chamber music ended that the then
18 Chancellor of Austria, Schuschnigg was his name, he
19 announced that the German troops are at the border and
20 that there would be no resistance so that there's no
21 bloodshed.
22 Q And do you remember when the Nazis then -- the
23 German Nazis came into Vienna?
24 A Yes, I remember it very well.
25 Q What do you remember?

0034

1 MR. COOPER: Calls for a narrative response.

2 THE WITNESS: Huh?

3 Q BY MR. SCHOENBERG: You don't have to worry.

4 He's saying objections but you can answer the question.

5 The judge will rule on them later.

6 A It was -- it was in the evening at 6:00 o'clock
7 that Schuschnigg made the speech and then afterwards
8 there was a lot of jubilant people in the streets and
9 church bells were ringing and it was not an air of
10 victims but more they were quite jubilant, the people in
11 the streets. I am sure not everyone.

12 Q Do you know where Ferdinand was at the time of
13 the Anschluss?

14 MR. COOPER: Lacks foundation.

15 THE WITNESS: Ferdinand must have been in
16 Czechoslovakia. He was definitely not in Vienna at the
17 time.

18 Q BY MR. SCHOENBERG: Do you know what happened
19 to Ferdinand's home after the Anschluss?

20 MR. COOPER: Lacks foundation.

21 Q BY MR. SCHOENBERG: You can answer the
22 question. He's stating objections. The judge will rule
23 on them later.

24 A The thing is I never went back there anymore,
25 but I understand that -- see, I was concentrating at that

0035

1 time on one thing. My father died and my husband was in
2 concentration camp, so I never thought of anything else
3 of how he would get out, how he would get out.

4 Q You mentioned earlier there was a time when the
5 Gestapo came to you personally. When was the first time
6 that you had interaction with the Gestapo?

7 A It was -- this must have been -- it was very
8 early because Bernhard had given us a car for the
9 wedding, a new car and they came and pushed it out of the
10 garage which was around the middle of March already.
11 And then a little later, I would say in the last week of
12 March, first days of April is when they came to question
13 Fritz. They just called for questioning, but they
14 arrested him and then he was shipped to Dachau.

15 Q You mentioned something about some jewelry of
16 yours. When did that take place?

17 A That was the first time --

18 MR. COOPER: Objection. Excuse me, Mrs. Altmann.
19 Objection as to relevancy and if you're going to go into
20 a series of questions of this type, perhaps now is an
21 appropriate time to have a stipulation for this series of
22 questions as to relevancy.

23 MR. SCHOENBERG: That's fine. You can reserve your
24 relevancy objections to this line of questioning.

25 Q The question was, earlier you had mentioned

0036

1 that a Gestapo agent, a Mr. Landau, had taken your
2 jewelry. When did that occur?

3 A I beg your pardon.

4 Q When did that occur?

5 A That occurred the very first time -- he then
6 lived in the factory. He took the apartment. As a
7 matter of fact, he took over our apartment.

8 Q That's Mr. Landau?

9 A Mr. Landau.

10 Q Was he Austrian or German?

11 A No, he was Austrian. The people that had taken
12 over the factory were two German gentlemen.

13 Q This was the factory that belonged to your

14 brother-in-law Bernhard?
15 A My brother-in-law, Bernhard.
16 Q What did Mr. Landau say to you when he came to
17 ask you about your jewelry?
18 A He just --
19 MR. COOPER: Objection. Hearsay.
20 THE WITNESS: He just said give me the jewelry.
21 Then he made me take off the engagement ring. I was so
22 terrified that they might arrest my husband that I had
23 jewelry at the house, but then I had the main jewelry
24 which was given to me for the wedding a couple of months
25 before at the jeweler and they wouldn't have known about

0037

1 it, but I told them that I have more jewelry and so the
2 jeweler sent it over.
3 Q BY MR. SCHOENBERG: Now at that time, Fritz
4 wasn't yet arrested; is that correct?
5 A When they picked up the jewelry, no. That's
6 why I wanted to be sure that they got everything so that
7 he wouldn't be arrested. But they arrested him a few
8 days after.

9 Q And where was Fritz sent?
10 A He was first at the Landesgericht at Vienna and
11 Rosseuerlaender, R-o-s-s-e-u-e-r-l-a-e-n-d-e-r, and then
12 he was shipped to Dachau, D-a-c-h-a-u.

13 Q Do you know why Fritz was arrested?

14 MR. COOPER: Lacks foundation. Calls for
15 speculation.

16 THE WITNESS: He was arrested because -- not only
17 out of religious reasons, but mostly because the two
18 Germans that took over the factory wanted to be sure that
19 my brother-in-law has foreign accounts not paid to him
20 but to them and so they went to Paris to -- the two
21 German gentlemen had told them to -- if they wanted -- if
22 he wanted to see Fritz again, he should sign over the
23 factory which he did. And they kept the promise and sent
24 an officer to Dachau to bring Fritz home. He came back
25 in July.

0038

1 Q BY MR. SCHOENBERG: Did you have to do anything
2 to secure the release of your husband from Dachau?

3 A No, I did go with the one German gentleman to
4 Berlin, but he did the talking. I didn't do anything.

5 Q After Fritz was released, where did you live?

6 A We lived in a small place assigned to us in the
7 factory, in the house and we stayed there until -- we
8 made two attempts to escape that failed and the third one
9 worked and we landed in England.

10 Q You said your father passed away that summer in
11 1938?

12 A My father died in July, in July of 1938.

13 Q And you were still in Vienna then?

14 A Yes.

15 Q When did you leave Vienna?

16 A I left Vienna on October 21st, 1938.

17 Q Now among your family, who else escaped from
18 Austria at that time?

19 Let's go through it. Did your mother leave?

20 A No, my mother followed a little later. We
21 escaped to England and my mother followed a few weeks
22 afterwards. My brother Robert was able to leave and then
23 also the sister of Fritz. That's it.

24 Q What about Karl? Charles?

25 A He was not in Vienna, thank goodness, because

0039

1 he -- he was in Paris at the time and never returned.

2 Q What about Poldie?
3 A Poldie was in Vienna and he was arrested.
4 Q What happened to him when he was arrested?
5 A That's an unusual story. They woke him up at
6 midnight for interrogation and the man that questioned
7 him said, "Mr. Bloch-Bauer, I'm going to test your
8 memory. What did you do on New Year's Eve in 1934?" And
9 my brother said, "I remember that very well. I was
10 skiing at the Zugspitze" -- Z-u-g-s-p-i-t-z-e, it's a
11 skiing mountain near Vienna -- "and at midnight we got an
12 SOS call from the mountains that said a man had got lost
13 there and he said my buddy and I went up and brought him
14 down to the lodge." The man answered, "This is correct.
15 And the man was me." My name is "Hiedler and I am a
16 nephew of Adolph Hitler. I'm going to help you but only
17 for three days and you better get out by then." He
18 liberated my brother and he went to the Swiss consulate
19 the next day and got out.
20 Q Where did your brother Leopold go when he left
21 Austria?
22 A He went to Vancouver, British Columbia.
23 Q What did he do there?
24 A Then he brought --
25 Q What did he do there?
0040
1 A He founded a very large lumber mill.
2 Q Do you know what it's called?
3 A C-a-n-f-o-r, Canfor Lumber Company.
4 Q And did any of your other relatives then go to
5 Vancouver?
6 A Well, my brother Poldie was very good about
7 that and had all of the others follow him and gave them
8 jobs.
9 Q When you say "all of the others"?
10 A It was my brother Robert, my brother Charles
11 and Luise, the whole time was still in Yugoslavia where
12 her husband was killed by the communists and then the
13 person that helped her very much married her and he went
14 with her via Israel to Canada.
15 Q But so you were the only one that didn't go to
16 Canada?
17 A Yeah. No. That's correct.
18 Q How about your mother, did your mother --
19 A My mother came in November '38 to Liverpool to
20 join us. I think it was November. I don't know exactly.
21 Then she went to Canada and stayed there.
22 Q Now did any of your brothers change their names
23 when they went to Canada?
24 A Yes, two of my brothers changed their name to
25 Bentley because nobody could pronounce Bloch-Bauer and
0041
1 only my oldest brother to spite my youngest brother kept
2 the name.
3 Q That was Charles?
4 A To make it a little more difficult.
5 Q That was Charles?
6 A Yeah.
7 Q So when we come across the name of your brother
8 Robert Bentley later, that was Robert Bloch-Bauer who
9 became Robert Bentley?
10 A Correct.
11 Q Now you said you escaped from Vienna and ended
12 up in Liverpool, England. When was that?
13 A That's a little complicated.
14 Q I just asked when it was.
15 A When it was?

16 Q Yes.
17 A Excuse me. It was October '38, October 21,
18 '38.
19 Q And how long did you stay in Liverpool?
20 A We stayed in Liverpool until the war broke out.
21 We would have remained in England. We loved it. But the
22 war broke out. We would have been enemy aliens and
23 luckily at the time our American visa came and so we went
24 to America in May 1940.
25 Q And where did you live initially in the United

0042

1 States?
2 A We were in Four River, Massachusetts where my
3 oldest son was born and then in October, two years later,
4 1942 we came to Los Angeles.
5 Q And why did you come to Los Angeles?
6 A Fritz wanted to work for the war effort and so
7 he got a position as a time study engineer with General
8 Dynamics in San Diego and when he came there, they
9 couldn't give him the job because he thought he was
10 Australian and he would have been an enemy alien so he
11 had come back to Los Angeles -- we came to Los Angeles
12 and then we took a lawyer and he worked it out and Fritz
13 worked at Lockheed for the entire war and --
14 Q Can we take a break? We've been going about an
15 hour.

16 MR. COOPER: Sure.
17 MR. SCHOENBERG: And I can set up the next set of
18 documents.
19 VIDEOGRAPHER: Going off the record at 10:38 a.m.
20 (Brief recess taken.)
21 VIDEOGRAPHER: Going back on the record at 10:58
22 a.m.
23 MR. SCHOENBERG: While he's getting the water, we'll
24 mark as the next exhibit which I think is No. 5 a
25 document that is Bates stamped marked 1346 through 1362.

0043

1 (Plaintiff's Exhibit No. 5 was
2 marked for identification by the certified
3 shorthand reporter.)
4 Q BY MR. SCHOENBERG: Mrs. Altmann, Exhibit 5 is
5 a property declaration concerning property of yours in
6 1938. It lists your address at Siebenbrunnen, No. 21.
7 Is that where you were living in 1938?
8 A Correct. That was where the factory of my
9 brother-in-law was and where it was also the living
10 quarters in an extra house.
11 MR. COOPER: Objection. Lacks foundation. The
12 question about this document lacks foundation. That's
13 all.
14 MR. SCHOENBERG: The question was whether it was
15 correct she lived there in the summer of 1938.
16 MR. COOPER: Counsel, just so we're clear, the
17 question was by reference for a document for which there
18 was no foundation. That was the basis for my objection.
19 MR. SCHOENBERG: You're objecting to the document,
20 not the question?
21 MR. COOPER: I'm objecting to the question which
22 referred to a document for which there's no foundation.
23 Q BY MR. SCHOENBERG: You can turn to the 4th
24 page of this document for which Mr. Cooper believes
25 there's no foundation.

0044

1 MR. COOPER: Just so you and I understand each
2 other, do you believe you have established a foundation
3 for this document on the record?

4 MR. SCHOENBERG: I'm not having my deposition taken.
5 I'm just going and asking questions. You're placing
6 objections. You do your job and I will do mine.

7 MR. COOPER: Excellent.

8 MR. SCHOENBERG: The question was whether it she
9 lived at Siebenbrunnen and your objection was lacks
10 foundation.

11 Q Page 4 of this document, is that your
12 signature at the bottom?

13 A Correct.

14 Q Is this, at least the first four pages of
15 Exhibit 5 a document that you were required fill out in
16 the summer of 1938?

17 A Yes.

18 Q On the third page --

19 A Yes.

20 Q -- do you see that?

21 A Yes.

22 Q At the bottom do you see where it says -- does
23 it say there that your jewelry --

24 A Yeah. My jewelry was taken by the secret
25 police, the Gestapo and, therefore, I have no way of of

0045

1 appraising it.

2 MR. COOPER: Move to strike as nonresponsive.

3 Q BY MR. SCHOENBERG: Let me reask the question.
4 What does it say at the bottom of the page?

5 A On page 3?

6 Q Yes. You can say again what you just said.

7 A It says my jewelry is taken by the secret
8 police and, therefore, I cannot appraise it. I just
9 translated what I wrote there.

10 MR. COOPER: For the record, since I think the
11 record is unclear, the document is a German-languaged
12 document. The reference was to page 1348 and
13 Mrs. Altmann was, I believe, although I am guessing,
14 translating a sentence that was typed onto an otherwise
15 form printed document with the beginning of the words
16 "mein," m-e-i-n and ending with the word "schatzen,"
17 s-c-h-a-t-z-e-n.

