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UNITED DISTRICT COURT  
CENTRAL DISTRICT OF LOS ANGELES

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MARIA ALTMAN,	)	
	)	
Plaintiff,	)	
	)	Case No.
vs.	)	00-08913 FMC
	)	
THE REPUBLIC OF AUSTRIA, et al.,	)	
	)	
Defendants.	)	
_____	)	

Volume II  
Pages 134 to 270

DEPOSITION OF MARIA ALTMAN  
Los Angeles, California  
May 30, 2002

George A. Haas, CSR 5939

0135

UNITED DISTRICT COURT  
CENTRAL DISTRICT OF LOS ANGELES

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MARIA ALTMAN,	)	
	)	
Plaintiff,	)	
	)	Case No.
vs.	)	00-08913 FMC
	)	
THE REPUBLIC OF AUSTRIA, et al.,	)	
	)	
Defendants.	)	
_____	)	

Deposition of MARIA ALTMAN taken on  
behalf of Defendant at 2049 Century  
Park East, Los Angeles, California,  
commencing at 10:00 A.M., Thursday,  
May 30, 2002, before George A. Haas,  
CSR No. 5939, pursuant to Order.

0136

A-P-P-E-A-R-A-N-C-E-S

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3 FOR THE PLAINTIFF:  
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9 FOR THE DEFENDANTS:  
10 PROSKAUER ROSE LLP  
11 BY: SCOTT P. COOPER, ESQ.  
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13 249 Century Park East  
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16 scooper@proskauer.com

17 ALSO PRESENT:  
18 GOTTFRIED TOMAN  
19 KATHLEEN PATERNO  
20 DALE PETERSON, Videographer  
21  
22  
23  
24  
25

0137

1 I-N-D-E-X  
2 Volume II  
3

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

5 MARIA ALTMAN Page  
6 Examination By Mr. Schoenberg: 140, 265  
7 Examination By Mr. Cooper: 141  
8  
9

10

11 UNANSWERED QUESTIONS:

12 PAGE:LINE  
13 Q. .... 251:14  
14 Q. .... 257:20

15 INFORMATION TO BE INSERTED:

16 (NONE)  
17  
18  
19  
20  
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0138

1	EXHIBITS:	
2	ALTMAN	Identified
3	56.....	197:12
4	57.....	199:25
5	58.....	216:1
6	59-67.....	218:25
7	68.....	264:22

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0139

1           L O S   A N G E L E S,    C A L I F O R N I A  
2                   10:15 A.M.; THURSDAY, MAY 30, 2002  
3                   \*           \*           \*           \*           \*

5           VIDEOGRAPHER:   We are going back on the           10:11:28  
6 record for Volume 2 of the videotaped deposition of  
7 Maria Altman.

8                   Today is May 30, 2002.   The time is  
9 10:15 A.M.   This is the matter of Altman versus the  
10 Republic of Austria, et al., Case No. 00-08913 FMC.   10:11:41  
11 This is filed in the United States District Court,  
12 Central District of California.   This deposition is  
13 been taken at 2049 Century Park East, Los Angeles,  
14 California.

15                   I'm Dale Peterson, videotape operator           10:12:00  
16 and public notary retained by SuperVision Video  
17 Services, located in Los Angeles, California.

18                   Would counsel present please identify  
19 yourselves, starting with plaintiff's counsel.

20                   MR. SCHOENBERG:   I'm Randy Schoenberg,           10:12:15  
21 S-C-H-O-E-N-B-E-R-G, attorney for the plaintiff  
22 Maria Altman.

23                   MR. COOPER:   Scott Cooper, counsel for the  
24 defendants Republic of Austria and the Austrian  
25 National Gallery.

0140

1                   MR. RICH:   John Rich, I work with Scott           10:12:32  
2 Cooper as counsel for the defendants Republic of  
3 Austria and Austrian National Gallery.

4                   MR. TOMAN:   Gottfried Toman, engaged by the  
5 Austrian Office of the State Attorney and represent   10:12:45  
6 the Republic of Austria.

7                   MR. COOPER:   Also present is Kathleen  
8 Paterno, a summer associate with our law firm.

9           //

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

13

14 EXAMINATION

15 BY MR. SCHOENBERG:

16 Q. Mrs. Altman, I have a few remaining

17 questions for you, then we'll hand it over to

18 Mr. Cooper for cross-examination.

19 You testified yesterday that you

20 arrived in the United States in May 1940; is that 10:13:20

21 correct?

22 A. Correct.

23 Q. Did you apply for U.S. citizenship?

24 A. Yes, I did.

25 Q. When did you receive your U.S. 10:13:31

0141 citizenship? 10:13:32

1 A. In the spring of 1945.

2 Q. In the spring of 1945?

3 A. Yes.

4 Q. When did you come to Los Angeles? 10:13:38

5 A. In the fall 1942.

6 Q. Have you resided in Los Angeles

7 continuously since that time?

8 A. Ever since.

9 MR. SCHOENBERG: I have no further 10:13:50

10 questions.

11 MR. COOPER: Thank you.

12 //

13

14 EXAMINATION

15 BY MR. COOPER:

16 Q. Good morning, Mrs. Altman.

17 A. Good morning.

18 Q. How are you feeling today?

19 A. I'm feeling fine.

20 Q. If there is any point in the day at 10:14:03

21 which you become tired or just want a break in the

22 proceedings, just please let me know and we'll take

23 a break.

24 A. I will. Don't worry.

25 Q. Did you do anything to prepare for 10:14:13

0142 your deposition? 10:14:15

1 A. No.

2 Q. Did you review any documents prior to

3 your testimony yesterday?

4 A. Not yesterday. I did review some 10:14:22

5 documents before.

6 Q. Prior to yesterday?

7 A. Yes.

8 Q. At what time did you do that?

9 A. Oh, I would say I went through it 10:14:30

10 about a week ago.

11 Q. About a week ago?

12 A. Yes.

13 Q. Which documents did you review at that

14 time? 10:14:37

15 A. The case. It was before the first

16 court in Los Angeles.

17 Q. The Complaint in this action?

18 A. Yes.

19 Q. Anything else? 10:14:49

20 A. No.

21 Q. That's the only thing you looked at --

22 A. Yes.

23 Q. -- before your deposition?

24 A. Yes. 10:14:54

25

0143

1 Q. Did you look at any of the documents 10:14:54

2 that Mr. Schoenberg had presented to you yesterday,  
3 prior to the deposition, to refresh your  
4 recollection?  
5 A. I don't think I needed it. 10:15:04  
6 Q. But you don't recall doing it either?  
7 A. No.  
8 Q. Did you have conversation with anyone  
9 prior to your deposition yesterday regarding the  
10 matters on which you testified? 10:15:15  
11 A. No.  
12 Q. You didn't have any conversation with  
13 any of your relatives on any of these topics prior  
14 to your deposition?  
15 A. No, nothing. 10:15:26  
16 MR. SCHOENBERG: You are meaning  
17 immediately prior?  
18 MR. COOPER: Yes, and in connection with.  
19 THE WITNESS: Well, I have a son living  
20 with me. My oldest son lives with me, so 10:15:33  
21 occasionally I tell him what is going on, but  
22 that's it.  
23 Q. BY MR. COOPER: You didn't have any  
24 conversation with him about what you expected to be  
25 testifying to? 10:15:44  
0144  
1 A. Not really. 10:15:45  
2 Q. Well, tell me what you do recall  
3 saying.  
4 A. Well, he just said you don't have to  
5 be nervous, and just say what you feel like saying, 10:15:52  
6 and that's it.  
7 Q. It was about the process, not about  
8 the things you were testifying to?  
9 A. No, no, just about the process. I  
10 have never taken a deposition before, so he just 10:16:04  
11 told me not to worry.  
12 Q. And when I ask you a question about  
13 whether you had a conversation with somebody during  
14 my questioning today, if you can, please answer yes  
15 or no, rather than giving me the substance of the 10:16:18  
16 conversation. If I think I'm entitled to the  
17 substance of the conversation, I'll ask you  
18 specifically for that.  
19 A. Fine.  
20 Q. The reason I preface my next question 10:16:26  
21 with that, I want to ask you whether you had a  
22 conversation with Mr. Schoenberg prior to your  
23 deposition, and I don't want you to tell me what he  
24 told you. Okay? Just tell me whether or not you  
25 had such a conversation. 10:16:46  
0145  
1 Did you speak with Mr. Schoenberg 10:16:46  
2 prior to the deposition?  
3 A. Yes, I did, about a week ago.  
4 Q. Did you meet with him to prepare for  
5 the deposition? 10:16:48  
6 A. Yes.  
7 Q. How long was your meeting?  
8 A. I would say a couple of hours.  
9 Q. And that was the only preparation you  
10 did other than the review of the Complaint? 10:16:57  
11 A. The only preparation.  
12 Q. That and the review of the Complaint?  
13 A. Correct.  
14 Q. To your knowledge, is there anyone  
15 still alive who has direct knowledge of 10:17:08

16 Dr. Rinesch's dealings with Austrian officials with  
17 your family after the war?  
18 A. I'm afraid not. I was the youngest,  
19 so all my siblings died years ago.  
20 Q. Are you aware of anyone who is still 10:17:27  
21 alive who has direct knowledge of your Aunt Adele's  
22 intentions with respect to her bequest of the  
23 paintings?  
24 A. Not really. I was nine when she died,  
25 and I'm already the youngest, so -- 10:17:43  
0146  
1 Q. And all of the attorneys that 10:17:46  
2 represented the family during that time period, to  
3 your knowledge, are also dead?  
4 A. I don't know why you say all the  
5 attorneys. I just know of Dr. Rinesch. 10:17:55  
6 Q. I'll ask you a couple of more  
7 questions about this in greater detail later.  
8 Your father represented the family  
9 from time to time as an attorney as well; did he  
10 not? 10:18:10  
11 A. Yes, he did represent -- he was  
12 executor of the will of Adele, as far as I know.  
13 Q. Other than Dr. Rinesch and the role  
14 that you father played, are you aware of anyone  
15 else who represented the family during the period 10:18:29  
16 from --  
17 A. No, no.  
18 Q. -- from Adele Bloch-Bauer's death  
19 until now?  
20 A. No. 10:18:37  
21 Q. I take it that you are not aware of  
22 anyone who is still alive who can testify from  
23 direct knowledge about your uncle's intentions with  
24 respect to --  
25 A. No, I wish. 10:18:52  
0147  
1 Q. -- the paintings either? 10:18:54  
2 A. I wish there were, but there is nobody  
3 alive any more.  
4 MR. SCHOENBERG: Make sure you let him  
5 finish the questions. 10:19:02  
6 THE WITNESS: I'm sorry.  
7 Q. BY MR. COOPER: Let me say as well, if  
8 you have questions about what I mean in any of my  
9 questions, please just tell me --  
10 A. I will. 10:19:10  
11 Q. -- and I'll try to rephrase them.  
12 A. I will.  
13 Q. And it is important, what your counsel  
14 just suggested, that you let me finish first.  
15 A. Yes. 10:19:18  
16 Q. It is a courtesy to the court reporter  
17 in particular, who has to write down everything  
18 that we both say.  
19 It also will give Mr. Schoenberg an  
20 opportunity to interject any objections he may 10:19:25  
21 have. Okay?  
22 And you'll need to answer audibly as  
23 well, when you intend to answer one of my  
24 questions. All right?  
25 A. Yes, I will. 10:19:36  
0148  
1 Q. Thank you. Are you aware what 10:19:37  
2 happened to your Uncle Ferdinand's papers and  
3 personal effects after he died?

4 A. I don't quite understand what you mean  
5 by acquire. I know about his last will, and I 10:20:01  
6 know -- see, I was years and miles away from the  
7 time where he died, so I don't know too much about  
8 it.