18 THE WITNESS: No, excuse me. Schmuck, it means
19 jewelry, S-c-h-m-u-c-k.

20 MR. SCHOENBERG: He said the last word and he
21 mispronounced it.

22 THE WITNESS: Schatzen is appraised.

23 Q BY MR. SCHOENBERG: If you could turn to page
24 1353.

25 A Yes.

0046

1 Q Now just using this to see if it refreshes your
2 recollection, first, can you translate it for us?

3 A Yes. "As told us by the act of Gestapo means
4 secret police and room for 50 the entire" -- "means
5 entire fortune" --

6 Q Property?

7 A -- "property of the Jewish woman, Maria
8 Altmann, was taken on June 13, 1938 by the state. The
9 abovementioned Jewish woman has escaped without a
10 passport" which is incorrect. I had a passport, but I
11 escaped with my husband who had no passport "and is at
12 the time in London." That document was 17th of July,
13 1939.

14 Q Do you know if the document -- the passport
15 that you left with was a German passport issued by Nazi,
16 Germany?

17 A Yes, they gave it to me to pretend that we can

18 leave, but they would have never let Fritz go.
19 Q Let's mark now as Exhibit 6 a document numbered
20 1330 through 1345.

21 (Plaintiff's Exhibit No. 6 was
22 marked for identification by the certified
23 shorthand reporter.)

24 THE WITNESS: That's the same one? No.

25 Q BY MR. SCHOENBERG: That's a different one

0047

1 which I will give you now.

2 A Sorry. Yeah.

3 A I can't even translate that it's so
4 complicated.

5 Q I'm not going to ask you any foundational
6 question about this, but I just thought it should be here
7 in order.

8 When you and your husband Fritz left Vienna in
9 1938, were you able to bring any property with you?

10 A No, nothing.

11 MR. COOPER: Objection. Counsel, I'm sorry. I am
12 just confused at this point. Is this document being
13 offered to the witness for the purpose of asking a
14 question of her or not? I don't know how to form an
15 objection with respect to its total lack of foundation
16 and substance because I don't know whether you have
17 placed it before her for a reason.

18 Q BY MR. SCHOENBERG: Without reference yet to
19 the document, were you allowed to take any property with
20 you, you or your husband Fritz?

21 A Nothing. We had a rain coat and nothing else.

22 Q If you turn to the third page, 1332. Don't
23 read it yet. Do you know where any taxes imposed on you
24 when you left Austria?

25 A I am quite sure --

0048

1 MR. COOPER: Vague and ambiguous.

2 THE WITNESS: -- there was.

3 Q BY MR. SCHOENBERG: What taxes were imposed on
4 you?

5 A I think they called it a reichsfluchtsteuer.
6 You can't possibly translate that.

7 R-e-i-c-h-s-f-l-u-c-h-t-s-t-e-u-e-r.

8 Q On page 3 it mentions a lawyer, Dr. Rinesch.

9 A Yes.

10 Q Who was Dr. Rinesch?

11 A Dr. Rinesch --

12 MR. COOPER: Objection to any questions making
13 reference to this document without a proper foundation
14 for the document.

15 Q BY MR. SCHOENBERG: Who was Dr. Rinesch?

16 A Dr. Rinesch was the best friend of my brother
17 Robert and was a great friend of the family. I knew him
18 since I can remember anything and he was a very, very
19 nice man for whom had my complete trust.

20 Q Was he your lawyer in the fall of 1938?

21 A Yes, he was.

22 Q Let's mark as Exhibit 7, I think, this next set
23 of documents.

24 (Plaintiff's Exhibit No. 7 was
25 marked for identification by the certified

0049

1 shorthand reporter.)

2 THE WITNESS: I was two years old then.

3 Q BY MR. SCHOENBERG: What I would like you to do
4 is go through this Exhibit 7 and identify the pages and
5 who is portrayed in them. On the first page which is

6 numbered --
7 A On the first page, marked March 22nd, 1918 is
8 my father and my mother. The second page is a painting
9 that I own of my mother as a young woman.
10 Q Is it a painting or a photograph?
11 A No, it's a painting which was in Vancouver with
12 my sister and when my sister died I inherited the
13 painting. It's still with my son.
14 Q Let's refer to the numbers at the bottom of the
15 page to make sure. You're talking about page 1404 now?
16 A Correct.
17 MR. COOPER: Counsel, do I still have a running
18 objection on relevancy with respect to this line of
19 questioning?
20 MR. SCHOENBERG: That's fine. You can reserve all
21 relevance objections for this line.
22 Q You skipped a page.
23 A I did? That's me.
24 Q 1405 is you?
25 A Yes. And it's just -- it's silly. I sent that

0050

1 to my sister, this picture. It doesn't mean anything.
2 This is a picture of a very elegant dinner at the castle
3 of my uncle in Czechoslovakia.
4 Q That's 1407?
5 A And 1407. And 1409 is my engagement picture.
6 The next one is Aunt Adele in Czechoslovakia and Brezan
7 with the German Shepherd. This one is my -- 1411 is my
8 uncle with a hunted stag. He loved hunting. Horrible.
9 The next one -- and that is the so-called castle in
10 Czechoslovakia. It was a postcard that I sent to a
11 friend of mine in '32. Yeah, I was 16 then. That is the
12 house that Heydrich took over.
13 Q You just mentioned someone, Heydrich. Can you
14 spell that for the court reporter?
15 A H-e-y-d-r-i-c-h.
16 Q Who was Heydrich?
17 A Heydrich was a right-hand man of Hitler. Shall
18 I spell it? And he was named as head -- he was supposed
19 to take over Czechoslovakia for the Germans and he took
20 my uncle's castle or mansion as his residence and lived
21 there with his wife.
22 Q Let's mark as Exhibit 8 --
23 A As a matter of fact, when he left there to go
24 to Prague, he was murdered on the way to Prague by the
25 Czechs.

0051

1 Q You're talking about Heydrich now?
2 A Heydrich, yeah.
3 Q This next few pages is Exhibit 8. I'm sorry
4 the copies didn't come out very well. If these turn out
5 to be relevant, we'll get better copies. Just for
6 completeness sake we will --
7 A Oh, these were paintings. Ah, this was the one
8 which --
9 (Plaintiff's Exhibit No. 8 was
10 marked for identification by the certified
11 shorthand reporter.)
12 Q BY MR. SCHOENBERG: Let's go page by page.
13 That's why I show today to you to see if you can identify
14 even with these poor copies what is on page 1 which is
15 numbered 1415.
16 A That is a Waldmueller, W-a-l-d-m-u-e-l-l-e-r,
17 painting. He was an Austrian painter. That was at my
18 uncle's palace. Above is -- what do you call it? -- a
19 showcase, display case for some of the beautiful

20 porcelains they had. The next one is oil paintings that
21 he had and of those these were actually returned to us
22 partly to my siblings, and the one underneath where it
23 says "Esterhazy," that was a Waldmueller painting that I
24 got but I actually never saw it. It was sold. This
25 picture, the last one here, 1417, is by an Austrian

0052

1 painter, E-y-b-l, and it is a painting of, I think an
2 Austrian aristocrat. This painting I have and still have
3 while some of the others I sold because I needed the
4 money.

5 Q Let's mark now as Exhibit 9 --

6 A Which is 9?

7 Q I'm going to give them to you.

8 A Shall I return these?

9 Q You can put them in front of you or on the
10 side.

11 Exhibit 9 is a document numbered 1418 through
12 1427 and the front page says "My Adventures and Escape
13 from Nazi Germany."

14 (Plaintiff's Exhibit No. 9 was
15 marked for identification by the certified
16 shorthand reporter.)

17 Q BY MR. SCHOENBERG: Mrs. Altmann, do you
18 recognize Exhibit 9?

19 A Yes, I do.

20 Q What is Exhibit 9?

21 A You're talking about this one?

22 Q Yes.

23 A It's the story of -- my husband wrote this.

24 It's the story of our escape from Vienna.

25 Q Is everything in this Exhibit 9 true?

0053

1 A Yes.

2 MR. COOPER: Compound. Lacks foundation.

3 Q BY MR. SCHOENBERG: I'm sorry?

4 A It certainly is.

5 Q Has Fritz passed away?

6 A Fritz passed away in 1994.

7 MR. COOPER: It's always hearsay.

8 Q BY MR. SCHOENBERG: Let's mark as Exhibit 10 a
9 document numbered 1428 through 1439. This is the "Story
10 of the Escape of Fritz and Maria from Germany on 21st and
11 22nd of October, 1938" by Bernhard Altmann.

12 (Plaintiff's Exhibit No. 10 was
13 marked for identification by the certified
14 shorthand reporter.)

15 THE WITNESS: Yes, he arranged all of that from the
16 outside because we tried from the inside and we failed.

17 Q BY MR. SCHOENBERG: Mrs. Altmann, do you
18 recognize Exhibit 10 that we just put in front of you?

19 A Yes, I do.

20 Q What is Exhibit 10?

21 A It is the story of the escape of my husband and
22 myself written by my brother-in-law, Bernhard Altmann,
23 who arranged the whole thing from outside because when we
24 tried from the inside it didn't work out.

25 Q Is everything in here true as far as you know?

0054

1 A Yes, it's true. I read it many times.

2 MR. COOPER: Lacks foundation. It's compound. It's
3 hearsay.

4 MR. SCHOENBERG: Let's mark as Exhibit 11 a document
5 numbered 13 through 16.

6 (Plaintiff's Exhibit No. 11 was
7 marked for identification by the certified

8 shorthand reporter.)
9 Q BY MR. SCHOENBERG: Mrs. Altmann, on the last
10 page, page 16 --
11 A Page 16, excuse me. Yes.
12 Q -- do you recognize any signatures on that
13 page?
14 A Yes, I recognize the signature of my father on
15 the left.
16 Q Where it says Gustav Bloch-Bauer?
17 A Yes, Dr. Gustav Bloch-Bauer.
18 Q How old was Adele when she died?
19 A 42 about. 43.
20 Q You mentioned earlier that she gave up her
21 religion?
22 A Yes.
23 Q Why was that again?
24 A Pardon me?
25 Q Why did she give up her religion?

0055

1 A Because she lost the faith, the belief in God
2 when her favorite brother died so young.
3 Q On the first page it says that Adele was a
4 citizen of Czechoslovakia. Do you know if that's
5 correct?
6 A I suppose so because her husband was
7 Czechoslovakian. Yeah, it says here.
8 Staatsangerhorigkeit means were citizen of what.
9 Q Let's mark now as Exhibit 12 which is pages 17
10 and 18. This was the handwritten version of Adele's last
11 will.
12 (Plaintiff's Exhibit No. 12 was
13 marked for identification by the certified
14 shorthand reporter.)
15 Q BY MR. SCHOENBERG: Mrs. Altmann, when did you
16 first see a copy of your Aunt Adele's will?
17 A In 1998 or '99. I had never seen it before.
18 Q Let's mark as Exhibit 13 pages Nos. 21 and 22
19 which I believe are a typed script of the will that was
20 done shortly after the war, I think.
21 Just for the record, there may be some
22 discrepancies between the typed script and the actual
23 version.

24 (Plaintiff's Exhibit No. 13 was
25 marked for identification by the certified

0056

1 shorthand reporter.)
2 MR. COOPER: Okay. Just for clarity, I take it that
3 you and I are clear at least with respect to your
4 presentation of these various documents to Mrs. Altmann
5 that I'm not required to make an objection as to a lack
6 of foundation for admissibility of the documents at
7 trial. Plainly your purpose in showing her some of these
8 documents, perhaps all of them, is for questioning
9 purposes and not for establishment of the foundation for
10 the admissibility of the documents.

11 If we're clear on that, I will avoid additional
12 objection that would go to the admissibility of the
13 documents as opposed to any question that you ask her.

14 MR. SCHOENBERG: Yeah, for the most part that's
15 correct. For example, on one of the previous documents
16 she recognized the signature of her father that may
17 ultimately go to foundation. I am assuming that we will
18 be able to get these admitted foundationally through
19 other methods through Mrs. Altmann's testimony.

20 MR. COOPER: That was my assumption as well. If
21 we're clear on that, perhaps we can have just a running

22 stipulation that by not objecting to these documents in
23 today's deposition that we waive no objection with
24 respect to their admissibility or the establishment of
25 any foundation for their admissibility.

0057

1 MR. SCHOENBERG: That's certainly fine with us.
2 We'll stipulate to that.

3 Q Mrs. Altmann, Exhibit 13 is in front of you.
4 When did you first receive a copy of Exhibit 13?

5 A I would say in early '99 or still at the end of
6 '98. I don't quite recall it. My sister passed away at
7 that time so that was a very difficult time for me.

8 Q Let's mark Exhibit 14.
9 (Plaintiff's Exhibit No. 14 was
10 marked for identification by the certified
11 shorthand reporter.)

12 THE WITNESS: This is her death certificate.

13 Q BY MR. SCHOENBERG: On the second page of
14 Exhibit 14 there's -- it looks like there's a name at the
15 top. Can you read that name?

16 A Yes. That is the man I mentioned before,
17 Professor Julius Tandler, T-a-n-d-l-e-r. He was part --
18 he was a social democrat, part of the stadtrat,
19 S-t-a-d-t-r-a-t. It's just a title.

20 MR. COOPER: Let the record reflect, the witness is
21 spelling a word that appears under Professor Tandler's
22 name on page 2 of the document that's been marked for
23 identification purposes of Exhibit 14.

24 THE WITNESS: Yes.

25 Q BY MR. SCHOENBERG: You had said that Professor
0058

1 Tandler was a medical doctor?

2 A He was a professor of anatomy at the University
3 of Vienna and a very dear friend of my aunt and uncle, I
4 suppose.

5 Q Let's mark now as Exhibit 15 which is a
6 three-page document, Nos. 24 through 26.
7 (Plaintiff's Exhibit No. 15 was
8 marked for identification by the certified
9 shorthand reporter.)

10 Q BY MR. SCHOENBERG: Mrs. Altmann, when did you
11 first see exhibit -- the pages of Exhibit 15?

12 A All of these I only saw in '99.

13 Q In 1999?

14 A Yes. I never saw anything before. We escaped
15 and I had nothing to go by.

16 Q Might as well continue. Exhibit 16 is a page
17 numbered 29.

18 (Plaintiff's Exhibit No. 16 was
19 marked for identification by the certified
20 shorthand reporter.)

21 Q BY MR. SCHOENBERG: Mrs. Altmann, do you know
22 what Exhibit 16 is?

23 A I'm just looking at it. Yeah, it's talking
24 about the last will of my aunt.

25 Q Have you seen this before?

0059

1 A I guess so. All of these things I only saw
2 after 1999. I never saw anything because we escaped and
3 I had no knowledge of any of these. That's about the
4 house.

5 Q Okay. That's all I had for that.
6 This one I'm not going to mark as an exhibit,
7 but it has been produced. It's pages numbered 30 through
8 84. The first page says "Inventaz Maerz," M-a-e-r-z,
9 "1932."

10 A That's inventory.
11 Q There's no question yet. I will ask the
12 question. I just want you -- after I put it in front of
13 you to identify what this is briefly.
14 A It just says "Inventory March 1932" and it
15 gives the inventory about the house of my uncle with
16 everything in it and the art, also the furniture, piano,
17 carpets and objects of art.
18 Q From whom did you get this inventory?
19 MR. COOPER: Counsel, do you have a copy of this
20 document for me?
21 MR. SCHOENBERG: I didn't make an extra because it's
22 thick, but you have a copy.
23 THE WITNESS: From whom I got it, actually my
24 brother Robert did all of that.
25 Q BY MR. SCHOENBERG: Do you know when you
0060
1 obtained a copy of this inventory?
2 A I don't think so.
3 Q That's fine. That's the only question I had
4 about it.
5 A Did I? Maybe my memory fails me finally, but I
6 don't recall it.
7 MR. SCHOENBERG: Scott, I can lay it out here in
8 case you want to ask a question about it.
9 MR. COOPER: Thanks. I will just make a copy of it
10 at the break if that's possible.
11 THE WITNESS: It's in terrible detail, all of the
12 contents of the palace.
13 Q BY MR. SCHOENBERG: I have prepared -- we'll
14 call it Exhibit 17 pages numbered 85 through 91 which are
15 for the most part an excerpt of that insurance inventory.
16 (Plaintiff's Exhibit No. 17 was
17 marked for identification by the certified
18 shorthand reporter.)
19 MR. COOPER: For the record, you've characterized
20 this document as to which there exists no foundation.
21 When you say that this -- I see. The fact that these
22 pages are numbered consecutively after the identification
23 numbers of the other pages does not mean that these were
24 pages in the original document that appeared
25 consecutively after the last page of the document.
0061
1 I take it this somehow was produced as a
2 separate excerpt?
3 MR. SCHOENBERG: I think so. I may even have extra
4 comments on it.
5 Q I want her to try to identify some of the
6 handwriting on these pages inside here. I think it will
7 be helpful to everyone.
8 A The handwriting is entirely the one of my
9 brother Robert.
10 Q You're looking now at which page?
11 A I was just looking at page 87, but I can start
12 from the beginning. Robert was what they called the
13 personal secretary of my uncle so that is how he knows
14 more than any of us about every detail. This is -- he
15 named all the entire contents of the palace in
16 Elisabethstrasse and all of the paintings, he named them
17 one by one and then all of the objects of art in the
18 different rooms.
19 MR. COOPER: Move to strike as nonresponsive.
20 Q BY MR. SCHOENBERG: On the page that's numbered
21 86 --
22 A 86, yes. 86, yes. Yeah.
23 Q -- unfortunately there's some writing at the

24 very top that didn't come out very well. I'm not sure if
25 you can recognize that as anybody's handwriting. Can you?

0062

1 A You mean this?

2 Q Yeah.

3 A I couldn't possibly.

4 Q That's fine. The handwritten notations on the
5 rest of page 86, not including the top.

6 A That's all from Robert.

7 Q What about on page 87?

8 A It's only Robert. I recognize his handwriting
9 very well. But he was the one that did all of that. He
10 was also in Vienna part of the time.

11 Q On page 88, whose handwriting is that?

12 A Robert.

13 Q On page 89, there's similar handwriting and
14 then other writing on the left side, is that all from the
15 same person, do you know?

16 A No, I wouldn't know who did it. Robert's with
17 a question mark. Poldie with a question mark. Luise.

18 Q The printed writing on the left side, you do
19 not recognize on page 89; is that correct?

20 A Correct.

21 Q But the handwritten notations?

22 A The handwritten notations is all my brother
23 Robert. But there's little printed, the small ones where
24 it says "Luise," "Robert," I don't know who wrote that.

25 Q Right, on the left-hand column.

0063

1 A It might have been him, but I don't know.

2 Q What about on page 90?

3 A That's all Robert.

4 Q Again, the column on the left side --

5 A Unless he tried to print. It looks like a
6 different handwriting. The one that says "Poldie in
7 trust" for instance, that seems like a little different
8 handwriting, but he might have tried to write neatly. I
9 wouldn't know.

10 MR. COOPER: Counsel, just for the record, I am
11 perfectly happy to have the witness testify as to her
12 belief as to any handwriting that she recognizes. So
13 that we're not silent on the subject, we obviously don't
14 accept that she has expertise in the field of handwriting
15 and/or nor the forensic ability to identify.

16 THE WITNESS: It's very interesting. I just seen
17 it. I haven't seen it before, it says next to all of the
18 paintings of my uncle, next to on the top where it says
19 "Waldmueller, Trauben," do you see that? It says
20 "Goering," then it says "Versoehnung" which means -- it's
21 the name of a portrait, it says "Pinakorthek" which is
22 the museum in Munich and then Munich then under Esterhazy
23 it says "Hitler"; "Childless Dog" it says "Goering." So
24 that was where it was first before it was returned.

25 MR. COOPER: To complete what I was saying, the

0064

1 testimony I take it for the purpose of identifying any of
2 the handwriting that Mrs. Altmann recognizes --

3 THE WITNESS: I suppose so.

4 MR. COOPER: -- rather than for any forensic
5 purposes.

6 THE WITNESS: All right.

7 MR. SCHOENBERG: Let's look at the last page of 91.

8 MR. COOPER: Is that correct, Counsel, just so I
9 know?

10 MR. SCHOENBERG: Her testimony is what it is so --

11 THE WITNESS: 91?

12 Q BY MR. SCHOENBERG: Yeah, the last page.
13 A Yeah, I got it.
14 Now on top that was a painting that he gave
15 Rinesch.
16 MR. COOPER: There's no question pending,
17 Mrs. Altmann.
18 THE WITNESS: That's all.
19 Q BY MR. SCHOENBERG: The handwriting in the
20 middle, again you recognize that as your brother
21 Robert's?
22 MR. COOPER: Lacks foundation.
23 THE WITNESS: In the middle, there's no writing.
24 Q BY MR. SCHOENBERG: In the lower part.
25 A In the lower part, that's my brother Robert,

0065

1 yeah. Unbelievable.
2 Q This is the only other one I didn't make a copy
3 of, but again I did make a copy this time of the first
4 three pages. So let's mark as Exhibit 18 pages numbered
5 188 through 190. Then for reference purposes the entire
6 document which is numbered 188 through 294.
7 (Plaintiff's Exhibit No. 18 was
8 marked for identification by the certified
9 shorthand reporter.)
10 Q BY MR. SCHOENBERG: Mrs. Altmann, do you
11 recognize what we've marked as Exhibit 18?
12 A Yes.
13 Q What is that?
14 A You're talking about this?
15 Q Yes.
16 A Well, it was my uncle had a very, very famous
17 collection of porcelain and as a matter of fact, it was
18 traveled to different museums throughout Europe and then
19 it was confiscated. And at first we were told that
20 Hitler wanted to buy it and then it proved to be too
21 expensive, so it was auctioned off in a public auction in
22 Vienna.
23 MR. COOPER: Move to strike as nonresponsive.
24 Q BY MR. SCHOENBERG: Pay attention to me. He
25 states his objections for the record and the judge will

0066

1 rule on them eventually.
2 Mr. Cooper, could you put the entire document
3 closer to Mrs. Altmann.
4 What we showed you as Exhibit 18 is just the
5 first three pages.
6 A I have that original letter that was sent to me
7 at home and it was unbelievably beautiful. That's all
8 I can say.
9 Q How did you receive a copy of this catalog?
10 MR. COOPER: Assumes facts not in evidence. Lacks
11 foundation.
12 THE WITNESS: I received it through -- just a
13 minute. I don't know where you want me to put it. I
14 don't want to do the wrong thing.
15 Q BY MR. SCHOENBERG: Where did you receive a
16 copy of this catalog?
17 MR. COOPER: Same objections. It's also leading.
18 Q BY MR. SCHOENBERG: How did you receive a copy
19 of this catalog?
20 A If I recall, Mrs. Sturm the antique dealer sent
21 it to me.
22 Q Who was Mrs. Sturm?
23 A Mrs. Sturm has a very beautiful antique shop in
24 Vienna and she was very anxious to get a lot -- as much
25 as these things as she can. We sold her some things

0067

1 because we needed the money.
2 Q What was the name of her store?
3 A Very difficult. B-e-d-n-a-r-c-i-k. It's a
4 Polish name. You don't have to worry about it.
5 Q But you said you received it from Mrs. Sturm?
6 MR. COOPER: Ambiguous. Your reference to "it" is
7 this document?
8 THE WITNESS: I think so.
9 MR. COOPER: The original of this document?
10 Q BY MR. SCHOENBERG: Pay attention to me.
11 Is Mrs. Sturm the owner of the Bednarczyk
12 Gallery?
13 A Yes, Bednarczyk was her father and so the store
14 is still called Bednarczyk. As a matter of fact, when
15 the few paintings that we were able to get out I sold to
16 the father, Mr. Bednarczyk, because I needed the money.
17 Q Now on the second page numbered 189 -- turn
18 back to the previous page.
19 A 89.
20 Q At the top there are two stamped addresses for
21 your brother, Robert Bentley.
22 A Yes. There are two addresses. The first one
23 was his --
24 Q You're anticipating my question.
25 A -- the one was his first wife. The one on the

0068

1 left was where he moved with his second wife.
2 Q Do you know when he moved to the second
3 address?
4 A I couldn't tell you the year.
5 Q Who was his second wife?
6 A Who it was?
7 Q Yeah.
8 A Her name was -- she was English and her first
9 name was Hylde.
10 Q Let's mark as Exhibit 19 a document numbered
11 303 which is a handwritten note from Dr. Eric Fuehrer,
12 F-u-e-h-r-e-r. When it has two dots over the U, you can
13 add an E.
14 This is dated, this appears to be dated July
15 10th, 1942.
16 (Plaintiff's Exhibit No. 19 was
17 marked for identification by the certified
18 shorthand reporter.)
19 Q BY MR. SCHOENBERG: Mrs. Altmann, do you know
20 how you came to receive a copy of this document that we
21 marked as Exhibit 19?
22 A All of this I had not seen before 1999.
23 Q How did you get it?
24 A I think through Czernin. I guess so. I don't
25 know when I got it. I certainly didn't see it before.

0069

1 Q C-z-e-r-n-i-n?
2 A Dr. Fuehrer was --
3 Q There's no question yet. Who was Dr. Erich
4 Fuehrer?
5 A Dr. Erich Fuehrer was a Nazi lawyer assigned to
6 take over my uncle's fortune and art.
7 Q And did you ever meet Dr. Fuehrer?
8 A No.
9 MR. COOPER: Move to strike the last answer to the
10 prior question with respect to the identity of
11 Dr. Fuehrer as lacking foundation.
12 Q BY MR. SCHOENBERG: Let's mark now as
13 Exhibit 20 the will of Ferdinand Bloch-Bauer dated

14 October 8th, 1942.

15 (Plaintiff's Exhibit No. 20 was
16 marked for identification by the certified
17 shorthand reporter.)