9 Q. Let me ask you whether you are aware  
10 that your Uncle Ferdinand, at the time of his 10:20:22  
11 death, had in his possession copies of his personal  
12 records, correspondence that he sent or received  
13 during his life, or other kinds of records that  
14 would have been personal to him rather than  
15 belonging to the business? 10:20:47

16 A. I wouldn't know.

17 Q. You are not aware whether your brother  
18 Robert ended up with any such documents?

19 A. No.

20 Q. Mr. Schoenberg showed you a document 10:21:11  
21 that I believe you identified as Adele  
22 Bloch-Bauer's will, Exhibit No. 13, during  
23 yesterday's questioning. I actually have a copy,  
24 if that's all right.

25 MR. SCHOENBERG: I have it right here. 13 10:21:25  
0149

1 is the transcript that was produced. You are 10:21:32  
2 talking about Page Nos. 21 and 22?

3 MR. COOPER: That's right. That's the  
4 transcript.

5 THE WITNESS: I know that pretty well. 10:21:44  
6 MR. COOPER: Okay.

7 Q. You had never, I assume, never  
8 discussed with Adele Bloch-Bauer her intentions  
9 with respect to the paintings?

10 A. No, I was just nine when she died. 10:22:29  
11 Q. And you had no involvement with the  
12 probate of her will?

13 A. None.

14 Q. And had no discussions at that time  
15 with any of the other family members regarding the 10:22:40  
16 will or Adele Bloch-Bauer's request of the Klimts;  
17 is that correct?

18 A. Never.

19 Q. Did you at any time subsequent to the  
20 death your aunt, and prior to 1998, have discussion 10:22:57  
21 with any of your family members regarding Adele  
22 Bloch-Bauer's will?

23 A. No.

24 Q. Did you ever have any discussions with  
25 any of the members of your family or Dr. Rinesch 10:23:11  
0150

1 regarding Adele Bloch-Bauer's intentions with 10:23:15  
2 respect to the Klimt paintings at issue in this  
3 lawsuit?

4 A. No, I didn't.

5 Q. When was the first time you had such 10:23:25  
6 discussions with anyone?

7 A. The first time was when I, for the  
8 first time, saw the will, which was in 1999.

9 Q. For clarity purposes, the will has  
10 been identified as Exhibit No. 12. Can I ask you 10:23:42  
11 to place that before the witness, please.

12 A. Yes, I know that very well.

13 Q. The first time you saw Exhibit No. 12  
14 was in 1999; is that correct?

15 A. Yes. 10:24:05  
16 Q. How did you receive this document?  
17 A. My niece Nelly Auersperg showed it to

18 me when I went to Vancouver after my sister died.  
19 Q. May I draw your attention to the fax  
20 trail on what is the left margin of this document. 10:24:27  
21 If you turn it sideways, do you see there is  
22 certain typewritten material at the top of that  
23 document?  
24 A. Yes.  
25 Q. Do you see the name Czernin-Molden? 10:24:40  
0151  
1 A. Czernin. 10:24:47  
2 Q. Excuse my pronunciation of European  
3 words.  
4 A. That's perfectly all right.  
5 Q. This is Mr. Czernin, whom you have 10:24:55  
6 spoken on matters related to this lawsuit?  
7 A. Mr. Czernin is a very sick man. I saw  
8 him very briefly in Vienna.  
9 Q. Did you obtain certain documents from  
10 Mr. Czernin at some time in 1999? 10:25:09  
11 A. Not directly. I got them through  
12 Mr. Schoenberg.  
13 Q. What is your understanding of how  
14 these documents came into your possession?  
15 A. I didn't get your question. 10:25:32  
16 Q. What do you understand about the  
17 circumstances under which Mr. Czernin sent these  
18 documents?  
19 A. The circumstances were that in March,  
20 I think it was March, for the first time came the 10:25:50  
21 question whether this will was interpreted the way  
22 it was written. And so my relatives in Vancouver  
23 were called by Dr. Sturm. And then he just  
24 unfolded slowly that we got these papers that told  
25 us things that I wasn't aware of before. 10:26:27  
0152  
1 Q. To the best of your knowledge, 10:26:31  
2 Mr. Czernin was contacted, requested to send some  
3 documents, and these are among the documents that  
4 he sent?  
5 A. Correct. 10:26:44  
6 Q. During March 1998, when you were  
7 having the conversation with your relatives in  
8 Vancouver, do you recall whether your relatives had  
9 a copy of Adele Bloch-Bauer's will at that time?  
10 A. You know, there was so much confusion, 10:26:57  
11 I would -- I don't think they did.  
12 Q. So to the best of your recollection,  
13 the first time you saw Exhibit No. 12 would have  
14 been sometime in or about January 1999, after  
15 receipt from Mr. Czernin? 10:27:15  
16 A. That's correct.  
17 Q. Is the same true of Exhibit No. 13,  
18 the transcript of Adele Bloch-Bauer's will that you  
19 identified yesterday?  
20 A. Yes. 10:27:25  
21 Q. I take it from your testimony that you  
22 have no personal knowledge that would allow you to  
23 interpret the intention of Adele Bloch-Bauer as  
24 expressed in this document? And by this document  
25 be I mean Exhibit No. 12. 10:27:50  
0153  
1 MR. SCHOENBERG: Objection, vague and 10:27:52  
2 compound.  
3 Q. BY MR. COOPER: You can answer the  
4 question, Mrs. Altman.  
5 A. Excuse me. You wanted to know if I 10:28:01

6 had personal knowledge?  
7 Q. Of anything that would allow you to  
8 interpret the will, other than what you have  
9 already testified to.  
10 MR. SCHOENBERG: I restate my objection. 10:28:10  
11 It's a very vague question.  
12 THE WITNESS: I can read the will, and it's  
13 perfectly clear. She's requesting her husband to  
14 leave the paintings after his death to the gallery.  
15 Q. BY MR. COOPER: Yes, ma'am. I was 10:28:24  
16 just wondering if you had any personal knowledge  
17 that gave you the ability to provide any special  
18 interpretation of those words?  
19 A. No. I mean, I can read it, and I  
20 understand what I read, but that's it. 10:28:36  
21 Q. Let me ask you to look at what was  
22 marked yesterday as Exhibit No. 11.  
23 A. Yes.  
24 Q. I understand this document has been  
25 identified as a document regarding the death Adele 10:29:13  
0154 Bloch-Bauer? 10:29:19  
1 A. Correct.  
2 Q. I understand you to have testified  
3 yesterday this was one of the documents you  
4 received from Nelly Auersperg in early 1998? 10:29:29  
5 MR. SCHOENBERG: Objection, misstates the  
6 testimony yesterday.  
7 Q. BY MR. COOPER: Is that not your  
8 recollection?  
9 A. I don't remember whether Nelly gave 10:29:42  
10 that to me.  
11 See, I remember that I went there  
12 after the death of my sister and twice while she  
13 was dying and then for the funeral. Then we sat  
14 together and she gave me, showed me some papers. 10:29:54  
15 Whether it was exactly at that time or whether it  
16 was -- I'm there every summer, so I don't know  
17 exactly when I saw that paper.  
18 Q. It is your recollection that you  
19 received this document, Exhibit No. 11, from Nelly 10:30:11  
20 Auersperg -- by the way, how do I pronounce her  
21 name correctly?  
22 A. You did perfect.  
23 Q. Fine, thank you.  
24 Did you receive this document at some 10:30:25  
0155 time from Nelly Auersperg? 10:30:27  
1 A. I saw it there, yes.  
2 Q. And you took a copy at that time?  
3 A. Yeah, I -- there are so many papers  
4 that I have boxes and boxes. I don't know exactly 10:30:40  
5 when I got this one, but I'm sure I got it at that  
6 time. I don't know.  
7 MR. SCHOENBERG: If you don't know, that's  
8 fine.  
9 MR. COOPER: That's fine. Counsel, if you 10:30:57  
10 would like to at any point in time go off the  
11 record and engage in a colloquy with me, I'm happy  
12 to do it with respect to any document. I'm not  
13 looking to lead the witness into any errors. I  
14 think I was careful to point out earlier I want her 10:31:18  
15 best testimony.  
16 THE WITNESS: I have to admit the second  
17 page, where it says about my grandfather Morritz  
18 Bauer, I don't quite remember that I have seen  
19

20 this. 10:31:24  
21 MR. SCHOENBERG: I'll just state for the  
22 record, on page -- especially the pages that have  
23 the fax number of Czernin on the top or bottom,  
24 very likely she saw those only after Mr. Czernin  
25 faxed them to us in January 1999. I think we went 10:31:38  
0156  
1 through most of the ones yesterday that I believe 10:31:42  
2 she had prior to us receiving documents from  
3 Mr. Czernin, and I don't think this is one of them,  
4 but --  
5 MR. COOPER: Fair enough. The copy I had 10:31:52  
6 doesn't have the fax line on it, and it was exactly  
7 that that caused me to understand that it may be a  
8 question of xeroxing.  
9 MR. SCHOENBERG: It probably is. If you  
10 look at the one I placed in front of the witness, 10:32:13  
11 it has a little bit of a line left there.  
12 MR. COOPER: Okay.  
13 Q. Mrs. Altman, you don't have a  
14 recollection of when you saw this document?  
15 A. There were so many documents, and I 10:32:27  
16 tried very hard to follow exactly seeing when I got  
17 it. I know I have seen it. I don't know exactly  
18 if it was through Mr. Schoenberg or through -- I  
19 mean Mr. Czernin, or if I got it through my niece.  
20 But I think it's more Mr. Czernin than her because 10:32:45  
21 I don't recall that I saw the actual will of Adele  
22 at the Auerspergs.  
23 Q. Fair enough.  
24 A. I may have; I may have not.  
25 Q. Would you turn to the last page of 10:33:03  
0157  
1 Exhibit No. 11. 10:33:05  
2 A. To the last page?  
3 Q. Yes, ma'am.  
4 A. Yes.  
5 Q. The signature on the left-hand -- 10:33:08  
6 A. That's my father.  
7 Q. On the left-hand side of the document.  
8 That's what I thought.  
9 Could you read that? Is that Gustav  
10 Bloch-Bauer? 10:33:21  
11 A. Gustav Bloch-Bauer.  
12 Q. What are the words below it?  
13 A. Erben Machthaber.  
14 MR. SCHOENBERG: You have to spell it for  
15 the reporter. 10:33:33  
16 THE WITNESS: It's a representative of the  
17 heir.  
18 MR. SCHOENBERG: Spell German for the  
19 reporter. Erben Machthaber.  
20 THE WITNESS: E R B E N, A F U N A H M E -- 10:33:48  
21 this?  
22 MR. SCHOENBERG: Where you were reading  
23 from --  
24 THE WITNESS: Excuse me. E-R-B-E-N,  
25 M-A-C-H-T-H-A-B-E-R. It's a horrible language. 10:34:13  
0158  
1 MR. COOPER: Thank you. 10:34:26  
2 Q. Your father was acting as the executor  
3 of the estate?  
4 A. Yes.  
5 Q. He also represented your uncle as his 10:34:30  
6 attorney before the court when your aunt's will was  
7 probated; is that your understanding?