18 Q BY MR. SCHOENBERG: Mrs. Altmann, did you
19 receive a copy of this from your sister?

20 A No.

21 MR. COOPER: I didn't hear the witness's answer.

22 (Record read.)

23 Q BY MR. SCHOENBERG: Did you receive it after
24 your sister passed away?

25 A Yes.

0070

1 Q When did she die?

2 A She died in April '98.

3 Q And before April 1998 had you ever seen this
4 document?

5 A No, but I saw it afterwards.

6 Q Did your sister have children?

7 A Yes, my sister had a daughter and a son.

8 Q What's the name of her daughter?

9 A Nelly Auersperg, A-u-e-r-s-p-e-r-g.

10 Q What's the name of her son?

11 A The son is Edward, Eddie Auersperg.

12 Q That's Nelly's son?

13 A Pardon me?

14 Q That's Nelly's son.

15 A Excuse me. That's Nelly's son. Forgive me.

16 The two children of my sister were Nelly Auersperg and
17 Frances Gutmann, G-u-t-m-a-n-n.

18 Q And where does Frances Gutmann live?

19 A Frances lived in Montreal, Canada.

20 Q And where does Nelly Auersperg live?

21 A She lives in Vancouver, British Columbia.

22 Q And who is Nelly Auersperg married to?

23 A She's married to Johannes. Well, if it's

24 easier for you, it's Hansa, H-a-n-s-a, Auersperg.

25 Q Is the Auersperg family a well-known family in

0071

1 Austria?

2 A It's a very well known.

3 Q How are they well known?

4 A Well, as a matter of fact, he tells me they
5 were there before the Hausbergs so since 16th century.

6 Q Now did Nelly or her husband give you a copy of
7 this will that we've marked?

8 A Yes, we went through all of these things after
9 my sister passed away, but before I didn't see them.

10 Q Let's mark as Exhibit 21 a letter dated 30th of
11 August 1945 to Dr. Erwin Lowatschek, L-o-w-a-t-s-c-h-e-k,
12 in Zurich from Ferdinand Bloch-Bauer.

13 (Plaintiff's Exhibit No. 21 was
14 marked for identification by the certified
15 shorthand reporter.)

16 Q BY MR. SCHOENBERG: Is Exhibit 21 another
17 letter that you received from your niece Nelly or your
18 nephew Hansa after your sister died?

19 A Correct.

20 Q You'll see in the middle there's a reference to
21 something I think you referred to before.

22 B-r-u-c-k-e-r-z-u-c-k-e-r-f-a-b-r-i-c-k. What was the
23 Bruckerzuckerfabrick?

24 A It was a sugar refinery where my uncle was
25 president and he mentions in this document the partners

0072

1 in the industry.

2 Q And who are those? Can you read that for us?
3 MR. COOPER: Objection. The document speaks for
4 itself.
5 MR. SCHOENBERG: I'm going to ask her if she knows
6 the people.
7 THE WITNESS: I just know the top one who was the
8 father-in-law of my brother Poldie.
9 Q BY MR. SCHOENBERG: You're referring to Otto
10 Pick?
11 A Yes. I knew the other names. I knew the names
12 very well. I might have met even some of them, but
13 that's it.
14 Q So Otto Pick was your brother Poldie's
15 father-in-law?
16 A Correct.
17 Q He was one of the other shareholders in the
18 sugar company; is that correct?
19 A Correct.
20 Q Let's mark as Exhibit 22 then a letter from
21 Ferdinand Bloch-Bauer to Dr. Rinesch who we've mentioned
22 before.
23 (Plaintiff's Exhibit No. 22 was
24 marked for identification by the certified
25 shorthand reporter.)
0073
1 Q BY MR. SCHOENBERG: This one is dated 5th of
2 September, the date is cut off, but I think it's 1945 if
3 that matters ultimately, we will get a better copy of it
4 if you have one.
5 A It was just a couple of months before he died,
6 isn't it?
7 Q It couldn't have been after 1945.
8 Exhibit 22, is that another document that you
9 received from your niece Nelly or her husband Hansa
10 Auersperg after your sister died?
11 A Yes, I think so.
12 MR. COOPER: Leading.
13 Q BY MR. SCHOENBERG: Let's mark as Exhibit 23
14 page 314.
15 A Yeah, this is where all --
16 (Plaintiff's Exhibit No. 23 was
17 marked for identification by the certified
18 shorthand reporter.)
19 Q BY MR. SCHOENBERG: The question is, is this
20 also a document you received from your niece Nelly or her
21 husband after your sister Luise died in 1998?
22 MR. COOPER: Leading and it lacks foundation.
23 THE WITNESS: Yeah, I suppose so. I don't know
24 exactly if I got that from Luise or with the rest of the
25 things that I got afterwards.
0074
1 Q BY MR. SCHOENBERG: Let's mark now as
2 Exhibit 24 the last will of Ferdinand Bloch-Bauer dated
3 22nd October 1945. This is numbered 316 through 318.
4 318 is a transcript.
5 (Plaintiff's Exhibit No. 24 was
6 marked for identification by the certified
7 shorthand reporter.)
8 Q BY MR. SCHOENBERG: Do you recall when you
9 first saw this?
10 A Yes, 1999.
11 MR. COOPER: Objections. Lacks foundation. Calls
12 for speculation.
13 Q BY MR. SCHOENBERG: I'm sorry. Can you say the
14 answer again?
15 A In 1999.

16 Q Exhibit 25 is marked page 320.
17 A That's a death certificate.
18 (Plaintiff's Exhibit No. 25 was
19 marked for identification by the certified
20 shorthand reporter.)
21 Q BY MR. SCHOENBERG: Is this also something that
22 you received from your niece Nelly or her husband Hansa
23 after your sister died?
24 MR. COOPER: Leading. Lacks foundation.
25 THE WITNESS: I'm not quite sure if they showed me

0075

1 that or if I got it with the other documents in 1999.
2 Q BY MR. SCHOENBERG: Same question for exhibit
3 -- the next exhibit which will be Exhibit 26.
4 Understanding, I assume, the same objections.
5 A That's the same thing. It's a death
6 certificate.
7 (Plaintiff's Exhibit No. 26 was
8 marked for identification by the certified
9 shorthand reporter.)
10 MR. COOPER: You assumed correctly. Same
11 objections.
12 Q BY MR. SCHOENBERG: Do you remember when you
13 learned that your Uncle Ferdinand had died?
14 A Well, I heard it from Vancouver, of course. I
15 didn't hear anything directly.
16 Q After you left Vienna in 1938, were you in
17 contact with your uncle?
18 A Yes. As a matter of fact --
19 Q How did you communicate with your uncle after
20 1938?
21 A It was only for a very brief period while we
22 were in Liverpool. Once we came to America, there was no
23 communication anymore because there was war. While we
24 were in Liverpool, we did communicate with him.
25 Q You wrote letters to him?

0076

1 A Well, yes, because my husband was singing in a
2 part in an opera that was a favorite opera of my Uncle
3 Ferdinand, Il Travatore.
4 Q You have to spell that for the court reporter.
5 A She doesn't have to take that.
6 Q Il Travatore.
7 A My uncle was very happy about that because he
8 said it was his favorite opera.
9 After that, once we left Liverpool and came to
10 America there was no communication with him anymore.
11 Q After the war ended in Europe in 1945, between
12 then and his death later that year, were you able to
13 establish any communication with him?
14 A No.
15 Q Where was Ferdinand living?
16 A In Zurich, Switzerland.
17 Q Let's mark Exhibit 27, page No. 345.
18 (Plaintiff's Exhibit No. 27 was
19 marked for identification by the certified
20 shorthand reporter.)
21 THE WITNESS: I think we had a similar one before.
22 No. No. No, we didn't.
23 Q BY MR. SCHOENBERG: Do you recognize the
24 writing on the bottom where it says --
25 A Yeah, it says -- it must -- apparently they

0077

1 probably went to Rinesch or something because it says --
2 Q The question is --
3 A -- to Robert. July 1946. That must be an

4 inventory of the paintings.
5 MR. COOPER: Objection. Move to strike the answer
6 as nonresponsive.
7 Q BY MR. SCHOENBERG: Do you recognize the
8 writing at the bottom of the page?
9 A Robert, yeah.
10 Q From "the thing" she said, I think. What she
11 meant to say was from the "report to Robert." She said
12 "the thing."
13 A It names all of the paintings.
14 MR. COOPER: Just to be clear, that was a
15 characterization of the witness's testimony, not a
16 repetition for purposes of the transcript of what the
17 witness said. The witness spoke one word and counsel
18 characterized it as another.
19 MR. SCHOENBERG: She said "thing," but the word is
20 "bericht" which means "report." You can ask your client,
21 Mr. Cooper, to confirm that.
22 MR. COOPER: Counsel, just so you're clear, the
23 document speaks for itself. There's no foundation for
24 the document. There's no basis on which this document
25 can be made a part of the record and asking the witness
0078
1 whether she recognizes the handwriting is an appropriate
2 question.
3 MR. SCHOENBERG: Is what?
4 MR. COOPER: Is an appropriate question.
5 MR. SCHOENBERG: That's what I asked.
6 MR. COOPER: It's not the testimony, however, that
7 Mrs. Altmann gave and that's what I was addressing.
8 MR. SCHOENBERG: You do what you feel is necessary,
9 Mr. Cooper.
10 Q Let's mark the next exhibit Exhibit 28.
11 (Plaintiff's Exhibit No. 28 was
12 marked for identification by the certified
13 shorthand reporter.)
14 Q BY MR. SCHOENBERG: Mrs. Altmann, Exhibit 28
15 just for the record is marked 363 and 364. This appears
16 to be a letter from Robert Bentley to his sister Luise.
17 Mrs. Altmann, when the war ended, where was
18 your sister Luise?
19 A In Yugoslavia.
20 Q And how long did she remain in Yugoslavia?
21 A I couldn't tell you the exact year. She
22 remained there until she was able to go via Israel to
23 Canada.
24 Q What happened to her husband after the war?
25 A Her husband was shot by the communists.
0079
1 Q This was after the defeat of the Nazis?
2 A Yeah. They went first through the entire Nazi
3 thing and were able to survive that and then when the
4 communists came, my brother-in-law was an engineer
5 thought that he could work there and keep the factory
6 going. But they arrested him and within a few months he
7 was executed.
8 Q Now when your Uncle Ferdinand died in November
9 of 1945, you said you found out from Vancouver that he
10 had passed away?
11 A Yes.
12 Q Do you recall when that was?
13 A Beg your pardon?
14 Q Do you recall when that was?
15 A I guess I should know by now how to use it. I
16 just clip it in?
17 VIDEOGRAPHER: I'll get it for you.

18 THE WITNESS: I should learn it by now.
19 Q BY MR. SCHOENBERG: The question was do you
20 remember when you found out that Ferdinand had died?
21 A I am sure within a few days. I didn't phone so
22 much in those days. Now it's easier.
23 Q And did you learn at that time that you were
24 one of his heirs?
25 A Yes.

0080

1 Q And who told you that?
2 A Robert or Luise. It's only the three of us
3 that were heirs.
4 Q Where was Luise in 1945?
5 A She was in Yugoslavia so it must have been
6 Robert who told me.
7 Q And what steps did you then personally take
8 with regard to the estate of your uncle after you learned
9 that he passed away in 1945?
10 A At that time I had three small children. No,
11 actually two. '47 I had three. We had very little
12 money. I learned, I guess, from Robert that he died and
13 that I was a partial heir.
14 Q What steps then did you take with regard to the
15 estate?
16 A Nothing. I totally entrusted it to my brother
17 Robert and to Dr. Rinesch, I suppose.
18 Q And in 1945 you were 29 years old?
19 A Yeah, I guess so.
20 Q How much older was your brother Robert?
21 A 12 years older. Charles was 15 years older.
22 Q So you mentioned Dr. Rinesch. Do you recall
23 when you learned that Dr. Rinesch was involved in
24 handling the estate?
25 A It wasn't a natural thing for me because I

0081

1 didn't even think about it twice. He was a friend of the
2 family. He helped us when we tried to get out. He tried
3 to help us. I had complete trust in him.
4 Q So do you remember when you found out that
5 Dr. Rinesch was handling the estate of Ferdinand?
6 MR. COOPER: Leading.
7 THE WITNESS: You mean when I found out?
8 Q BY MR. SCHOENBERG: Yeah.
9 A All during the course I knew that Rinesch was
10 handling it and that was fine with me.
11 Q Did you have any direct communication with
12 Dr. Rinesch about this?
13 A No, none. None. I saw him much later then
14 when I went back for the first time to Austria. But
15 during the time it was only Robert that handled that.
16 Q Let me finish the question completely. Did you
17 have any communication with Dr. Rinesch about his
18 handling of the estate of your uncle?
19 A Nothing whatsoever.
20 Q You said you saw him again only when you
21 returned to Austria?
22 A Yeah, but that was much, much later.
23 Q When was that?
24 A My daughter was 18 years then and we visited
25 him in Salzburg.