8 A. Yes, I suppose so. Yes.  
9 Q. Do you understand that your father  
10 held a position of trust with your uncle? 10:34:51  
11 A. Yes, he did.  
12 Q. That your uncle relied on him for  
13 advice and counsel for legal matters?  
14 A. In legal matters and matters of art.  
15 My father helped choose all those collections, 10:35:08  
16 collections of art.  
17 Q. I didn't know that.  
18 What was your father's background with  
19 respect to art?  
20 A. Pardon me? 10:35:16  
21 Q. Your father's background with respect  
22 to art.  
23 A. By the time he was 60, I was six, so I  
24 remember he -- I don't remember him working. He  
25 spent most of his time in art shops, galleries and 10:35:26  
0159 antique shops. He loved art and music. I don't  
1 remember him working. 10:35:32  
2 Q. And he advised your uncle in  
3 connection with your uncle's collection?  
4 A. Yes. 10:35:49  
5 Q. Are you aware of any circumstances  
6 where your father acted contrary to your uncle's  
7 interests in connection with any of the matters in  
8 which he represented him?  
9 A. No, not at all. 10:36:02  
10 Q. Let me ask you to take a look at the  
11 document marked yesterday as Exhibit No. 15.  
12 Do you remember seeing this document  
13 yesterday?  
14 A. I guess so. There were a lot of 10:36:47  
15 documents.  
16 Q. Yes, there were.  
17 A. What would you like me to say about  
18 that?  
19 Q. I understand this document is a 10:37:01  
20 transcript of the probate proceedings in January  
21 1926 of your Aunt Adele's estate?  
22 A. Correct.  
23 Q. Is this among the documents, to the  
24 best of your knowledge, that were received from 10:37:25  
0160 Mr. Czernin?  
1 A. Yes. 10:37:28  
2 Q. And is the first time that you saw a  
3 copy of this document, to the best of your  
4 recollection, sometime in January 1999? 10:37:39  
5 A. Correct.  
6 Q. Would you draw your attention, please,  
7 to the first paragraph of text that appears on the  
8 first page of Exhibit No. 15, which is marked in  
9 the bottom right-hand corner 000024. 10:38:04  
10 A. Yes, correct.  
11 Q. That paragraph appears in German in  
12 this document. Would you be kind enough please to  
13 tell me in English what that paragraph says, to the  
14 best of your understanding? 10:38:21  
15 MR. SCHOENBERG: I'm going to object.  
16 THE WITNESS: Yes.  
17 MR. SCHOENBERG: Having her translate a  
18 long paragraph like that. I think -- she can do  
19 it, but the paragraph has been translated, I think. 10:38:30  
20 If it hasn't, we'll have a translation made of it.  
21

22 I'm not sure what relevance also it would have what  
23 her translation is, but I'll let her.  
24 MR. COOPER: I'm actually not interested  
25 in her translation as a translation. I have 10:38:47  
0161  
1 absolutely no objection to my reading into the 10:38:52  
2 record my understanding of what it says and then  
3 asking her whether she disagrees with it. I simply  
4 wanted to be able to engage in questioning  
5 regarding its substance, which I'm only capable of 10:39:04  
6 doing in the English language.  
7 MR. SCHOENBERG: Why don't you read in the  
8 translation you --  
9 THE WITNESS: I can translate it.  
10 MR. SCHOENBERG: Let her translate it. 10:39:13  
11 She wants to. Go ahead.  
12 THE WITNESS: It says that the Klimt  
13 paintings are not mentioned in the -- in her  
14 personal holdings. The Klimt paintings are not  
15 mentioned. The widow of Mr. Ferdinand Bloch-Bauer 10:39:42  
16 residing at Elisabethstrasse 5 were presented by  
17 Gustav Bloch-Bauer, declares that the Klimt  
18 paintings are his property. On the other hand, he  
19 says he would be glad to fulfill the requests of  
20 his wife, though they do not have the character of 10:40:09  
21 an actual inheritance.  
22 Q. BY MR. COOPER: Let me tell you what  
23 I understand that last phrase says, and you can  
24 tell me whether you agree with this.  
25 It says that the widower of the 10:40:41  
0162  
1 testatrix, Mr. Ferdinand Bloch-Bauer, industrialist 10:40:51  
2 of Vienna, Elisabethstrasse 18, represented by  
3 Gustav Bloch-Bauer, Attorney at Law, at Vienna,  
4 Stubinstei No. 2, as the heir's representatives,  
5 declares to be the owner of the Klimt paintings. 10:41:14  
6 However, on the other hand, in a submission, he  
7 declares that he will fulfill the testatrix's  
8 requests even if they should not have the binding  
9 character of a testamentary disposition.  
10 A. No, it says though they do not have -- 10:41:32  
11 excuse me. I think there is a difference between  
12 "even" and "though." They do not have the force  
13 and character of a --  
14 Q. Testamentary?  
15 A. -- testamentary, yeah. 10:41:53  
16 Q. When did you first become aware of  
17 that statement on your uncle's behalf with respect  
18 to the property?  
19 A. In the early spring of 1999.  
20 Q. And you were not aware prior to that 10:42:08  
21 time whether or not your uncle had made any written  
22 submission with respect to his intention regarding  
23 Adele Bloch-Bauer's mention of the Klimt paintings  
24 in her will?  
25 A. No. As a matter of fact, definitely 10:42:29  
0163  
1 no. He never did make a written remark in regard 10:42:31  
2 to the paintings.  
3 Q. You understand this is a written  
4 remark made on his behalf in the probate  
5 proceedings during January 1926, correct? 10:42:44  
6 MR. SCHOENBERG: Objection, you asked if  
7 Ferdinand had written anything, not whether his  
8 attorney had said or written anything.  
9 MR. COOPER: Would you read back my

10 question for the witness. 10:42:57  
11 (The record was read by the  
12 reporter as requested.)  
13 THE WITNESS: No, I was not aware.  
14 Q. BY MR. COOPER: And you understand  
15 that this is a written statement made on behalf of 10:43:12  
16 your uncle by his attorney, your father, Gustav  
17 Bloch-Bauer, correct?  
18 MR. SCHOENBERG: Objection. What are you  
19 referring to now?  
20 MR. COOPER: This document the witness 10:43:24  
21 just read into the record.  
22 MR. SCHOENBERG: I'm sorry. The document,  
23 the first page of Exhibit No. 15, you are  
24 testifying that that is written by Gustav  
25 Bloch-Bauer, counsel? 10:43:38  
0164  
1 MR. COOPER: I see the distinction you are 10:43:40  
2 making.  
3 Q. Are you making a distinction, when you  
4 say you are not aware that your uncle ever made a  
5 statement with respect to your aunt's intentions in 10:43:50  
6 her will regarding the Klimts, are you saying that  
7 this probate record is not a submission by  
8 Ferdinand Bloch-Bauer, and therefore, you are not  
9 aware that he ever made a statement with respect to  
10 this subject matter? 10:44:17  
11 MR. SCHOENBERG: Object again, you are  
12 referring just to the first page now, which is a  
13 transcript of the handwritten document of the court  
14 on the probate order which is attached as the  
15 second and third page. 10:44:29  
16 MR. COOPER: Object to your  
17 characterization, and there is no evidence that  
18 that is what this evidence is.  
19 MR. SCHOENBERG: The document came from  
20 your clients as a transcript prepared by the 10:44:37  
21 Austrian government in the late '40s, if you don't  
22 think it says what it says, we can talk about it.  
23 It's an ambiguous question because you are not  
24 clear whether you are referring to the first page  
25 or the second page or the third page. 10:44:52  
0165  
1 MR. COOPER: We'll make it clear. 10:44:55  
2 Q. Mrs. Altman, do you have personal  
3 knowledge with respect to what this document is?  
4 A. I beg your pardon?  
5 Q. Do you have any personal knowledge 10:45:05  
6 regarding this document, other than what you have  
7 already testified to?  
8 A. No.  
9 Q. You only know about this document that  
10 you received it from Mr. Czernin through your 10:45:12  
11 counsel, correct?  
12 A. Correct.  
13 Q. This document on its face, the words  
14 which are all in German, the heading of this  
15 document, the first page -- 10:45:34  
16 A. Yes.  
17 Q. -- of Exhibit No. 15?  
18 A. Yes.  
19 Q. It was marked for identification  
20 purposes by your counsel in connection with the 10:45:40  
21 production of this document to us. It has 000024  
22 on the lower right-hand corner.  
23 That's the page to which I'm making

24 reference. Do you understand that?  
25 A. 000024, yes, that's the page. 10:45:59  
0166  
1 Q. And the heading at the top of this 10:45:59  
2 page, the first words below the fax transmission  
3 trail identifying it has having come from  
4 Mr. Czernin, the printed words at the top line;  
5 what do those say? 10:46:15  
6 A. This?  
7 Q. Yes, ma'am.  
8 A. Bloch-Bauer Klimt paintings.  
9 Q. And below that?  
10 A. I beg your pardon? 10:46:25  
11 Q. Below that?  
12 A. Below that it says this is in regard  
13 to the document of his -- the English language is  
14 so much easier -- the acknowledgment of his  
15 belongings from -- the belongings. 10:47:00  
16 MR. SCHOENBERG: He's asking you to give  
17 your best translation.  
18 THE WITNESS: Yeah, well, this is a  
19 transcript of his declaration of his owings.  
20 MR. SCHOENBERG: Is there a date? 10:47:31  
21 THE WITNESS: The date was January -- 7th  
22 January 1926.  
23 Q. BY MR. COOPER: And the next line?  
24 A. And it says handwritten remarks on  
25 Page No. 1 of the original. 10:47:44  
0167  
1 Q. Now, do you understand that this is a 10:47:48  
2 document created by the probate court in the course  
3 of the probate proceedings of Adele Bloch-Bauer's  
4 will?  
5 MR. SCHOENBERG: Objection, that misstates 10:48:02  
6 what the document completely.  
7 You are saying it's a transcript of  
8 that or that is what it is?  
9 MR. COOPER: Read back the question,  
10 please, for the witness' benefit. 10:48:16  
11 (The record was read by the  
12 reporter as requested.)  
13 MR. SCHOENBERG: Objection. Again, it's  
14 unclear whether you are asking whether this is a  
15 transcript of the document you are asking about or 10:48:30  
16 whether this is an actual document that was  
17 written, handwritten by the probate court.  
18 Q. BY MR. COOPER: Would you please  
19 answer my question?  
20 A. Yes. Would you mind repeating your 10:48:45  
21 question.  
22 (The record was read by the  
23 reporter as requested.)  
24 THE WITNESS: Yes, of course. Yes, I can  
25 see that. 10:49:00  
0168  
1 MR. SCHOENBERG: I'm going to move to 10:49:01  
2 strike the answer. It's confusing and vague the  
3 way you have --  
4 Do you understand this actual page is  
5 the document that the probate court -- 10:49:09  
6 MR. COOPER: Counsel, you will have an  
7 opportunity to redirect the witness.  
8 MR. SCHOENBERG: You are misleading her.  
9 MR. COOPER: That's preposterous.  
10 THE WITNESS: I do not really -- I try very 10:49:21  
11 hard to understand what you want to say. This is

12 all a very difficult legal language which is even  
13 hard for me, though I spoke German fluently, to  
14 understand. I'd like to find out what you want me  
15 to understand here. 10:49:42

16 Q. BY MR. COOPER: All I've asked,  
17 Mrs. Altman, is your understanding of what the  
18 document is.

19 MR. SCHOENBERG: Are you asking her what  
20 this particular typed document is or what it is a  
21 transcript of, counsel? 10:49:51

22 THE WITNESS: I can translate this for you,  
23 but I really don't know -- I did translate for you  
24 that the person who is inheritor declares that the  
25 Klimt paintings are his property. 10:50:17

0169

1 MR. SCHOENBERG: Mrs. Altman is clearly 10:50:20  
2 not understanding your question.

3 He's asking you, do you know what this  
4 particular document is, this typed document, not  
5 what it is a transcript of. 10:50:28

6 MR. COOPER: Counsel, please do not coach  
7 the witness in her responses. The record couldn't  
8 be clearer in what I said and what she said.  
9 That's why it's being taken down.