0082

1 Q Did your brother Robert keep you informed of
2 how things were proceeding with the estate of your uncle?
3 A Yes.
4 Q How did he do that? Was it by telephone or
5 letters?

6 A Yeah, partly telephone, partly letters. I was
7 so busy at that time I had little children, I worked and
8 the last thing I had time for was a lot of
9 correspondence.

10 VIDEOGRAPHER: Excuse me, Counsel. I'm going to
11 have to change videotape.

12 MR. SCHOENBERG: Sure.

13 VIDEOGRAPHER: Going off the record at 12:05 p.m.
14 This is the end of videotape No. 1.

15 (Brief recess taken.)

16 VIDEOGRAPHER: Going back on the record at 12:07
17 p.m. This is the beginning of videotape No. 2.

18 Q BY MR. SCHOENBERG: I'm not sure if I asked you
19 where you received a copy of Exhibit 28. Why don't I ask
20 you that. Is this also one of the documents --

21 A Excuse me. 28 which is?

22 Q This letter from Robert to Luise, do you recall
23 when you received that?

24 A I don't recall. Apparently much, much later.

25 I don't recall that I saw it at the time that he wrote to
0083

1 her. Much, much later.

2 Q This letter discusses also your uncle's
3 property in Prague. Did you ever receive any
4 compensation?

5 A Nothing whatsoever. This is so ridiculous. It
6 says we could sell the castle to bring some of the money.
7 It's a joke.

8 Q Did you ever receive any property back out of
9 the Czech Republic?

10 A No, nothing.

11 Q Did you ever receive any compensation for it?

12 A Nothing. By the way, the castle was filled
13 with beautiful art too and that was taken all by
14 Heydrich.

15 Q In the middle here it says the Russians are in
16 Bruck and we have no --

17 A In Bruck, the Russian.

18 Q -- and we have no idea when the --

19 A When this is going to be -- when the ownership
20 will be established.

21 Q Do you know when the ownership issues with
22 regard to the sugar company were finally resolved?

23 A Maybe shortly after, but I couldn't -- I
24 wouldn't know. It's all ghosts popping up.

25 Q Let's mark as Exhibit 29 -- for lack of a
0084

1 better word. I think this is the probate order from the
2 court in Zurich from 1947. It's numbered 378 and 379.

3 (Plaintiff's Exhibit No. 29 was
4 marked for identification by the certified
5 shorthand reporter.)

6 Q BY MR. SCHOENBERG: Mrs. Altmann, what
7 percentage of your Uncle Ferdinand's --

8 A 25 percent.

9 Q You have to let me finish the question.

10 A Excuse me. Forgive me.

11 Q Because it has to come in order when she types
12 it up.

13 What percentage of your uncle's estate did you
14 inherit?

15 A A quarter, 25 percent.

16 Q Who were the other heirs?

17 A My brother Robert, 25 percent, and my sister,
18 50 percent.

19 Q Your sister Luise?

20 A My sister Luise, yes.
21 Q I'm going to ask a few more questions.
22 Now why didn't you return to Austria after
23 World War II?
24 A Why I didn't return?
25 Q Yeah.

0085
1 A There was nothing there to return to. Much
2 later after my brother-in-law Bernhard got his factory
3 back from Austria then I went back. In the early '50s I
4 went back with my husband.
5 Q Just to visit though?
6 A Yes.
7 Q You never considered moving back there to live?
8 A No, I certainly didn't.
9 Q Did your brother Karl serve in the Allied
10 Forces?
11 A He was a captain -- I was very proud of him --
12 in the Czech Army in England.
13 Q So the Czech government in exile?
14 A They had a sort of an Army in England and my
15 brother served in it.
16 Q Did he return to Europe or stay in Europe after
17 the war?
18 A He went back for a while, but not for very
19 long.
20 Q Who was Kurt Grimm?
21 A Kurt Grimm was a very dear friend of my brother
22 Robert. He was a lawyer, a friend of the family.
23 Q You mentioned earlier your brother Robert
24 returned to Austria?
25 A Yes, he was there for a while trying to
0086
1 retrieve some property and something of the sugar
2 refinery but not with a great deal of luck.
3 Q You mentioned Dr. Rinesch. What was his first
4 name?
5 A Gustav.
6 Q Did you ever have any opportunity to judge his
7 legal skills?
8 MR. COOPER: Would you read back the question,
9 please?
10 THE WITNESS: No.
11 (Record read.)
12 MR. COOPER: The question before that, please.
13 (Record read.)
14 THE WITNESS: No. I saw him as a --
15 MR. COOPER: Calls for a conclusion. Lacks
16 foundation.
17 THE WITNESS: I saw him as a great friend of the
18 family and never really questioned whether he was capable
19 or not.
20 Q BY MR. SCHOENBERG: Before the war, so before
21 1938, did you personally have any understanding with
22 regard to whether the Klimt paintings in Ferdinand's home
23 were going to go to the Austrian Gallery after his death?
24 A No, I never had.
25 Q After the war ended in 1945 and your Uncle
0087
1 Ferdinand died, did you learn anything with regard to his
2 Klimt paintings? I'm talking about the immediate
3 post-war period, not the last 10 years, but let's say the
4 1940s.
5 A No. I assumed that --
6 Q I'm not asking you to assume. I'm asking did
7 you learn anything after the war?

8 A No, I didn't. No.
9 Q You knew that your --
10 A I knew that everything had been taken and was
11 gone, so I didn't begin to question where was what.
12 Q Did your brother Robert ever tell you anything
13 about what happened with the Klimt paintings after the
14 war?
15 A Not really.
16 Q How about your sister Luise?
17 A She wasn't there. She was in Yugoslavia and I
18 had no contact with her whatsoever. I'm talking about
19 right after the war. I'm not talking about later.
20 Q Did anyone ask you what should now happen to
21 the Klimt paintings after the war?
22 A No.
23 Q Were you ever asked to sign any documents with
24 regard to the Klimt paintings after the war?
25 A No, never.

0088

1 Q In the post-war period, did you know anything
2 about Adele's will?
3 A No. The first time I saw it was in '99.
4 Q Now was Robert successful in recovering any of
5 Ferdinand's property?
6 MR. COOPER: Lacks foundation.
7 THE WITNESS: Not really.
8 Q BY MR. SCHOENBERG: Did he recover any
9 paintings?
10 A Yes.
11 MR. COOPER: Same objection.
12 THE WITNESS: There were some paintings. Yes, of
13 course, we did get some paintings because I understand
14 Rinesch negotiated with the -- that's a horrible word.
15 The Bundesdenkmalamt. I couldn't do that to you.
16 Q BY MR. SCHOENBERG:
17 B-u-n-d-e-s-d-e-n-k-m-a-l-a-m-t.
18 Let me stop you there a little bit. I'm asking
19 what property did you know had been recovered from
20 Ferdinand's estate?
21 A Some of the paintings. My uncle strictly
22 collected Austrian art and, therefore, the paintings were
23 all done by Austrian artists. Therefore, they were very
24 popular for the Austrians.
25 Q But not the Klimt paintings?

0089

1 MR. COOPER: Ambiguous.
2 THE WITNESS: Klimt paintings, no. We didn't get
3 any permission. We wanted to. We tried to get the
4 paintings out, but there was no way of getting them out.
5 Then we -- Rinesch apparently negotiated back and forth
6 and then we got some of the other paintings out.
7 Q BY MR. SCHOENBERG: So you recall learning that
8 certain paintings had been inherited by you and had been
9 retrieved?
10 A Yes. With the exception of one which I still
11 have, I sold the rest of them because I needed it.
12 Q What about Ferdinand's home on the
13 Elisabethstrasse?
14 A Well, it's a very sad thing.
15 Q Let me finish the question.
16 Was that palace ever returned to you?
17 A No, never.
18 Q That was the question.
19 What about the sugar company, did the shares of
20 the sugar company?
21 A Nothing. Yes, excuse me. A small part was

22 returned and I got some money for it too.
23 Q Do you remember how much money you received?
24 A I think it was approximately \$100,000.
25 Q And when was that?
0090
1 A I would say the late '40s, early '50s. Early
2 '50s I would say. I really don't know exactly.
3 Q You said you never recovered any of the Czech
4 property?
5 A No, nothing.
6 MR. SCHOENBERG: I think now is a good time to
7 break. It's 12:15. If we can come back around 1:30.
8 MR. COOPER: That's fine.
9 VIDEOGRAPHER: Going off the record at 12:19 p.m.
10 (Lunch recess taken.)
11 VIDEOGRAPHER: Going back on the record at 1:37 p.m.
12 Q BY MR. SCHOENBERG: Good afternoon, everyone.
13 Let's continue about where we left off. While
14 you get your glasses out, we'll mark as Exhibit 30 this
15 page that's numbered 451. It's an excerpt from a letter
16 to your brother Robert from December 6, 1947.
17 (Plaintiff's Exhibit No. 30 was
18 marked for identification by the certified
19 shorthand reporter.)
20 Q BY MR. SCHOENBERG: Mrs. Altmann, do you have
21 -- do you know who prepared this page?
22 A No.
23 Q Is this one of the documents you received from
24 your niece Nelly after the death of your sister?
25 A Yes, but I really didn't know anything about
0091
1 this.
2 Q Let's mark as Exhibit 31 a page that's numbered
3 501 that is a second page of a letter apparently sent
4 from Mr. Rinesch to your brother Robert in February 1948.
5 (Plaintiff's Exhibit No. 31 was
6 marked for identification by the certified
7 shorthand reporter.)
8 THE WITNESS: That's only half the thing.
9 Q BY MR. SCHOENBERG: That's all we have. That's
10 what I'm going to ask you.
11 Is this also a document that was given to you
12 by your niece Nelly Auersperg after your sister died?
13 A Yes.
14 Q Do you know if any of the other pages of this
15 letter exist?
16 A Not really. This was 1948.
17 Q You don't remember seeing this before 1998, do
18 you?
19 A No.
20 Q Let's mark as Exhibit 32 a letter to Dr.
21 Rinesch -- it's a transcript of a letter to Dr. Rinesch
22 from, I think from Dr. Garzarolli, G-a-r-z-a-r-o-l-l-i.
23 (Plaintiff's Exhibit No. 32 was
24 marked for identification by the certified
25 shorthand reporter.)
0092
1 Q BY MR. SCHOENBERG: Is this another document
2 that you received from your niece after your sister died
3 in 1998?
4 A Yes, but it's incorrect.
5 Q What's incorrect?
6 A Well --
7 MR. COOPER: Lacks foundation.
8 Q BY MR. SCHOENBERG: Let me ask you a different
9 question.

10 Before 1998, had you ever seen a copy of this
11 letter?

12 A No.

13 Q Had you ever been told about this letter before
14 1998?

15 A No.

16 Q Do you recognize the writing at the bottom
17 where it says "26 2 1948"?

18 A No, because it even says in printing signature
19 not readable.

20 Q But below that on the bottom of the page, do
21 you see those numbers?

22 A That's a date, but that's written in the
23 handwriting of my brother Robert.

24 Q Let's mark as Exhibit 33 another page with the
25 same date of February 26, 1948 at the bottom. This is

0093

1 document No. 503. The previous document was document
2 502, Exhibit 32. And the previous document was Exhibit
3 501 in case I forgot.

4 (Plaintiff's Exhibit No. 33 was
5 marked for identification by the certified
6 shorthand reporter.)

7 Q BY MR. SCHOENBERG: Mrs. Altmann, is this
8 another document that you received from your niece after
9 your sister died in 1998?

10 A I guess so. I'm not quite sure whether it was
11 then in 1999. I guess it may have been from Nelly. I
12 don't know.

13 Q If you see there's a little handwriting on the
14 left side where it says "Von" and "vom" and then at the
15 top --

16 A No. That's Robert saying Von Gustl which means
17 from Gustl.

18 Q Do you recognize that handwriting?

19 A That's Robert, yeah. Besides he called him
20 G-u-s-t-l which is sort of a nickname for Gustav.

21 Q Could it be Luise's handwriting?

22 A No.

23 Q Instead of Robert's?

24 A No.

25 Q Let's mark as Exhibit 34 a document numbered

0094

1 522 and 523 which is a letter dated March 9, 1948 from
2 Dr. Garzarolli to professor -- ready for him --
3 Grimschitz, G-r-i-m-s-c-h-i-t-z.

4 (Plaintiff's Exhibit No. 34 was
5 marked for identification by the certified
6 shorthand reporter.)

7 THE WITNESS: Which one? This one? No.

8 Q BY MR. SCHOENBERG: That one. Do you remember
9 when you received a copy of this letter?

10 A No, I think that must have been later. I did
11 not get that letter from my sister.

12 Q Could you have gotten it around January of
13 1999?

14 A Yeah, I suppose.

15 MR. COOPER: Calls for speculation.

16 THE WITNESS: I suppose so because I didn't get it
17 before.

18 Oh, this is that letter. No, I did not get
19 that before. I didn't quite see that this is the letter.
20 I think this is the letter that made a very big impact on
21 me because it says clearly that in 1948 the director of
22 the then museum writes to his predecessor that it is just
23 too bad that they were not able to get a notarized

24 signature from my uncle and, therefore, they are in a
25 very precarious situation.