10 MR. SCHOENBERG: That's why you are 10:50:41  
11 obviously misleading her. It can't possibly be  
12 correct.

13 THE WITNESS: I have seen it over and over.  
14 All I know, it says here the paintings are his  
15 property. Sie auch nicht. 10:50:51

16 MR. SCHOENBERG: Can we take a break,  
17 please?

18 MR. COOPER: No, I'd like to finish this  
19 line of questioning.

20 MR. SCHOENBERG: Can you read back the 10:51:03  
21 question and have her answer it again.

22 MR. COOPER: Please, Mr. Schoenberg.

23 Q. Mrs. Altman, all I was asking is what  
24 you understood what the document was. You already  
25 answered that question. I'm not looking for 10:51:13

0170

1 anything further on a pending question. 10:51:15  
2 Let me ask you this: Do you  
3 understand from this document that Ferdinand  
4 Bloch-Bauer expressed to the probate court in  
5 January 1926 his intention to fulfill the request 10:51:29  
6 of Adele Bloch-Bauer, to give to the National  
7 Gallery the six Klimt paintings, even though her  
8 bequest in her will did not have a binding  
9 character of a testamentary disposition?

10 MR. SCHOENBERG: Objection. Can you 10:52:15  
11 clarify whether you are talking about Ferdinand  
12 Bloch-Bauer personally or through his attorney  
13 Gustav Bloch-Bauer?

14 Q. BY MR. COOPER: I'm not making that  
15 distinction, Mrs. Altman. 10:52:24

16 MR. SCHOENBERG: Then I object to the  
17 question as vague and ambiguous.

18 Q. BY MR. COOPER: Do you understand the  
19 question, Mrs. Altman?

20 A. He says the Klimt paintings are his 10:52:36  
21 property. However, he says he will fulfill a wish  
22 if the moment comes.

23 He never had the paintings any more.  
24 He couldn't fulfill it even if I had wanted to.

25 MR. COOPER: We can take a break now. 10:53:12

0171  
1 MR. SCHOENBERG: I would like to take a 10:53:14  
2 break.  
3 VIDEOGRAPHER: Going off the record at  
4 10:567 A.M.  
5 (A brief recess was taken.) 11:03:31  
6 VIDEOGRAPHER: Going back on the record  
7 11:07 A.M.  
8 Q. BY MR. COOPER: Mrs. Altman, during  
9 our brief break, your counsel and I had a  
10 conversation regarding Exhibit No. 15 and where 11:03:42  
11 your copy of this document comes from and something  
12 of its provenance. Let me see if I can ask you a  
13 couple of follow up questions with respect to your  
14 knowledge on this document.  
15 Other than understanding that this 11:04:07  
16 document was provided through your counsel by  
17 Mr. Czernin sometime in January 1999, do you have  
18 any personal knowledge regarding its provenance?  
19 A. No.  
20 Q. Without asking you to interpret 11:04:30  
21 whether this is a transcript of the January 7, 1926  
22 probate proceedings of your aunt's will or whether  
23 it is itself a document created by the probate  
24 court -- I'm not asking you to make that  
25 distinction, and I take it, by the way, that you 11:04:58  
0172  
1 don't know which this is, whether it's a transcript 11:05:01  
2 or itself a court created document?  
3 A. Exactly, correct.  
4 Q. The only thing I was interested in in  
5 making reference to this particular document in my 11:05:20  
6 prior questions was whether you were aware from  
7 this document of the statement attributed to your  
8 Uncle Ferdinand about which I was questioning you.  
9 And you are aware of the statement from this  
10 document, correct? 11:05:39  
11 A. I was aware of it, but that's when I  
12 said that in his -- yes, I was aware of it, but  
13 it's meaningless because he didn't have the  
14 paintings.  
15 Q. Without regard to any interpretation 11:05:56  
16 you or I may place on this document today, this  
17 document is the only knowledge you have with  
18 respect to any statements your uncle made in  
19 connection with the probate of your Aunt Adele's  
20 will with respect to the Klimt paintings; is that 11:06:18  
21 correct?  
22 A. Yes.  
23 Q. And you understand that however one  
24 interprets this statement, this statement is  
25 attributed to your Uncle Ferdinand in connection 11:06:31  
0173  
1 with those probate proceedings; is that correct? 11:06:34  
2 MR. SCHOENBERG: Objection, calls for a  
3 legal conclusion.  
4 Q. BY MR. COOPER: You can answer.  
5 A. Would you repeat the question. 11:06:46  
6 Q. Let me rephrase the question instead.  
7 Do you have any reason to doubt that  
8 your Uncle Ferdinand made the statement attributed  
9 to him on Page No. 1 of Exhibit No. 15?  
10 A. Made the statement in '23, but a lot 11:07:02  
11 changed until he died in 1945.  
12 Q. I believe the statement, at least this  
13 document suggests it was dated January 7, 1926.

14 A. Yes.  
15 Q. You just said '23. Were you -- 11:07:20  
16 A. I'm sorry. I thought he died in '23,  
17 but I was confused with '23 and '26.  
18 Q. Fair enough.  
19 Would you please put Exhibit No. 20  
20 before the witness. 11:07:49  
21 MR. SCHOENBERG: Certainly.  
22 Q. BY MR. COOPER: I don't believe you  
23 were asked yesterday, and forgive me if I'm in  
24 error, when the first time you saw this document  
25 was. 11:08:23  
0174  
1 Do you recall when you first saw it? 11:08:31  
2 A. I think, I mean, I couldn't swear on  
3 it. I think I only saw it after my sister died,  
4 because she had all those papers. I had none.  
5 Q. To the best of your recollection, it 11:08:45  
6 would have been sometime in or after March 1998?  
7 A. My sister died -- yeah, correct.  
8 Q. Your sister died in April 1998; is  
9 that correct?  
10 A. Yes. 11:08:58  
11 Q. So either just before or just after  
12 her death?  
13 A. No, after, not before.  
14 Q. You, to the best of your recollection,  
15 received this document from Nelly Auersperg? 11:09:08  
16 A. I do think so.  
17 Q. You do think so?  
18 A. I do think so.  
19 You see, it's very difficult for me --  
20 I have a good memory -- to distinguish between the 11:09:19  
21 papers I received through Monica Mayer,  
22 Mr. Czernin, and the personal papers that I  
23 received from my niece.  
24 Q. Who was Monica Mayer?  
25 A. I think she worked with Frodl, if I 11:09:35  
0175  
1 recall. She was working for the gallery. 11:09:40  
2 Wasn't she? I think so.  
3 Q. Can you tell me, to the best of your  
4 recollection, what role Monica Mayer had in  
5 connection with any of the records relating to this 11:09:54  
6 lawsuit?  
7 A. She provided with us some written  
8 material at the session in Vienna that Professor  
9 Bacher told me, "We did supply you with all  
10 necessary information, didn't we?" And I said yes. 11:10:14  
11 You sent all the papers to me -- I mean to  
12 Mr. Schoenberg.  
13 Q. Monica Mayer was someone who collected  
14 some documents?  
15 A. I met her at the dinner party. That's 11:10:28  
16 all. I never had more than two friendly social  
17 words with her.  
18 Q. Let me ask you as a foundational  
19 question. Are you able to read the handwritten  
20 words that appear on, I think what you have before 11:10:56  
21 you is the second page of Exhibit No. 20?  
22 A. 20, yes.  
23 Q. It's the page that is marked for  
24 identification purposes 000305.  
25 A. Correct. I have it in front of me. 11:11:17  
0176  
1 Q. Are you able to read what is on that 11:11:18

2 page?  
3 A. Yes, I do.  
4 Q. You can read it?  
5 A. Yes. 11:11:31  
6 Q. That's interesting.  
7 Between the difficulty of handwriting,  
8 the copy and the language differences, I find it  
9 virtually impossible to read.  
10 A. I don't blame you. 11:11:35  
11 Q. So I appreciate that.  
12 MR. SCHOENBERG: I believe that,  
13 Mr. Cooper, we provided in our production --  
14 THE WITNESS: It's difficult for me, though  
15 I was born in Austria, it's difficult for me to 11:11:45  
16 read it, and --  
17 MR. SCHOENBERG: I have made a transcript  
18 of this. I think there were one or two words that  
19 were, for me at least, illegible, but I believe  
20 that's part of the production, maybe very near the 11:11:59  
21 end there was a --  
22 THE WITNESS: Her handwriting is not --  
23 MR. SCHOENBERG: Hold on one second.  
24 There is something called a Summary  
25 Transcript of Relevant Documents. I think it's 11:12:10  
0177  
1 included this that. I believe I also quoted it in 11:12:12  
2 a letter to Minister Gehrler in July 1999. I think  
3 you have that also.  
4 MR. COOPER: That's fine. I actually  
5 wasn't making any objection at all. The document 11:12:22  
6 is what it is.  
7 MR. SCHOENBERG: What it says --  
8 MR. COOPER: I understand what it says. I  
9 just said I can't read it, and I was wondering if 11:12:36  
10 the witness could.  
11 MR. SCHOENBERG: All right.  
12 Q. BY MR. COOPER: My understanding,  
13 Mrs. Altman, this is, A, the last will and  
14 testament of Ferdinand Bloch-Bauer?  
15 A. Correct. 11:12:44  
16 Q. Dated October 8, 1942?  
17 A. Yes. He died in --  
18 MR. SCHOENBERG: Wait a second.  
19 THE WITNESS: Excuse me.  
20 Q. BY MR. COOPER: I don't want you to 11:12:53  
21 draw conclusions or get ahead of me.  
22 A. Yes.  
23 Q. I do not have the understanding that  
24 this was his final will. I believe that I will be  
25 able to show you in a few minutes, and 11:13:04  
0178  
1 Mr. Schoenberg showed you yesterday, a will that is 11:13:07  
2 dated subsequent to this document. I actually just  
3 wanted to draw your attention to the primary  
4 bequest, as I understand it, in the document.  
5 I understand that the first sentence 11:13:21  
6 after the preamble, the preamble saying of sound  
7 mind and memory and without being forced, I dispose  
8 as follows in the event of my death.  
9 Then I understand the next sentence to  
10 say I appoint my niece Louise Baroness Goodman nay 11:13:40  
11 Bloch-Bauer my universal inheritrix, and in case  
12 she is not able to accept the inheritance, I  
13 appoint her two children, Natalie and Franz, in  
14 equal shares.  
15 Is that approximately what it says, as 11:13:59

16 you understand it?  
17 A. Yes, it was the first will.  
18 Q. When did you first become aware that,  
19 at least as of October 1942, your uncle had made  
20 your sister Louise his primary heir? 11:14:15  
21 A. I saw that later, much later. This is  
22 a letter I saw much later.  
23 I was familiar with the last will he  
24 wrote before he died, within months or a week  
25 before he died. 11:14:42  
0179  
1 Q. Let me ask the question a little 11:14:43  
2 differently.  
3 Were you aware, prior to your uncle's  
4 death, that at some point in time, apparently in  
5 1942, he had made your sister Louise his primary 11:14:53  
6 heir?  
7 A. No, I was not aware of that.  
8 Q. This will provided a bequest to you of  
9 10,000 American dollars; is that your  
10 understanding? 11:15:11  
11 A. Yes, but that -- I don't recall when I  
12 saw that because I was familiar with the second  
13 will.  
14 Q. I understand that. I'm just asking  
15 whether you had any understanding, from October 11:15:24  
16 1942 through the death your uncle, that at some  
17 point in time he had a will which made your sister  
18 Louise his sole primary heir and you the recipient  
19 of a \$10,000 bequest?  
20 A. I was not aware of that. 11:15:49  
21 Q. Are you aware of any special  
22 relationship your uncle had with your sister Louise  
23 that might have caused him to declare her his  
24 universal heir at that time?  
25 A. Yes, because my sister Louise was the 11:16:03  
0180  
1 only one among us siblings that was still in Europe 11:16:05  
2 at that time, so she had contact with him. I  
3 understand she visited him, but she was the only  
4 one there. The rest of us were in Canada and  
5 America. 11:16:19  
6 Q. Did you have contact with your uncle  
7 between the time that you left Austria in 1938 and  
8 the time he died in 1945?  
9 A. Only while I was in England, following  
10 my escape to England and no more after I left for 11:16:36  
11 America. At the beginning of the war.  
12 Q. You testified yesterday, Dr. Rinesch  
13 was retained and entrusted by your uncle to recover  
14 your uncle's property after the war; is that  
15 correct? 11:17:16  
16 MR. SCHOENBERG: You are asking for  
17 personal knowledge other than what she learned from  
18 the documents?  
19 MR. COOPER: Let me ask the question  
20 again, thank you. 11:17:22  
21 Q. Were you aware, during the period  
22 after the war, that your uncle had retained  
23 Dr. Rinesch to assist him in connection with the  
24 recovery of your uncle's property?  
25 A. No, I was not really aware of that. 11:17:42  
0181  
1 Q. You are aware of that today through 11:17:42  
2 documents that have been presented to you in  
3 connection with this deposition, among other

4 things?  
5 A. Yes. There was also another lawyer 11:17:45  
6 that he mentions, Lowatschek, that was supposed to  
7 bring his last instructions, but I never met him,  
8 and I don't know anything about him.  
9 Q. You have no personal knowledge  
10 regarding Dr. Rinesch's representation of your 11:18:03  
11 uncle in the post war period?  
12 A. Well, as I said yesterday, Rinesch was  
13 a friend and lawyer of the family, so I had no  
14 reason to doubt that if he did work for him.  
15 Q. You had become familiar with 11:18:24  
16 Dr. Rinesch prior to your departure from Europe; is  
17 that correct?  
18 A. Oh, I have known him since I was a  
19 child. He was the best friend of my brother  
20 Robert. 11:18:39  
21 Q. What do you know of his reputation in  
22 the Austria legal community?  
23 A. I couldn't tell you. He was a very  
24 decent man. What he was as a lawyer, I wouldn't  
25 know. I had no discussions with him in that way. 11:18:54  
0182  
1 Q. You had no understanding of his 11:18:57  
2 prominence this the Austrian legal community?  
3 A. No.  
4 Q. You mentioned yesterday briefly that  
5 Dr. Rinesch had some involvement in assisting 11:19:14  
6 members of your family to escape from Austria.  
7 Would you please describe for me what  
8 his involvement was.  
9 A. He tried to help my husband and me to  
10 get a passport, but it didn't work. He made an 11:19:33  
11 attempt to help us to leave, and it failed totally,  
12 but luckily they never found out. But what it  
13 actually was, I don't know. I do think that he  
14 tried to help us to get passports, but it never  
15 materialized. 11:19:58  
16 Q. I understood from someone that he also  
17 was involved in actually helping to transport  
18 members of the family in his personal car?  
19 A. Oh, I think it was the mother of my  
20 sister-in-law, Robert's wife, Robert's first wife, 11:20:14  
21 who helped her mother to get out, but I wouldn't  
22 have known. I heard that only since seeing it on  
23 the paper. I didn't know.  
24 See, we were not in any contact. My  
25 sister was in Yugoslavia. We were in England. 11:20:34  
0183  
1 Part of the others were in Canada. I wouldn't 11:20:39  
2 know.  
3 Q. After the war your brother Robert was  
4 the family's representative in connection with  
5 efforts to obtain restitution of the family's 11:20:49  
6 property; is that correct?  
7 A. Correct.  
8 Q. Did he play any direct role, while he  
9 was in Europe, in matters relating to the sugar  
10 factory? 11:21:03  
11 A. Well, he tried his best to recover  
12 some of the things that, whether they belonged to  
13 my uncle, but I don't know any details.  
14 Q. Did there come a time when your  
15 brother Robert actually took on any official role 11:21:22  
16 with respect to the business of the sugar factory  
17 after World War II?

18 A. I think my brother Poldi went there  
19 and helped, too.  
20 Q. You are not aware whether Robert had 11:21:49  
21 any official role with respect to the company?  
22 A. I don't think he accomplished a lot  
23 there. He tried, but he failed quite a bit.  
24 Q. You mentioned that your brother  
25 Leopold also went to Europe and engaged in some 11:22:05  
0184  
1 efforts to obtain restitution of property? 11:22:11  
2 A. Yes.  
3 Q. What do you know about his activities?  
4 A. Not much because actually, from what  
5 there had been and what came out of it, it was just 11:22:21  
6 a fraction. So they both tried, but I really don't  
7 know the amount to which they accomplished  
8 anything.  
9 Q. Are you aware whether your brother  
10 Karl also was in Europe and engaged in some of the 11:22:37  
11 efforts to obtain restitution of the property after  
12 the war?  
13 A. Yeah, I guess he tried to. Yeah.  
14 At the time I was very busy. I had  
15 three little kids and worked, and so I wasn't 11:22:53  
16 involved much in these matters.  
17 Q. Did you correspond with your brother  
18 Karl at all after the war?  
19 A. Oh, I saw him every year when I went  
20 to Vancouver, but we didn't correspond. 11:23:10  
21 Q. He wrote you no letter after the war  
22 regarding any matters pertaining to the efforts to  
23 obtain restitution of the property?  
24 A. Not that I know of because he wasn't  
25 even in the will of my uncle. Charles -- neither 11:23:33  
0185  
1 Charles or Poldi were in the will of my uncle. 11:23:39  
2 Q. Neither of them wrote to you during  
3 the post war periods regarding any matters relating  
4 to the efforts to recover property?  
5 A. No. Poldi never wrote, and Charles 11:23:52  
6 didn't write much either.  
7 Q. Do you understand that Charles --  
8 Charles is how you refer to your brother?  
9 A. My oldest brother, yes.  
10 Q. He's also referred to from time to 11:24:05  
11 time as Karl; is that correct?  
12 A. Karl was his actual German name. Then  
13 he changed it to Charles, like to have a  
14 translation of the name.  
15 Q. So is it best that I refer to him as 11:24:18  
16 Charles as opposed to Karl?  
17 A. It's fine. Whatever you prefer.  
18 Q. As long as we understand who it is I'm  
19 referring to it's all right.  
20 A. I understand. It's fine. 11:24:29  
21 He also kept the name Bloch-Bauer,  
22 despite the others that called themselves Bentley.  
23 Q. He changed his first name to anglicize  
24 it and kept his last name out of spite?  
25 A. Correct, yeah. 11:24:44  
0186  
1 Q. Do you understand that Charles was 11:24:51  
2 involved in effecting the return of one of the  
3 Klimt paintings to the National Gallery at some  
4 point after World War II?  
5 MR. SCHOENBERG: Object. You are asking 11:25:08

6 her --  
7 THE WITNESS: I have no idea. I couldn't  
8 even tell you. I have no idea.  
9 MR. SCHOENBERG: I was wondering whether  
10 you were asking personal knowledge or something she 11:25:14  
11 gleaned from the document, but I guess the answer  
12 is in.  
13 THE WITNESS: No, I have no idea what he  
14 did.  
15 Q. BY MR. COOPER: You mentioned 11:25:23  
16 yesterday during the course of his activities in  
17 connection with the attempt to obtain restitution  
18 of --  
19 A. Excuse me. "His activities" you are  
20 talking about Charles? 11:25:36  
21 Q. My question was too long. Let me  
22 start over. I'm now referring to Robert.  
23 A. Robert, yes.  
24 Q. In connection with Robert's activities  
25 after the war to obtain restitution of property to 11:25:46  
0187  
1 the family, you mentioned that he communicated to 11:25:52  
2 you regarding his efforts by telephone and letter?  
3 A. Yes.  
4 Q. I wonder if you can tell me, to the  
5 best of your recollection, how often you had 11:26:10  
6 conversation with Robert by telephone?  
7 A. Not much. Not much at that time. The  
8 telephone was not as inexpensive as it is now. We  
9 didn't talk much.  
10 Q. Do you know what happened to the 11:26:22  
11 letters that Robert sent you during that time  
12 period?  
13 A. What happened to letters?  
14 Q. Yes. You testified he communicated by  
15 telephone and in writing, by letter. I'm wondering 11:26:34  
16 if you know what happened to the letters he sent  
17 you?  
18 A. Oh, I'm not a very good keeper of  
19 materials. I don't -- I'm quite sure I haven't got  
20 one letter left of his. 11:26:50  
21 Q. Were you aware, during that time  
22 period, that Robert also was writing to your sister  
23 Louise regarding his activities in Europe on behalf  
24 of the family?  
25 A. Yeah -- 11:27:05  
0188  
1 MR. SCHOENBERG: Object. Can you be a 11:27:06  
2 little more precise on what time period? For a  
3 portion of the time after the war, Louise was in  
4 Yugoslavia, then she moved to Israel and Canada.  
5 MR. COOPER: Fair enough. 11:27:19  
6 Q. Let me ask you, when did Robert first  
7 commence his activities on behalf of the family and  
8 the efforts to obtain restitution?  
9 A. I couldn't tell you exactly when. I  
10 do know that he tried to send packages to my sister 11:27:31  
11 to Yugoslavia, which was just food packages; care  
12 packages he called them. And the thing was far  
13 from my mind to be involved in all that because I  
14 left it to him to try what he can do. I was not  
15 involved at all with it. 11:27:56  
16 Q. You don't recall when he started these  
17 activities?  
18 A. Well, I'm sure he tried to start soon  
19 after my uncle passed away.

20 Q. You don't have any specific 11:28:15  
21 recollection?  
22 A. No, I don't.  
23 Q. You mentioned that your brother Robert  
24 had acted for a time as the personal secretary to  
25 your Uncle Ferdinand? 11:28:56  
0189  
1 A. Correct. 11:28:58  
2 Q. Can you describe for me the types of  
3 activities that Robert had in connection with that  
4 role?  
5 A. I wish I know more about it. I'm 11:29:11  
6 afraid I don't.  
7 I went to the office there. Their  
8 offices were on Elisabethstrasse, and he worked  
9 there, but you see, I was a girl of 16, 17, 18.  
10 The last thing in my interest was what type of work 11:29:27  
11 he did there. I couldn't tell you.  
12 Q. Perhaps then I can get your  
13 understanding of the type of position it was.  
14 Personal secretary can mean anything  
15 from a clerical position to a position of some 11:29:46  
16 responsibility or authority that goes beyond the  
17 kinds of things that one might think of as  
18 secretarial.  
19 Do you have a sense of what kind of  
20 role it was? 11:30:03  
21 A. I don't think my uncle gave any big  
22 authority to Robert whatsoever. He was an  
23 incredibly forceful man. Robert was -- I think  
24 Robert was a little bit afraid of his uncle, and he  
25 was not a very strong person. And I -- the work he 11:30:20  
0190  
1 did, I really couldn't tell you. 11:30:27  
2 Q. I suspect I know the answer to the  
3 next question I'm going to ask you based on that,  
4 but let me ask, please, that you take a look at  
5 what was marked yesterday as Exhibit No. 24. 11:30:42  
6 A. Yes.  
7 Q. Do you know what this document is?  
8 A. It's the last will of my Uncle  
9 Ferdinand in October 22, 1945.  
10 Q. May I see the document that you have. 11:31:23  
11 MR. SCHOENBERG: Is it my fault.  
12 MR. COOPER: It's as likely my fault as  
13 any. I have two numbers on this document.  
14 Let me ask for 23, please.  
15 MR. SCHOENBERG: Okay. 11:31:45  
16 THE WITNESS: This says 24.  
17 MR. COOPER: Yes. I think the error was  
18 in my transcription of this document.  
19 MR. SCHOENBERG: I hope that is right  
20 because chronologically 23 comes before 24, so I 11:32:01  
21 probably did it in that order.  
22 MR. COOPER: That's the document I have in  
23 mind.  
24 MR. SCHOENBERG: Okay.  
25 Q. BY MR. COOPER: Let me ask you what 11:32:08  
0191  
1 that document is, if you know. 11:32:09  
2 A. It just seems -- yeah, it names some  
3 of the paintings that -- the top one, as a matter  
4 of fact, I received and sold it. The Schindler  
5 document with brook and bridge. 11:32:38  
6 Q. You received that document as part of  
7 the return of property to the family after the war?