0095

1 Q So before 1999, had you --

2 A And my uncle at that time had already been
3 dead, so if they didn't get the signature before then,
4 how could they get it in 1948.

5 Q Before 1999 you had never seen this letter?

6 A No, never. It even ends with saying, "I hope
7 you can help me to get out of this not undangerous
8 situation."

9 Q Let's mark as Exhibit 35 a letter dated
10 April 10th, 1948 signed by Dr. Gustav Rinesch to the
11 Austrian Gallery. Tell me when you have finished reading
12 it.

13 A Yes, I'm finished.
14 (Plaintiff's Exhibit No. 35 was
15 marked for identification by the certified
16 shorthand reporter.)

17 Q BY MR. SCHOENBERG: Did you personally
18 authorize Dr. Rinesch to allow the Austrian Gallery to
19 pick up one of the paintings --

20 A No.

21 Q Let me finish the question. Let me finish the
22 question.

23 A Excuse me.

24 Q Did you personally authorize Dr. Rinesch to
25 allow the Austrian Gallery to pick up one of the Klimt

0096

1 paintings on April 10th, 1948?

2 A No.

3 Q Did you authorize Dr. Rinesch to execute this
4 letter?

5 A No.

6 Q Did you see this letter before 1999?

7 A No.

8 Q Did you know before 1999 that Dr. Rinesch had
9 allowed the Austrian Gallery to pick up this Klimt
10 painting?

11 A No.

12 Q Let's mark Exhibit 36, the first page -- I
13 think we don't have any further pages of the letter dated
14 April 11, 1948. It's numbered 563.

15 (Plaintiff's Exhibit No. 36 was
16 marked for identification by the certified
17 shorthand reporter.)

18 Q BY MR. SCHOENBERG: Is this a document you
19 received from your niece Nelly after your sister died in
20 1998?

21 A Yes. I am a little bit leery about what I got
22 from Nelly and what came a little later, but I think --

23 Q This appears to be a letter to your brother
24 from Gustav Rinesch?

25 A Correct.

0097

1 Q At the top someone has handwritten received
2 "via Bryant."

3 A Bryant was a friend of the family.

4 Q Let me ask the question and then you can
5 answer.

6 Who was Bryant?

7 A His name was George Bryant. His name was
8 Breuer before.

9 Q How do you spell Breuer?

10 A B-r-e-u-e-r. He was a friend of the family and
11 apparently he got that letter out of Austria quicker than

12 the mail would have got it. He lived in Vancouver so I
13 suppose that's how it got there.

14 Q Was he originally from Austria?

15 A Yes.

16 Q Before 1998 had you ever seen this document?

17 A No.

18 Q Before 1998 had anybody told you about this
19 document?

20 A No, none, or I would have done something about
21 it.

22 Q Let's mark as Exhibit 37 a letter that's
23 numbered 566 and 567. It's dated April 12, 1948 from
24 Dr. Rinesch to Dr. Garzarolli.

25 (Plaintiff's Exhibit No. 37 was

0098

1 marked for identification by the certified
2 shorthand reporter.)

3 THE WITNESS: Yes. What do you want?

4 Q BY MR. SCHOENBERG: Is Exhibit 37 a letter you
5 first received in January of 1999?

6 A You are talking about this letter?

7 Q Yes.

8 A Yes.

9 Q Before January of 1999, had you ever seen this
10 letter?

11 A No.

12 Q Did you ever authorize Dr. Rinesch to
13 acknowledge the last will of your Aunt Adele Bloch-Bauer?

14 A No.

15 Q Did you ever authorize Dr. Rinesch to
16 acknowledge a declaration by your Uncle Ferdinand
17 Bloch-Bauer?

18 A No, it was all handled by my brother Robert.
19 You can see that I authorized it, but it was all done
20 through him. I had nothing to do with it.

21 Q You had no knowledge?

22 A No. I now do. I did after '99.

23 Q The very last sentence of the letter on page 2,
24 Dr. Rinesch asks Dr. Garzarolli to confirm this
25 acknowledgment with your brother. Are you aware of any

0099

1 such confirmation by the Austrian Gallery?

2 A Not that I know of.

3 MR. COOPER: Objection. You're asking the witness
4 to address a particular portion of the letter given the
5 fact that it's in German, I wonder if you would just
6 identify the German words that begin and end the
7 paragraph to which you make reference.

8 MR. SCHOENBERG: The last sentence, the last four
9 lines of the letter that starts with I-c-h B-i-t-t-e and
10 the last word is W-o-l-l-e on the last word of the
11 letter.

12 THE WITNESS: You are talking about the last
13 paragraph?

14 Q BY MR. SCHOENBERG: The last sentence of the
15 last paragraph.

16 Yeah. I just asked you whether you were aware
17 whether the Austrian Gallery ever confirmed --

18 A No, not that I know of. They confirmed, no, I
19 never saw a document. I see now what you mean.

20 Q That's all. Let's mark as Exhibit 38 a letter
21 dated April 13, 1948 which is numbered 568. This is from
22 Dr. Rinesch to Dr. Garzarolli.

23 (Plaintiff's Exhibit No. 38 was
24 marked for identification by the certified
25 shorthand reporter.)

0100

1 Q BY MR. SCHOENBERG: Did you see this document
2 before 1999 --
3 A No.
4 Q Let me finish the question, please.
5 A Excuse me.
6 Q Did you see this document before January 1999?
7 You have to answer orally.
8 A I'm sorry. No, I didn't.
9 Q Let's mark as Exhibit 39 a letter also dated
10 April 13th, 1948 from Dr. Rinesch to the bundesdenkmalamt
11 that's numbered 569 to 573.
12 (Plaintiff's Exhibit No. 39 was
13 marked for identification by the certified
14 shorthand reporter.)
15 Q BY MR. SCHOENBERG: Mrs. Altmann, have you seen
16 Exhibit 39 before January 1999?
17 A No.
18 Q Did you know before 1998 that Dr. Rinesch had
19 made an agreement regarding the Klimt paintings
20 immediately before applying for export permits for other
21 artworks?
22 A No.
23 MR. COOPER: Assumes facts not in evidence.
24 THE WITNESS: I couldn't hear.
25 Q BY MR. SCHOENBERG: Can you read back the

0101

1 question, please?
2 A No, I understood your question.
3 Q You don't have to -- he's just stating an
4 objection.
5 A No. Would you repeat, please?
6 (Record read.)
7 THE WITNESS: No. I just knew that we were trying
8 desperately to get some paintings out for whatever
9 purpose. He couldn't get them out because this
10 bundesdenkmalamt were forbidding any of these paintings
11 to go out because they were Austrian, done by Austrian
12 painters. So that is how we got some of them out. At
13 first it looked as if we wouldn't get any.
14 Dr. Rinesch even --
15 Q BY MR. SCHOENBERG: There's no question. You
16 don't have to say anymore. Do you want to add something?
17 Do you need to add something?
18 A No.
19 Q Do you know who Friedrich Kammann,
20 K-a-m-m-a-n-n, was?
21 A Yes, he had a job -- he probably was a lawyer
22 in the sugar industry, Dr. Kammann. That's a name that
23 rings a bell centuries ago.
24 Q You think he might have worked for --
25 A For my uncle.

0102

1 Q -- for your uncle?
2 First, what is a Portier, P-o-r-t-i-e-r?
3 A A concierge.
4 Q Did you know a concierge named Siegert?
5 A Yes, I can paint him. He was always sitting
6 there in a uniform in the little entry of the
7 Elisabethstrasse, of my uncle's house.
8 Q Your uncle's house you described before was the
9 Elisabethstrasse 18. Was it all his personal residence?
10 A It was his personal residence and on the top
11 floor were the offices of the sugar industry.
12 Q So how many floors were there?
13 A Three.

14 Q And the top floor was the sugar industry?
15 A Yeah. I must say, I don't recall the top floor
16 very well because I didn't go there very often. But
17 downstairs it was his -- that was his residence.
18 Q Do you know who Dr. Geiger is?
19 A No. Geiger, no.
20 Q How about someone named Schulte-Strathaus,
21 S-c-h-u-l-t-e-S-t-r-a-t-h-a-u-s?
22 A Never heard of him. A man? I don't know.
23 Q That's fine. If you don't know, that's fine.
24 Let's mark as Exhibit 40 a letter dated
25 February 17, 1979 apparently from your brother to Gustav

0103

1 Rinesch.
2 (Plaintiff's Exhibit No. 40 was
3 marked for identification by the certified
4 shorthand reporter.)
5 THE WITNESS: '79?
6 Q BY MR. SCHOENBERG: Yes.
7 A Yes.
8 Q Is this also a document you received from your
9 niece Nelly after your sister died?
10 A I guess so.
11 Q You mentioned Amalie Zuckerkandl. You said she
12 was a friend of your parents?
13 A She was a good friend of my mother. I remember
14 her very well. I must say I do not remember the
15 portrait, but it was in my uncle's bedroom. It was not
16 in the room where the other paintings were.
17 Q Was Amalie Zuckerkandl, Ferdinand Bloch-Bauer's
18 girlfriend?
19 A Goodness, no. For me she was an old lady, but
20 for my uncle she was just a friend.
21 Q Did Ferdinand Bloch-Bauer have a lady friend in
22 1938?
23 A Sort of. Yeah, she was a very nice lady, but
24 whether she was a girlfriend or not is beyond me. He
25 traveled with her.

0104

1 Q Who was that?
2 A Gisi Eich was her name.
3 Q The person you were just describing that went
4 with him on trips, that was Gisi Eich?
5 A Yeah, they had dogs together, but I wouldn't
6 have called her a girlfriend.
7 Q I may have mentioned this this morning, a
8 Professor Mueller.
9 A It's amazing, but I remember him very well. He
10 was a type of an artist, writer type. I remember him.
11 He was a nice man.
12 Q Who was he married to?
13 A Minnie was his wife, M-i-n-n-i-e.
14 Q And Minnie was --
15 A Minnie was the daughter of Maltschi.
16 Q Maltschi?
17 A Excuse me. It's Amalie. But my mother called
18 her Maltschi.
19 Q M-a-l-t-s-c-h-i.
20 Let's mark as Exhibit 41 page No. 985.
21 (Plaintiff's Exhibit No. 41 was
22 marked for identification by the certified
23 shorthand reporter.)
24 Q BY MR. SCHOENBERG: Do you recognize whose
25 handwriting this is?

0105

1 A Yes, my sister's.

2 Q Whose name is that printed at the top left?
3 A Luise Gattin. That was my sister's second
4 husband. She says --
5 Q You don't have to read it. Luise Gattin was
6 your sister?
7 A Yes.
8 Q She had married first Mr. Gutmann?
9 A Yes, Victor Gutmann and then Joseph Gattin.
10 Q And she lived in Vancouver?
11 A Yes.
12 Q And when again your sister passed away in April
13 '98?
14 A April '98.
15 Q Is this also a document that your niece Nelly
16 gave you when you --
17 A Yeah, I guess so. Yeah.
18 Q Let's mark as Exhibit 42 a document that's
19 numbered 977.
20 (Plaintiff's Exhibit No. 42 was
21 marked for identification by the certified
22 shorthand reporter.)
23 Q BY MR. SCHOENBERG: This looks like it has a
24 lot of different handwriting on it. I'm going to see if
25 you recognize any of the handwriting.
0106
1 A Partly Robert, but then the rest I don't know.
2 Nelly. I don't know. I never saw this before. I don't
3 know. I don't think I even saw that before.
4 Q That's fine.
5 I'm not sure if I have asked you before, when
6 did your brother Robert pass away, if you remember?
7 A Wait a minute. My brother Poldie died the week
8 after my 70th birthday which was '86 and Robert must have
9 died I think a year later.
10 Q So perhaps in May 1987?
11 A Yeah.
12 Q Now were you in Vancouver before -- immediately
13 before your sister Luise passed away?
14 A Oh, sure. I went every summer.
15 Q But were you there around the time that she
16 died in 1998?
17 A I was there. I was there twice. I was there
18 with her before she died and then I went back to the
19 funeral.
20 Q And do you remember when you first heard that
21 there was an issue in Austria with regard to the Klimt
22 paintings?
23 A She was in the hospital at that time.
24 Q Luise?
25 A She was still quite sharp.
0107
1 Yeah. That was in March. She was in the
2 hospital for about six or eight weeks.
3 Q In March of 1998?
4 A Yes.
5 Q And what did you hear?
6 MR. COOPER: Objection. Hearsay.
7 Q BY MR. SCHOENBERG: With regard to the Klimt
8 paintings.
9 MR. COOPER: Same objections.
10 THE WITNESS: That's when the first news articles in
11 Austria came out about the question of the Klimt
12 paintings belonging to the museum and I remember Luise
13 saying we will need a very good lawyer. But then she
14 went rapidly downward and died.
15 Q BY MR. SCHOENBERG: Who told you about the

16 articles in Austria?