8 MR. SCHOENBERG: Objection. Can you ask  
9 that question again or repeat the question? I'm  
10 not sure I heard it. 11:32:57  
11 (The record was read by the  
12 reporter as requested.)  
13 MR. COOPER: My mistake.  
14 Q. You received the painting, the  
15 Schindler painting referenced as the first item on 11:33:10  
16 Exhibit No. 23, as part of the return of the  
17 family's property after the war?  
18 A. Yes. I don't remember any of the  
19 others.  
20 Q. That was going to be my next question. 11:33:31  
21 Do you recall seeing this document  
22 before yesterday?  
23 A. I'm sure I must have seen it, but I  
24 wouldn't remember.  
25 Q. I take it you have no personal 11:33:48  
0192  
1 knowledge regarding the creation of this document? 11:33:51  
2 A. No.  
3 Q. The handwriting on the bottom of this  
4 page --  
5 A. The handwriting of my brother Robert, 11:34:00  
6 and he says it's a copy of a letter to my uncle.  
7 Q. It says this is a copy of a letter to  
8 Uncle Ferdinand?  
9 A. Yes.  
10 Q. Below that what does that say? 11:34:22  
11 A. It's a date, 28th September 1945.  
12 Q. Do you know whether Robert was in  
13 Europe in September 1945?  
14 A. I know he was in Europe, but I  
15 couldn't tell you exactly if it was 1945. 11:34:47  
16 Q. He was no longer in your uncle's  
17 employ in 1945 as his personal secretary?  
18 A. No, certainly not. My uncle died in  
19 November '45, and Robert was in Vancouver, Canada.  
20 Q. You have no understanding of the 11:35:11  
21 circumstances under which Robert might have been --  
22 A. None.  
23 Q. -- creating a report for your uncle  
24 regarding any of this property?  
25 MR. SCHOENBERG: Objection to the extent 11:35:21  
0193  
1 you are suggesting that Robert created the report, 11:35:22  
2 it assumes a fact not in evidence and probably  
3 never will be.  
4 Q. BY MR. COOPER: Let me ask this  
5 question first: Do you have any understanding from 11:35:37  
6 the face of this document whether this represents  
7 any portion of a report Robert created for your  
8 uncle?  
9 A. I must tell you this is very confusing  
10 here. It gives all sorts of names to whom the 11:35:51  
11 things were sold. Verk means verkauf, and he names  
12 these people, so I really couldn't tell you.  
13 Q. So you have no way of telling what  
14 this document is from the contents of the document  
15 and the handwritten notation on the bottom from 11:36:13  
16 Robert?  
17 A. No. All I remember is that this one  
18 Schindler painting was returned to me. I got two  
19 Schindler paintings and sold them.  
20 Q. Now, would you please put Exhibit No. 11:36:39  
21 24 before the witness.

22                    Would you please, I know did you a  
23 moment ago, would you please, for the clarity of  
24 the record, identify what Exhibit No. 24 is?  
25            A.    The last will of my uncle, written in    11:37:32  
0194  
1    October 22, 1945.    11:37:36  
2            Q.    Would you turn to the second page of  
3 the document.  
4            Do you have an understanding of what  
5 that second page represents?                                11:37:54  
6            A.    The second page.  It's just -- this?  
7            Q.    Yes, ma'am.  This is the page marked  
8 000317.  
9            A.    Yes, it's a confirmation.  
10           000317?    11:38:15  
11           Q.    Yes.  
12           A.    It just says it's a confirmation of  
13 the court in Zurich that this is his last will.  
14           Q.    Would you turn to the third page,  
15 please, 000318.    11:38:30  
16           A.    Yes.  
17           Q.    And do you have an understanding of  
18 what that page consists of?  
19           A.    Yes.  It says all former testaments  
20 are no longer in -- no longer -- I don't know the        11:38:43  
21 English word for ungueltig.  No longer correct.  
22 That this is his last will, and that it gives half  
23 of his last will to my sister, who was at that time  
24 in Yugoslavia, and a quarter to me, and a quarter  
25 to Robert.    11:39:11  
0195  
1           Q.    Is it your understanding that this is        11:39:12  
2 a typed description of what appears on the first  
3 page of Exhibit No. 24?  
4           A.    Correct.  The first page is his  
5 handwriting, and the last page is the typed.                11:39:27  
6           Q.    To the best of your recollection, you  
7 received this document for the first time sometime  
8 after your uncle's death?  
9           A.    Yes.  
10           Q.    In November 1945; is that correct?        11:39:46  
11           A.    Yes.  
12           Q.    How soon after his death did you  
13 receive the copy of this document?  
14           A.    Oh, I'm sure within weeks.  I really  
15 couldn't tell you exactly when.                            11:40:05  
16           Q.    Did you ever learn the circumstances  
17 under which your Uncle Ferdinand changed the  
18 bequest that he left from the bequest set forth in  
19 Exhibit No. --  
20           A.    No, I don't know.  You mean from his  
21 first will?    11:40:28  
22           Q.    From his first will, Exhibit No. 20.  
23           A.    No.  I guess he just changed his mind.  
24           Q.    You never spoke to him about that?  
25           A.    No, I never spoke to him any more.        11:40:49  
0196  
1           Q.    Did any of the other members of your        11:40:49  
2 family ever speak to you regarding any information  
3 they had regarding his reasons for changing?  
4           A.    No.  
5           Q.    You were aware that your brother  
6 Robert retained Dr. Rinesch, after your Uncle  
7 Ferdinand's death, in connection with matters  
8 relating to the will and the restitution of the  
9 property?    11:41:12

10 A. I was aware of this. 11:41:29  
11 Q. Were you also aware that your brother  
12 Robert gave to Dr. Rinesch your brother Robert's  
13 power of attorney in connection with those matters?  
14 A. Yes, I learned that.  
15 MR. SCHOENBERG: You are asking whether 11:41:50  
16 she was aware then or aware now?  
17 MR. COOPER: Yes. The question was was  
18 Mrs. Altman aware then that he conferred the power  
19 of attorney in Dr. Rinesch.  
20 THE WITNESS: Yeah, I guess so. 11:42:01  
21 MR. SCHOENBERG: We don't want you to  
22 guess.  
23 THE WITNESS: What?  
24 MR. SCHOENBERG: Absolutely none of us  
25 want you to guess. 11:42:06  
0197  
1 Were you aware in the 1940s that your 11:42:07  
2 brother Robert had given the power of attorney.  
3 THE WITNESS: I had, as I said before, at  
4 the time I had small children. I had no time for  
5 anything and was glad that my brother Robert acted 11:42:18  
6 on my behalf.  
7 MR. COOPER: Fair enough.  
8 Let me ask the reporter to mark next  
9 in order, which I believe is Exhibit No. 56, a  
10 one-page document which is marked for 11:42:46  
11 identification purposes A 0057.  
12 (Altman Exhibit 56 was  
13 marked for identification  
14 by the reporter and is  
15 attached hereto.)  
16 Q. BY MR. COOPER: Please review that  
17 document.  
18 A. I don't remember that I have seen this  
19 before. October 1945. This is the first time I  
20 have seen that. 11:43:39  
21 Q. This document is in German.  
22 Do you understand this document to  
23 appear to be a power of attorney by your brother  
24 Robert Bentley to Dr. Gustav Rinesch?  
25 A. Yeah, this is correct, but I must say, 11:44:02  
0198  
1 I haven't seen it before. 11:44:04  
2 MR. SCHOENBERG: Object, also there is  
3 again an ambiguity in the question. This is a  
4 transcript of a power of attorney, not the actual  
5 power of attorney. 11:44:14  
6 THE WITNESS: Yeah, it says Abschrift.  
7 Q. BY MR. COOPER: Are you aware, during  
8 the time period October 1945, that your brother  
9 executed such a document?  
10 A. No, I was not aware of it. I never 11:44:32  
11 saw that before.  
12 Q. Do you recall ever executing such a  
13 document yourself?  
14 A. No. I mean, I may have, you know.  
15 This is a long time ago, and I trusted my brother 11:44:47  
16 Robert. As I said, the last thing in my mind was  
17 handling business affairs at that time, so whatever  
18 he did was okay with me.  
19 This one I haven't seen before.  
20 Q. It's possible, I take it, that you had 11:45:12  
21 seen an original power of attorney executed by your  
22 brother in favor of Dr. Rinesch?  
23 A. It's very possible.

24 MR. SCHOENBERG: I'm sorry. What was the  
25 question? You are talking about -- can you read 11:45:28  
0199  
1 back the question. 11:45:32  
2 (The record was read by the  
3 reporter as requested.)  
4 THE WITNESS: I didn't think I actually --  
5 you mean I would have had to see this? No, I did 11:45:47  
6 not see that.  
7 Q. BY MR. COOPER: I understood you to  
8 have said you didn't recall whether you had seen  
9 this document. I asked about the original power of  
10 attorney. 11:45:59  
11 A. No, I don't remember that.  
12 MR. COOPER: Let me ask that we have  
13 marked as next in order, Exhibit No. 57, a one-page  
14 document bearing the identification number in the  
15 lower right side A 0058. 11:46:15  
16 THE WITNESS: This is 57.  
17 MR. SCHOENBERG: The number at the bottom  
18 of Exhibit No. 16 is A 0056, but we are going to  
19 mark the next Exhibit No. 57. Unfortunately  
20 confusing. 11:46:39  
21 MR. COOPER: I'm going to add to the  
22 confusion. The next document has as its  
23 identification the No. A 0058. I ask this document  
24 be marked as Exhibit No. 57.  
25 (Altman Exhibit 57 was  
0200  
1 marked for identification  
2 by the reporter and is  
3 attached hereto.)  
4 Q. BY MR. SCHOENBERG: Let me ask you  
5 first whether you recall seeing this document 11:47:21  
6 previously?  
7 A. Well, I see it now, and I suppose I  
8 must have seen it before, but I can't remember.  
9 Q. Does this refresh your recollection  
10 whether you executed, during 1945, in favor of 11:47:36  
11 Dr. Rinesch, a power of attorney?  
12 A. I see it now, so I must have known  
13 about it, but I don't recall it.  
14 Q. Do you have any reason as you sit here  
15 today to doubt that you executed such a power of 11:47:59  
16 attorney in favor of Dr. Rinesch?  
17 A. No, I mean, I must have given it, but  
18 I don't recall it.  
19 Q. Do you recall an event on the last day  
20 of December 1945 in which you and your husband 11:48:41  
21 Frederick Altman executed any documents before a  
22 notary public?  
23 A. I told you yesterday, I have such a  
24 good memory, but I think it fails me right now. I  
25 see it here, but I don't recall it. 11:49:07  
0201  
1 Q. You have no reason to doubt that it 11:49:09  
2 occurred?  
3 A. No.  
4 Q. This document indicates that you gave  
5 Dr. Rinesch authority to conduct legal proceedings 11:49:33  
6 on your behalf and empowered him to represent you  
7 in all matters relating to tax matters, before  
8 courts, to institute lawsuits, and to do a wide  
9 variety of other legal acts on your behalf.  
10 Do you see that? 11:50:14  
11 A. Yes.

12 Q. Do you any doubt that you conferred  
13 that authority on Dr. Rinesch at the end of  
14 December 1945?

15 A. I was never in direct correspondence 11:50:16  
16 with Dr. Rinesch. I saw him years after the war  
17 for the first time when I visited Austria with my  
18 daughter.

19 Q. But you have no doubt as you sit here  
20 today that you conferred that authority on 11:50:33  
21 Dr. Rinesch in or about the end of December?

22 A. By or about my brother Robert, yes.

23 Q. You have no doubt; is that correct?

24 A. That's correct.

25 Q. Do you recall hearing of a meeting 11:51:18  
0202

1 between your brother Robert and your sister Louise 11:51:20  
2 in Prague in 1948 to discuss your uncle's estate?

3 A. I have no idea.

4 Q. You never heard of such a meeting  
5 having occurred? 11:51:31

6 A. Robert met Louise in Prague? In what  
7 year?

8 Q. 1948 is the event to which I'm  
9 referring.

10 A. No, I have no idea. 1948. 11:51:42

11 Q. When did Louise move from  
12 Czechoslovakia to Canada?

13 A. Excuse me. She was in Yugoslavia, she  
14 was not in Czechoslovakia.

15 Q. My apologies. When did she move -- 11:52:48

16 A. She became a widow. My brother-in-law  
17 was shot on my 30th birthday, which was February  
18 1946, and then she had some -- I would say some  
19 horrible two years in Yugoslavia. But I would  
20 think that she left Yugoslavia '48, '49. I 11:53:08  
21 wouldn't know exactly. And I had no communication  
22 with her at the time. She was in Israel then for a  
23 short while. Then she came to Vancouver, Canada  
24 with the help of my brother Poldi.

25 Q. Once she resided in Vancouver, did you 11:53:31  
0203

1 communicate with her more frequently thereafter? 11:53:41

2 A. Yes, of course.

3 Q. That was approximately when that she  
4 arrived in Vancouver?

5 A. That's a problem. It might easily be 11:53:47  
6 '49. I wouldn't know exactly, 1950. She was in  
7 Israel for several months, but I don't know exactly  
8 when she came to Vancouver.

9 Q. Do you have any sense of whether  
10 Robert was able to communicate with her after the 11:54:15  
11 war in 1945 up to the time that she began residing  
12 in Vancouver in 1949?

13 A. I know he sent her care packages of  
14 food from Vancouver, but what business  
15 correspondence he had with her, I wouldn't know. 11:54:39

16 Q. One of the documents that were  
17 identified yesterday was Exhibit No. 28. I'll just  
18 ask you to take a look at that again.

19 I understand you to have testified  
20 yesterday you had not seen this document until at 11:55:13  
21 or about the time of your sister Louise's death in  
22 early 1998; is that correct?

23 A. Yes, it's definitely correct.

24 Q. Do you recognize the handwriting in  
25 the upper left-hand corner of this document, the 11:55:30

0204

1 first page of which is 363? 11:55:33  
2 A. No, this is neither Robert nor Louise.  
3 I don't know that handwriting.  
4 Q. There is a reference there to from  
5 file, Louise's trip to Prague 1948. 11:55:52  
6 Does that reference have any meaning  
7 to you?  
8 A. No.  
9 Q. When you --  
10 A. I don't know. The letter is from 11:56:05  
11 Robert, but no, I'm sorry.  
12 Pardon me?  
13 Q. You mentioned that you received boxes  
14 of documents from Nelly Auersperg at some point in  
15 time, at least that's what I understood you to have 11:56:20  
16 said?  
17 MR. SCHOENBERG: Objection, there was no  
18 testimony about boxes.  
19 MR. COOPER: I thought there was. The  
20 record will speak for itself. I'm not trying to 11:56:27  
21 put words in the witness' mouth. I was merely  
22 wanting to put us back to the point.  
23 THE WITNESS: When Louise died, they gave  
24 me some papers that I hadn't seen before, that's  
25 all. 11:56:41

0205

1 Q. BY MR. COOPER: Over the time period 11:56:43  
2 from the point in March 1998, when you went to  
3 Vancouver to attend your sister Louise in her  
4 illness, until today, what is the volume of  
5 documentation that you have received from any of 11:57:05  
6 the family in Vancouver?  
7 A. Not that much.  
8 Q. Can you give me your best  
9 approximation of what the volume is in total?  
10 A. The letters we were able to get 11:57:23  
11 through Czernin and the documents that Nelly gave  
12 me, I mean, how would you want me to measure it?  
13 Q. Any way that is convenient for you.  
14 One way I can think of would be in the thickness by  
15 inches, or if that's -- if it's a very small amount 11:57:41  
16 of documentation, you can make a reference to any  
17 of the piles that are on the table.  
18 I'm trying to get a frame of  
19 reference. I take it it was not several boxes?  
20 A. You see, my problem is I don't know 11:57:56  
21 what exact see Nelly gave me, and what were all  
22 these transcripts from Czernin, Dr. Bacher, all  
23 these things.  
24 I would say from Nelly I didn't get  
25 that much. 11:58:22

0206

1 Q. Perhaps -- you gestured with your 11:58:22  
2 hand, perhaps an inch and a half to two inches?  
3 I'm just getting a frame of reference.  
4 A. Does it help you if it's two inches or  
5 one and a half? I really wouldn't know. 11:58:27  
6 Q. It doesn't matter. In any case, it's  
7 not a full box?  
8 A. No.  
9 Q. To the best of your knowledge, have  
10 all of the documents that you received from Nelly 11:58:37  
11 Auersperg been provided to me and the other counsel  
12 for the Republic of Austria and the National  
13 Gallery?

14 A. I'm sorry. I didn't understand that.  
15 Q. Have we received copies of everything 11:58:56  
16 you received from Nelly?  
17 A. I suppose so. That you have it.  
18 Q. You don't know one way or the other?  
19 A. No.  
20 MR. SCHOENBERG: I believe you have 11:59:06  
21 received copies of everything, and I previously  
22 sent your client copies of everything that we  
23 received from Nelly, including some of the  
24 photographs, for example, came from her.  
25 MR. COOPER: You are not aware of anything 11:59:17  
0207  
1 we don't have? 11:59:18  
2 MR. SCHOENBERG: I'm not aware of  
3 anything. If I had anything else, you would see  
4 it, and I would see it. I'm not aware of anything  
5 more, and I have asked repeatedly, I think I have 11:59:25  
6 told you, Dr. Auersperg.  
7 THE WITNESS: She's a scientist and totally  
8 involved in her work.  
9 Q. BY MR. COOPER: Let me ask you  
10 exactly about your understanding of where these 11:59:39  
11 documents came from.  
12 Is it your understanding that the  
13 documents you received from Nelly Auersperg were  
14 documents that her mother Louise had had prior to  
15 her death? 11:59:55  
16 A. I suppose so.  
17 Q. That's your understanding?  
18 A. Yes, I suppose so.  
19 Q. Are you aware of what happened to  
20 Robert's records of the same type? 12:00:02  
21 A. See, with the divorce of Robert, part  
22 was left with his first wife, part was left with  
23 his second wife, who was the most unorganized  
24 person I ever met, so I don't know what was where.  
25 Q. Have you made efforts to obtain any 12:00:26  
0208  
1 records that Robert may have had? 12:00:29  
2 A. No, I did not. I left it all to my  
3 sister in Vancouver. She lived there and she --  
4 MR. SCHOENBERG: He's asking -- you are  
5 asking during the course of this litigation? 12:00:42  
6 MR. COOPER: Not necessarily in the course  
7 of this litigation. I don't want to limit to it  
8 that.  
9 Q. I wonder if, at any time before or  
10 after his death, you tried to -- 12:00:52  
11 A. After who's death?  
12 Q. Robert's.  
13 Let me try it differently.  
14 A. Excuse me.  
15 Q. Before or after Robert's death, at any 12:01:03  
16 time did you attempt to obtain copies of any  
17 documents he had --  
18 A. No, I didn't.  
19 Q. -- that related in any way to the  
20 matters of your uncle's estate? 12:01:12  
21 A. No, I didn't.  
22 Q. In connection with obtaining records  
23 for this lawsuit, are you aware of whether efforts  
24 had been made to obtain any records that may still  
25 exist from Robert and his activities on behalf of 12:01:31  
0209  
1 your uncle's estate? 12:01:35

2 A. No. I mean --  
3 Q. That's no?  
4 A. No, I mean nothing I recall was made  
5 until all these things popped up, so I don't 12:01:45  
6 remember.  
7 Q. Do you have any reason to believe that  
8 any of Robert's heirs or representatives would  
9 decline to provide copies of documents if they  
10 still existed? 12:02:03  
11 A. His second wife, as I said before, was  
12 a nice, but totally unorganized, messy person. His  
13 son, with whom Robert was nothing tremendous with  
14 the relationship, also I don't -- it's -- I don't  
15 think that there is anything I can help you in that 12:02:30  
16 regard because I don't think there is anything more  
17 than what you have.  
18 MR. SCHOENBERG: If I can interject.  
19 I have made inquiries. My  
20 understanding from Trevor Mandel, who is the heir 12:02:41  
21 of Robert's second wife, is everything was thrown  
22 away. I have asked Robert's first wife. I believe  
23 you have copies of the letters she sent me that she  
24 still had from Robert from the 1950s time frame,  
25 and his son didn't have anything either. So we 12:02:59  
0210  
1 have made efforts. I have made efforts on 12:03:03  
2 Mrs. Altman's behalf and haven't come up with  
3 anything more than what you have.  
4 Q. BY MR. COOPER: Forgive me if I'm  
5 asking you to repeat something you said yesterday. 12:03:15  
6 What was the name of Robert's first  
7 wife?  
8 A. Thea, T-H-E-A.  
9 Q. And her last name?  
10 A. Her last -- at the beginning it was 12:03:26  
11 Bloch-Bauer. Her maiden name was Stern, S-T-E-R-N,  
12 but then she was Bloch-Bauer, and then she was even  
13 Bentley.  
14 Q. Is she still alive, to your knowledge?  
15 A. Yes, she's a couple of years younger 12:03:42  
16 than I am.  
17 Q. Do you know where she lives?  
18 A. Yes, in Pinecrest in Vancouver.  
19 Q. Do you know her current address?  
20 A. I think 3924 Pinecrest. 12:03:54  
21 MR. SCHOENBERG: It's the same as the  
22 address in 1947 on Exhibit No. 28.  
23 THE WITNESS: Is it 3924? Pretty good.  
24 Q. BY MR. COOPER: The name again,  
25 please, of Robert's second wife? 12:04:20  
0211  
1 A. Hylde, H-Y-L-D-A. 12:04:24  
2 Q. Are you also aware of her current  
3 address?  
4 A. She died.  
5 Q. She died. 12:04:33  
6 MR. SCHOENBERG: I should add, I also  
7 talked to the lawyer who did their estate, John  
8 Dobbin. You have all these records. I had to send  
9 them to Dr. Braun initially in 1999. He also said  
10 he didn't have anything. 12:04:47  
11 MR. COOPER: We have been going for  
12 sometime now. Why don't we take a short break  
13 here. Then what I would propose to do is we go --  
14 take just a five minute break, let's go to then to  
15 about 12:30, and we'll take a lunch break, and then 12:05:13

16 we'll resume and hopefully conclude by mid  
17 afternoon.  
18 MR. SCHOENBERG: That's fine.  
19 VIDEOGRAPHER: Going off the record at  
20 12:09 P.M. 12:05:27  
21 This is the end of Videotape No. 1.  
22 (A brief recess was taken.)  
23 (At the hour of 12:05 P.M., a  
24 luncheon recess was taken,  
25 the deposition to resume at  
0212  
1 1:15 P.M.)  
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0213  
1 (At the hour of 1:24 P.M.,  
2 the deposition of MARIA  
3 ALTMAN was resumed at the  
4 same place, the same persons  
5 being present.)  
6  
7 VIDEOGRAPHER: Back on the record at 1:24  
8 P.M. This is the beginning of Videotape No. 2  
9  
10 EXAMINATION (Resumed)  
11 BY MR. COOPER:  
12 Q. Are you ready to proceed?  
13 A. Yes.  
14 Q. Are you still feeling well?  
15 A. Yes, I do. 13:21:34  
16 Q. I understand from Mr. Schoenberg that  
17 you are interested in trying to conclude this  
18 afternoon so you can go visit a friend who is in  
19 the hospital. So we'll try to move along as  
20 quickly as we can. 13:21:48  
21 A. It's fine. Perfectly all right.  
22 Q. I also understand that in addition to  
23 your friend's illness, you had a friend who  
24 recently died the day before yesterday?  
25 A. Yes. 13:21:59  
0214  
1 Q. And you have my condolences on both of 13:22:00  
2 those.  
3 A. Thank you very much.