17 A The first thing was that my sister-in-law, Thea
18 Bentley, Robert's divorced wife, was called by Dr. Sturm,
19 a lawyer in Vienna whose wife has that beautiful antique
20 shop and she called her. I was not in touch with them.
21 He called her to say that a very exciting thing came up.
22 They were questioning the authorization of the Klimt
23 paintings.

24 But then my sister got rapidly worse and we
25 were not even thinking about it anymore and she died just
0108

1 a few weeks later.

2 Q Over the summer of 1998, did you have any
3 discussions with Peter Moser, who's now the ambassador to
4 the United States from Austria?

5 A Peter Moser was a friend of ours when he was
6 consul general in Los Angeles and we had dinner at their
7 house. They came to my house. I had called him then
8 about nothing else but the house, the Elisabethstrasse.
9 He said don't worry, I will look it up in the Grundbuch
10 and it will be very easy. G-r-u-n-d-b-u-c-h. But that
11 was it.

12 Q That was in the summer of '98?

13 A Spring of '98, yeah.

14 Q You had called him?

15 A I had called him and he called me back. He was
16 very nice.

17 Q Did he call you again in September of 1998, do
18 you recall?

19 A His wife was a good friend of mine and I think
20 she called me. In his position, I don't expect him to do
21 anything. I had never called him about the paintings,
22 just the house.

23 Q Did you ever get any portion of Ferdinand
24 Bloch-Bauer's library returned to you?

25 A No.

0109

1 Q Were you ever made aware of an action taken by
2 Dr. Rinesch to recover the library?

3 A No. I think she left her library, but through
4 -- I don't know -- through a group. No, I never heard
5 anything. Everything was taken out of the house, so I
6 don't know anything about the library.

7 Q Let's mark as Exhibit 43 a letter dated May
8 11th, 1998 from Dr. Franz Sturm which is numbered 1492.
9 (Plaintiff's Exhibit No. 43 was
10 marked for identification by the certified
11 shorthand reporter.)

12 Q BY MR. SCHOENBERG: Did you authorize
13 Dr. Sturm to write this letter --

14 A No.

15 Q Let me finish the question. Did you authorize
16 Dr. Sturm to write this letter to Minister Gehrler,
17 G-e-h-r-e-r, in May of 1998?

18 A No.

19 Q Did you know in May 1998 that Dr. Sturm had
20 sent this letter?

21 A Well, yes.

22 Q How did you know that?

23 A Mrs. Sturm called me and she was very upset
24 about it because I told her that a few days before
25 receiving that letter we had given you the authorization
0110

1 to become our lawyer and we didn't know about that and
2 therefore, there's absolutely nothing I can do about it.
3 She then called my niece Nelly who told her the same

4 thing. It was very embarrassing for her, but it's okay
5 now.

6 Q Was that in September of 1998 when you had that
7 conversation?

8 A I don't quite see that. This is written in May.

9 Q My question was when did you become aware that
10 Dr. Sturm had written this letter? Did you know about
11 that in May?

12 A When did we make our agreement? This is the
13 problem now. I don't know if it was me.

14 Q Without divulging too much, it was September of
15 1998.

16 A September 1998. It is in Europe. November
17 1st. This is written on the 5th of November or 5th of
18 May or 11th of May.

19 Q 11th of May?

20 A That is the -- he didn't inform us of that
21 letter.

22 Q That's what I was trying to ask you.

23 A That was much later that he informed us.

24 Q And so sometime in September you had that
25 discussion with his wife?

0111

1 A Correct. Then it was the problem that we had
2 just all signed up with you.

3 Q Let's mark as Exhibit 44 a letter from me to
4 Minister Gehrler dated September 13th, 1998.
5 (Plaintiff's Exhibit No. 44 was
6 marked for identification by the certified
7 shorthand reporter.)

8 Q BY MR. SCHOENBERG: My question is did you
9 authorize me to send this letter to Minister Gehrler?

10 A Yes, I did.

11 Q Did you assist me in the preparation of this
12 letter?

13 A Yes, I did. It all seems so long ago. It's
14 just a few years.

15 Q On page 3 of the letter --

16 A Yeah.

17 Q -- the first complete paragraph talks about
18 making a global settlement offer and discussing a
19 resolution. Are you aware of any response by Minister
20 Gehrler where she agreed to discuss --

21 A Pardon me?

22 Q Are you aware at any time about any response by
23 Minister Gehrler where she agreed to discuss a resolution
24 of the matter?

25 MR. COOPER: Lacks foundation.

0112

1 THE WITNESS: No.

2 Q BY MR. SCHOENBERG: Let's mark Exhibit 45. I
3 only have two copies of this unfortunately. I don't know
4 why. It's a New York Times article by Judith -- you're
5 going to love this name -- Dobrzynski,
6 D-o-b-r-z-y-n-s-k-i. When you're done with that, why
7 don't you give it to Ms. Altmann.
8 (Plaintiff's Exhibit No. 45 was
9 marked for identification by the certified
10 shorthand reporter.)

11 Q BY MR. SCHOENBERG: Do you remember this
12 article?

13 A Yes.

14 Q Look at the last paragraph.

15 A Yeah.

16 Q Now you had a meeting with Minister Gehrler,
17 didn't you?

18 A Yes, I did.
19 Q When was that?
20 A It was in March of '99.
21 Q And how did that meeting come about?
22 A It was a very cordial meeting.
23 Q How was it planned?
24 A It was -- Mr. Czernin drove me, C-z-e-r-n-i-n,
25 drove me to meet Minister Gehrler.

0113

1 Q You were in Vienna?
2 A I was in Vienna.
3 Q Why were you in Vienna?
4 A The Viennese Jewish community invited me to
5 Vienna to participate in a symposium at the museum. I
6 took my youngest son with me to accompany me. It all was
7 extremely cordial. My meeting with Minister Gehrler
8 couldn't have been more cordial.

9 Q What did you discuss with her?
10 A At first she thought I had a good sense of
11 humor so she just laughed along the whole time. At the
12 very end -- she told me about her grandchild and
13 everything. At the very end, I said "Administer, we
14 didn't discuss a legal question. I just want to say that
15 when you were in New York you were asked about the
16 Bloch-Bauer case and your answer was to contest a will
17 you have to go to court. There was no will." It was a
18 request to her husband. She said with a very nice
19 Viennese accent, "Das weiss ich ja," I know that. I went
20 home and talked to my son and he took it all down on the
21 little machine and I said "I think everything looks
22 wonderful. She knows exactly where we stand."

23 MR. COOPER: Move to strike as nonresponsive.

24 Q BY MR. SCHOENBERG: During that -- let's mark
25 as Exhibit 46 a letter from you to Dr. Gerbert Frodl,

0114

1 G-e-r-b-e-r-t, F-r-o-d-l, dated 23rd of February, 1999.
2 (Plaintiff's Exhibit No. 46 was
3 marked for identification by the certified
4 shorthand reporter.)

5 THE WITNESS: I wrote to him?

6 Q BY MR. SCHOENBERG: You tell us. Is this a
7 letter that you wrote, Mrs. Altmann?

8 A My goodness. I forgot that. Yeah, apparently
9 he wrote Dr. -- Dr. Frodl wrote to me that he would like
10 to take me to lunch and I did that. We went to lunch
11 when I was in Vienna.

12 Q So you met with Dr. Frodl. Who is Dr. Frodl?

13 A Dr. Frodl is the director of the Austrian
14 Gallery.

15 Q By the way, who was Minister Gehrler?

16 A Minister Gehrler is administer for culture and
17 education in Vienna.

18 Q So you met with Dr. Frodl. Where did you meet
19 with him?

20 A I met him first at the symposium and he told me
21 that he was going to call me at the hotel and we were
22 going to have lunch together. He came and picked me up
23 and took me to a very lovely little restaurant in Saint
24 Stevens Place.

25 Q Did you discuss the Klimt paintings with

0115

1 Dr. Frodl?

2 A He's a very nice man.

3 MR. COOPER: I'm going to object to the question
4 because technically the question is defective. It's a
5 "yes" or "no" question. I feel certain the witness will

6 not answer with a yes or a no. I will object that it
7 calls for a narrative and hearsay.

8 Q BY MR. SCHOENBERG: Did you discuss the Klimt
9 paintings with Dr. Frodl?

10 A Right away after we had a drink. Director
11 Frodl said -- I still remember his words -- "Now that we
12 are alone, let's say what's in our hearts." I said,
13 "Well, Director Frodl, we are not alone. I am one of
14 four and I have a lawyer, but tell me what is in your
15 heart." He said, "Look, we have enough landscapes. We
16 can spare the landscapes, but just don't take the
17 portraits away."

18 MR. COOPER: Move to strike as nonresponsive.

19 THE WITNESS: I went home and I had told my son the
20 exact conversation. He has it down on tape. And I said,
21 "Jim, everything is all right. They know where we
22 stand."

23 MR. COOPER: And hearsay.

24 Q BY MR. SCHOENBERG: The discussion you just
25 described, that was the full extent of your discussion of
0116 the Klimt paintings with Dr. Frodl?

1 A Yes.

2 MR. COOPER: Calls for hearsay.

3 THE WITNESS: I then --

4 Q BY MR. SCHOENBERG: It's okay. There's no
5 other question. Do you recall something else that you
6 discussed with Mr. Frodl?

7 A No.

8 Q Is it correct that you came away from your
9 meetings with Dr. Frodl and Minister Gehrler cautiously
10 optimistic that the paintings would be returned?

11 A I couldn't even say "cautiously." Jimmy has it
12 all on tape what I said and he made a little video of me
13 and Dr. Frodl leaving from the hotel and it was all a
14 very amicable visit.

15 Q So you were optimistic that the paintings --

16 A Very.

17 Q Let me finish.
18 You were optimistic that the paintings would be
19 returned in March?

20 A Yes, I had no doubt in my mind.

21 MR. COOPER: Counsel, we have a continuing
22 relevancy reservation with respect to all of this; is
23 that correct?

24 MR. SCHOENBERG: That's fine.

0117 MR. COOPER: I just want to make sure that that's
1 our understanding.

2 MR. SCHOENBERG: Yes, you can make a relevance
3 objection at any time.

4 MR. COOPER: I am not making relevancy objections
5 and I just want to make sure it's clear that we have a
6 stipulation that it's reserved for trial.

7 MR. SCHOENBERG: Yes, that's what I offered before
8 we started and I agree to that.

9 Q Let's mark as Exhibit 46 a document numbered
10 1205 and 1206 which is a letter from you dated June 15th,
11 1999.

12 MR. COOPER: Counsel, I believe this would be 47.

13 MR. SCHOENBERG: I'm sorry.

14 THE WITNESS: I remember that letter. I do not
15 remember the last one.
16 (Plaintiff's Exhibit No. 47 was
17 marked for identification by the certified
18 shorthand reporter.)
19

20 MR. COOPER: This is the first one you missed which
21 is actually fairly impressive. I have 46 as
22 Mrs. Altmann's letter to Dr. Frodl.
23 MR. SCHOENBERG: It was the newspaper that I didn't
24 have an extra copy of that caused the confusion. Thank
25 you very much, Counsel.

0118

1 Q 47 is 1205 and 1206. This is a letter dated
2 June 15th, 1999 from you to the Beirat, b-e-i-r-a-t. What
3 is the Beirat?

4 A The Beirat was the counsel, the group of people
5 that form the council around Minister Gehrler. I wrote
6 in --

7 Q Let me ask the question.

8 MR. COOPER: I didn't end up with a copy, Counsel.

9 MR. SCHOENBERG: I'm sorry.

10 A Exhibit 47, the first page is a letter in
11 German and the second page is a letter in English.

12 Q Are these both letters that you prepared?

13 A Yeah, I prepared it and I wrote it in German
14 and then in English.

15 Q So the second page, 120 --

16 A It's the same letter.

17 Q Let me finish.

18 1206 is the translation of the letter which is
19 1205?

20 A Yes.

21 Q And you sent the German version to the Beirat?

22 A Correct.

23 Q And what was the purpose of sending this letter?

24 A The purpose was that since I came back very
25 optimistic in March of '98 --

0119

1 Q '99.

2 A -- '99 -- excuse me -- I wanted to let them
3 know the way I felt and that I would try as the last
4 Bloch-Bauer that we could work together to find a way
5 that the Gold Portrait would remain in Vienna.

6 Q Did you ever receive an answer to this letter?

7 A I never received an answer.

8 Q And later that month in the end of June of 1999
9 had you learned that the Beirat had recommended to
10 Mrs. Gehrler not to return the Klimt paintings?

11 A Yes.

12 Q Did the Beirat recommend returning any property
13 to the heirs of Ferdinand Bloch-Bauer?

14 A Yes. 19 pieces of porcelain which the museum
15 had bought at the time and some sketches that were in the
16 Albertina, Klimt sketches to the Gold portrait.

17 Q In the fall of 1999 did you authorize your
18 attorneys to institute an action in Austria to recover
19 the Klimt paintings?

20 A Yes.

21 Q And as part of that action or the initiation of
22 that action, did you seek a waiver of court costs?

23 A Yes, because the original court costs were
24 prohibitive so we tried to get them down to an affordable
25 price.

0120

1 Q Let's mark as Exhibit 48 your application which
2 is dated September 30th, 1999 and is numbered 2178 to
3 2181. Do I have the right numbering now, 48?

4 MR. COOPER: That's what I have.

5 (Plaintiff's Exhibit No. 48 was
6 marked for identification by the certified
7 shorthand reporter.)

8 Q BY MR. SCHOENBERG: Exhibit 48, is that a
9 document that you prepared?
10 A Yes.
11 Q The handwritten portion of it?
12 A Correct.
13 Q And that's your handwriting?
14 A Yes, it is.
15 Q Does this -- this document in September --
16 let's go to the 4th page, the last page. Is that your
17 signature on the last page, 2181?
18 A Yes, it's my signature.
19 Q Did you sign this around September 30th, 1999?
20 A Correct.
21 Q As of September 30, 1999, were all of the
22 answers to the questions on this form with regard to your
23 assets true and correct?
24 A Yes, they were. I still have the same car.
25 Q As of September 30th, 1999, had you received
0121
1 the porcelain and drawings that you said the Beirat had
2 decided to return in the end of June 1999?
3 A I must say I don't recall if it was exactly,
4 but yes, I did or I didn't. That I don't know exactly.
5 It came, but if it was right then and there, I don't know.
6 Q Let's mark as the next exhibit, 49. Now you
7 have me worried every time I do a number.
8 (Plaintiff's Exhibit No. 49 was
9 marked for identification by the certified
10 shorthand reporter.)
11 Q BY MR. SCHOENBERG: This is a letter dated
12 October 19th, 1999 so about three weeks later. The
13 number is 2200. Is that your signature?
14 A Yes.
15 Q Is this a letter that you wrote?
16 A Yes.
17 Q Who is it addressed to?
18 A It was addressed to Sektionschef Dr. Rudolf
19 Wran.
20 Q Who was Dr. Wran?
21 A He definitely was part of the Beirat, but maybe
22 he was heading it.
23 Q Does this refresh your recollection whether or
24 not you had received the drawings and porcelain as of
25 October 19th, 1999?
0122
1 A Well, apparently nothing happened. That's why
2 I wrote that four months had gone by and nothing had
3 happened. I say I'm 83 and weeks and months play a big
4 part in my time and life and I can't understand why all
5 of my questions remain unanswered.
6 MR. COOPER: For the clarity of the record, that's a
7 reference to what is in German here on this document?
8 THE WITNESS: Correct. That's what I answered, yes.
9 Q BY MR. SCHOENBERG: Let's mark as Exhibit 50 a
10 document numbered 2201 through 2203.
11 (Plaintiff's Exhibit No. 50 was
12 marked for identification by the certified
13 shorthand reporter.)
14 Q BY MR. SCHOENBERG: Is this the response you
15 received from Dr. Wran to your October 19th letter to
16 him?
17 A Excuse me. I am kind of a little bit -- he
18 says in a short time he's going to -- I forgot that.
19 Yes, he says that it's too complicated and, therefore, it
20 takes a little while.
21 Q Is this the response that Dr. Wran sent you?

22 A Apparently, yeah. Yeah, it says --
23 Q Let's mark as Exhibit 51 a document numbered
24 2237 through 2241.

25 (Plaintiff's Exhibit No. 51 was
0123

1 marked for identification by the certified
2 shorthand reporter.)

3 Q BY MR. SCHOENBERG: Exhibit 51 is a letter at
4 the end there's the date, the 10th of November, 1999. It
5 says from the federal minister, Dr. Wran, at the end.

6 Does this refresh your recollection that
7 Dr. Wran informed you that you could pick up or your
8 agents could pick up the drawings and porcelain that were
9 being returned?

10 A Yes.

11 Q When was that?

12 A It says here -- well, his letter came --

13 Q Look at the last page of this letter.

14 MR. COOPER: Calls for a conclusion.

15 THE WITNESS: November 10th, 1999, for Minister
16 Gehrler, Dr. Wran.

17 Q BY MR. SCHOENBERG: Let's mark as Exhibit 52
18 documents that's numbered 2262 through 2265 dated
19 November 2nd, 1999.

20 (Plaintiff's Exhibit No. 52 was
21 marked for identification by the certified
22 shorthand reporter.)

23 Q BY MR. SCHOENBERG: This was the order on the
24 application for relief from the cost requirement. I
25 won't ask you to read the whole thing, but in case you

0124
1 need to refer to this to refresh your recollection.

2 Did you learn of a ruling by the Austrian court
3 with regard to your application for waiver of the court
4 costs?

5 A Yes.

6 Q What was that ruling?

7 A It was still money that I couldn't afford.

8 Q Do you recall how much money the court wanted
9 you to pay?

10 A Well, it goes by what they called the steiwert,
11 the object in question is too valuable. It's in
12 connection with that that the court establishes a price.
13 And I couldn't afford it.

14 Q Do you recall how much you personally were
15 required to pay as a result of this order?

16 A I think it was \$500,000. They reduced it then
17 to a quarter of a million dollars. Then it was first
18 half and then a quarter.

19 Q Do you know if the Austrian government appealed
20 the decision on the court costs?

21 MR. COOPER: Lacks foundation.

22 THE WITNESS: Yes, they charged more first and then
23 they reduced it as I recall, but it was still too high
24 for me.

25 Q BY MR. SCHOENBERG: But do you know if after
0125

1 the court -- the costs were reduced by the court, if the
2 Austrian government filed an appeal of that decision?

3 MR. COOPER: Same objection.

4 THE WITNESS: I don't know. Did they? I don't
5 know.

6 Q BY MR. SCHOENBERG: Let's mark and see if this
7 refreshes your recollection, Exhibit 53, No. 2274 to
8 2284.

9 (Plaintiff's Exhibit No. 53 was

10 marked for identification by the certified
11 shorthand reporter.)
12 MR. COOPER: The pending question is whether this is
13 what?
14 Q BY MR. SCHOENBERG: Refreshes your recollection
15 on whether the Austrian government appealed the court
16 costs.
17 MR. COOPER: Lacks foundation.
18 MR. SCHOENBERG: Appealed by Dr. Toman who is
19 present here, on December 13th, 1999.
20 THE WITNESS: Is that at the end?
21 Q BY MR. SCHOENBERG: You don't recall seeing
22 this?
23 A I'm sure I did, but I don't recall it offhand
24 now.
25 Q On page 3 of this document, 2276.
0126
1 A 2276?
2 Q Yeah. The paragraph on the bottom that begins
3 A-2, can you read that sentence?
4 A Yeah.
5 Q And then I'll ask you a question.
6 A Yeah.
7 Q In this appeal by the Austrian government, Dr.
8 Toman and the Austrian government state that you left out
9 of your application for assistance on the court costs the
10 fact that artworks had been returned to you.
11 A I left it out?
12 Q Did you read this?
13 A Yeah, I know I received it.
14 Q At the time that you filled out your
15 application in September 1999, did you, in fact, already
16 have the porcelain drawings in your possession?
17 A I must say that I don't know exactly when I got
18 them.
19 Q That's fine.
20 A '99, I must have had them then.
21 Q At the end of 1999. But we're talking about in
22 September of 1999?
23 A I didn't have it then.
24 Q Now what did you do with the porcelain that was
25 returned at the end of 1999?
0127
1 A It was used to pay the bill for your firm or
2 former law firm, Fried, Frank and -- what was the third
3 name?
4 Q That's okay. Let's mark as Exhibit 54 --
5 A Yeah, it's in entirety it was used for that.
6 Q Exhibit 54 is pages 2285 and 2286 from
7 Bednarczyk, B-e-d-n-a-r-c-z-y-k, to me.
8 (Plaintiff's Exhibit No. 54 was
9 marked for identification by the certified
10 shorthand reporter.)
11 THE WITNESS: Let me ask the question first before
12 you talk.
13 Q BY MR. SCHOENBERG: Did all of the heirs sell
14 their share of the procelain?
15 A No, my niece Nelly kept it.
16 Q What percentage did she keep?
17 A She kept a quarter.
18 Q The other 75 percent, did they sell the
19 porcelain?
20 A Yes.
21 Q And does this document reflect the amount that
22 was received for the sale of the porcelain, the 75
23 percent of the heirs of Ferdinand Bloch-Bauer?

24 A Yes.
25 Q What did the heirs decide to do with the
0128
1 drawings that were returned by Austria?
2 A My niece Nelly kept hers and gave one to her
3 son and one to her daughter. My nephew Frances sold --
4 kept one and sold the rest to the museum in Ottawa.
5 Q So that was Frances.
6 A Frances kept one and sold the others to the
7 museum.
8 Q What about you?
9 A I sold mine in New York to the Galerie St.
10 Etienne.
11 Q And the heirs of your brother Robert, what did
12 they do?
13 A They did the same.
14 Q Let's look at Exhibit 55 which is marked 2363
15 through 2365. It's a letter dated April 25th, 2000 from
16 the Galerie St. Etienne.
17 (Plaintiff's Exhibit No. 55 was
18 marked for identification by the certified
19 shorthand reporter.)
20 Q BY MR. SCHOENBERG: Does this reflect the
21 amount that --
22 A Correct.
23 Q -- you and Robert's heirs received --
24 A Correct. Yes.
25 Q Let me finish the question.
0129
1 A Sorry.
2 Q Does this reflect the amount that you and
3 Robert's heirs received as a result of the sale of the
4 drawings that you recovered from Austria?
5 A Correct.
6 Q Can we take a short break?
7 MR. COOPER: Of course.
8 MR. SCHOENBERG: It's a quarter of three and I don't
9 have that much more to go over.
10 VIDEOGRAPHER: Going off the record at 2:50 p.m.
11 (Brief recess taken.)
12 VIDEOGRAPHER: Going back on the record at 3:08 p.m.
13 Q BY MR. SCHOENBERG: We're back on the record.
14 I just have maybe one or two more questions.
15 Mrs. Altmann, after you filed suit in
16 California in August of 2000, did you receive an
17 assignment of claims from any of the other heirs of
18 Ferdinand Bloch-Bauer?
19 A Yes, I did.
20 Q Which of the other heirs assigned their claims
21 to you?
22 A My nephew Frances Gutmann and my nephew George
23 Bentley and Trevor Mantle.
24 Q Who is Trevor Mantle?
25 A Trevor Mantle is the nephew of my late
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1 sister-in-law, second wife of my brother Robert and her
2 heir was Trevor Mantle.
3 Q And who is George Bentley?
4 A George Bentley is the son of my brother Robert.
5 Q Who was Frances Gutmann?
6 A Frances Gutmann is the son of my sister Luise
7 and the brother of Nelly Auersperg.
8 Q And presently you are representing all their
9 interests with regard to the suit against Austria for the
10 Klimt paintings?
11 A Yes.

12 MR. COOPER: Calls for a legal conclusion.
13 MR. SCHOENBERG: I have no further questions. We've
14 agreed to adjourn the deposition for today. It's a
15 little bit about 3:00 o'clock to give the court reporter
16 sometime to prepare a very rough transcript so that we
17 can make sure that most of it was transcribed. We'll
18 resume tomorrow.

19 Scott, when would you like to resume tomorrow
20 for cross-examination.

21 THE WITNESS: I thought you wanted to go on today?

22 MR. COOPER: We're going to allow the court reporter
23 a little opportunity to work on the transcript given the
24 difficulty of some of the language.

25 THE WITNESS: If you need any German spellings --

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1 MR. COOPER: Why don't we start at 10:00 o'clock.

2 MR. SCHOENBERG: Here, same place?

3 MR. COOPER: Please.

4 MR. SCHOENBERG: Thank you very much.

5 VIDEOGRAPHER: Off the record, Counsel?

6 Going off the record at 3:10 p.m. This is the
7 conclusion of Volume I of the deposition of Maria
8 Altmann.

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10 (Whereupon, the deposition proceeding concluded.)

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1 I certify (or declare) under penalty of
2 perjury under the laws of the State of California
3 that the foregoing is true and correct.

4

5 Executed at: _____
6 (Place) (Date)

7

8

9

10 _____
11 (Signature of Deponent)

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1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF LOS ANGELES)
3

4 I, LEESA DURRANT, Certified Shorthand
5 Reporter, Certificate No. 11899 for the State of
6 California, hereby certify:

7 I am the deposition officer that
8 stenographically recorded the testimony in the
9 foregoing deposition;

10 Prior to being examined the deponent
11 was by me first duly sworn;

12 The foregoing transcript is a true
13 record of the testimony given;

14 The deposition officer was relieved
15 of his or her duty pursuant to Code of Civil
16 Procedure, Section 2025 (q) (1), and therefore any
17 changes made by the deponent, or whether or not the
18 deponent signed the transcript, are not herein set
19 forth.

20
21 Dated _____
22
23
24
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LEESA DURRANT, CSR NO. 11899