4 Q. I take it that neither of those events  
5 is creating any distraction for you? 13:22:08  
6 A. No, it doesn't.  
7 Q. It doesn't impair your ability --  
8 A. No, not at all.  
9 Q. -- to give us your best testimony?  
10 A. Not at all. 13:22:19  
11 Q. Let me see if I can just complete the  
12 questions I had regarding your receipt of documents  
13 from Nelly Auersperg.  
14 What was the reason that she provided  
15 these documents to you? 13:22:42  
16 A. It was after my sister's death.  
17 Q. And you requested them?  
18 A. No, I didn't.  
19 Q. She provided them to you in connection  
20 with what, as understand it? 13:22:51  
21 A. We had a meeting after she died. And  
22 after dinner, her brother was there, too, and so  
23 she and her husband informed us of -- and read some  
24 of the letters to us.  
25 Q. Was this before or after you became 13:23:10  
0215  
1 aware of the potential issues relating to the 13:23:12  
2 ownership of the Klimt paintings?  
3 A. I would say it was -- I would say it  
4 was before.  
5 Q. Did Mrs. Auersperg explain to you any 13:23:36  
6 reason why she thought you might be interested in  
7 these documents?  
8 A. She explained to me why I might be  
9 interested in her documents?  
10 Q. Yes. Was there any conversation 13:23:51  
11 between you on this subject?  
12 A. She said it should be part of the  
13 things that my sister had left and that I hadn't  
14 seen before.  
15 Q. Did you review any of the documents at 13:24:05  
16 that time?  
17 A. No.  
18 Q. When did you first look at any of the  
19 documents?  
20 A. After Mr. Czernin started sending 13:24:13  
21 things.  
22 MR. COOPER: I'd like to have marked as  
23 next in order, Exhibit No. 58, a two-page document  
24 marked on the lower right-hand portion of the two  
25 pages 000312 and 313. 13:25:03  
0216  
1 (Altman Exhibit 58 was  
2 marked for identification  
3 by the reporter and is  
4 attached hereto.)  
5 Q. BY MR. COOPER: Take a look at this 13:25:23  
6 document and tell me whether you have seen it  
7 before.  
8 A. I don't recall this particular letter  
9 because there came so many that I'm sure this is 13:26:05  
10 what it was.  
11 Q. Let me just identify for the record,  
12 this appears to be a letter dated September 28,  
13 1945 from Gustav Rinesch. It is in any case on  
14 letterhead with his name, to the Directorate of the  
15 Austrian Gallery? 13:26:31  
16 A. Dr. Grimschitz, yes.  
17 Q. Are you familiar with who

18 Dr. Grimschitz was?  
19 A. No, except after the documents I  
20 received later on. 13:26:41  
21 Q. You weren't personally acquainted with  
22 Dr. Grimschitz from the period during which you  
23 lived in Vienna?  
24 A. No, certainly not. I never saw him.  
25 I never met him. 13:26:51  
0217  
1 Q. You weren't aware whether he was 13:26:52  
2 acquainted with your Uncle Ferdinand?  
3 A. No, I wasn't aware.  
4 Q. You aren't aware whether he visited  
5 the palace in Vienna? 13:27:01  
6 A. No, I was not aware.  
7 Q. Before we leave this document, this  
8 document has one of the fax trails indicating that  
9 it was received from Mr. Czernin.  
10 Do you have any reason to believe that 13:27:27  
11 this is anything other than one of the copies of  
12 correspondence you received from Mr. Czernin, as  
13 you earlier testified?  
14 A. Are you talking about Exhibit No. 58?  
15 Q. I am. 13:27:39  
16 A. Do you want me to find out, remember  
17 if I had seen this before? I might have.  
18 Q. I believe you already testified you do  
19 not remember seeing this document before.  
20 A. I do not remember. 13:27:54  
21 Q. I meant to ask you a different  
22 question.  
23 You see the fax trail at the top of  
24 the first page of the document that has been marked  
25 as Exhibit No. 58? 13:28:02  
0218  
1 A. On the left-hand side on the top. 13:28:09  
2 Q. Running across the top of the page it  
3 starts with 08-01-99. Then it has some more  
4 numbers. Then it has the name Czernin-Molden.  
5 A. Yes. 13:28:22  
6 Q. Then some more numbers.  
7 A. Yes.  
8 Q. We have referred earlier in your  
9 testimony to a fax trail indicating that a document  
10 was sent by facsimile by Mr. Czernin to your 13:28:32  
11 counsel Mr. Schoenberg?  
12 A. Yes.  
13 Q. Do you recall that testimony we talked  
14 about earlier today?  
15 A. I suppose so. 13:28:42  
16 Q. You don't have any knowledge as to the  
17 origin of this document; is that correct?  
18 A. No.  
19 MR. COOPER: Let's go off the record for  
20 just a second. 13:29:41  
21 VIDEOGRAPHER: Off the record 1:33 P.M.  
22 (A brief recess was taken.)  
23 VIDEOGRAPHER: Going back on the record at  
24 1:43 P.M.  
25 (Altman Exhibits 59-67 were  
0219  
1 marked for identification  
2 by the reporter and are  
3 attached hereto.)  
4 MR. COOPER: Off the record we marked a  
5 number of letters that have been produced to us in 13:39:38

6 connection with this matter as Exhibit Nos. 59  
7 through 67 inclusive, in order to save time. And  
8 in light of Mrs. Altman's earlier testimony, we  
9 have gone through these letters off the record and  
10 reached the following stipulation with respect to 13:40:06  
11 them.

12 Each of these letters were provided to  
13 Mrs. Altman either through Mr. Czernin, as part of  
14 the documentation that she received from him  
15 through Mr. Schoenberg, as she's testified, from 13:40:25  
16 Nelly Auersperg, as she's testified, or through  
17 some other source through Mr. Schoenberg in  
18 connection with the preparation of this litigation.

19 Q. My understanding is that those  
20 documents that bear the Czernin fax line were, to 13:40:48  
21 the best of your understanding, Mrs. Altman,  
22 obtained through Mr. Czernin; is that correct?

23 A. Correct.

24 MR. SCHOENBERG: Can I say something?

25 We can include Exhibit No. 58 in this. 13:41:05

0220

1 And also, none of these documents were obtained 13:41:07  
2 through Nelly Auersperg. All of them were obtained  
3 from Mr. Czernin. Some of them may be faxed,  
4 others may have been mailed to me, but all of them,  
5 in January or afterwards of 1999. 13:41:22

6 THE WITNESS: It's a very small group that  
7 was obtained through my niece.

8 Q. BY MR. COOPER: You don't personally  
9 know, from your recollection, which documents were  
10 obtained from your niece and which documents were 13:41:37  
11 obtained through another source; is that correct?

12 A. I think all of them that says Czernin,  
13 it was Czernin. As far as my niece's, it was only  
14 the few things pertaining to the last will of my  
15 sister, what she left her. 13:41:55

16 Q. The documents that Mr. Schoenberg took  
17 you through yesterday, I believe he said off the  
18 record, were the documents, to his knowledge, were  
19 the documents you received from your niece Nelly  
20 Auersperg and were identified as such yesterday on 13:42:09  
21 the record.

22 Can we add that to our stipulation?

23 MR. SCHOENBERG: Yes, that's fine. I  
24 think you can tell, in many cases from the document  
25 itself, where it was likely to have come from. 13:42:22

0221

1 For example, there is a letter from 13:42:25  
2 her brother Robert to her sister Louise, that was  
3 written the family and that's one she obtained from  
4 her niece Nelly.

5 Documents like these that we have just 13:42:36  
6 marked, that are clearly from the files of the  
7 Bundesdenkmalamt in Austria, she didn't get from  
8 the family, but got only through the course of  
9 discovering documents and thanks to copies made by  
10 Mr. Czernin. 13:42:53

11 MR. COOPER: So our stipulation with  
12 respect to these documents is that those that bear  
13 the fax trail from Mr. Czernin were obtained from  
14 him. That the others were obtained either from  
15 Mr. Czernin or some other source than Nelly 13:43:09  
16 Auersperg, in or after January 1999, and that  
17 Mrs. Altman was not previously aware of the  
18 existence or contents of these documents prior to  
19 that time; is that correct?

20 MR. SCHOENBERG: That's correct, for these 13:43:30  
21 documents that we have set forth.  
22 MR. COOPER: That's Exhibit Nos. 58  
23 through 67; is that correct?  
24 MR. SCHOENBERG: I should add one caveat.  
25 It's correct as to the originals of the documents. 13:43:44  
0222  
1 Some of the documents may have been quoted in 13:43:46  
2 articles that Mr. Czernin wrote in 1998 that he may  
3 have. I'm not sure if we had copies of those  
4 before January 1999. He had also at one point  
5 emailed me, I don't know if I have it any more, a 13:44:01  
6 transcript he had made before he was allowed to  
7 make copies of some of the documents. But again,  
8 that would be between September 1998 and January  
9 1999, which I don't think would make much of a  
10 difference. But certainly at no time before 13:44:13  
11 September 1998, did either Mrs. Altman or I have  
12 any awareness of these documents.  
13 MR. COOPER: With that qualification, do I  
14 have your stipulation as I have put it forward on  
15 the record? 13:44:31  
16 MR. SCHOENBERG: Yes, absolutely.  
17 I should add, I only first made  
18 contact with Mr. Czernin around December 1998. It  
19 could have been November, but not before that.  
20 Q. BY MR. COOPER: Mrs. Altman, have you 13:44:49  
21 previously reviewed any of the documents that were  
22 marked Exhibit Nos. 58 through 67?  
23 A. Yeah.  
24 Q. Did you see them only in the German  
25 version you see them now, or did you previously see 13:45:03  
0223  
1 translations of them into English? 13:45:06  
2 A. No, I just saw them in the German  
3 version.  
4 Q. Is that true of most of the other  
5 German language documents we have discussed with 13:45:13  
6 you in connection with your deposition?  
7 A. Well, yes. I read German fluently, so  
8 I can read it like that.  
9 Q. So you haven't relied on translations  
10 of those documents in connection with your review 13:45:25  
11 of them?  
12 A. No, I haven't.  
13 Q. I'm sorry. You were speaking when I  
14 was speaking. Was that a no?  
15 A. I'm sorry. No. 13:45:36  
16 Q. Thank you.  
17 Returning for a moment to the efforts  
18 of your brother Robert and Dr. Rinesch after the  
19 death your uncle to obtain the restitution of  
20 property. 13:45:58  
21 You have testified to some extensive  
22 degree that you were not aware of the efforts of  
23 Dr. Rinesch or Robert in specific details in  
24 attempting to get restitution; that's correct,  
25 right? 13:46:12  
0224  
1 A. I don't quite understand your 13:46:14  
2 question.  
3 Q. I'll rephrase it.  
4 You weren't aware of the specific  
5 efforts that were being made by Robert or 13:46:20  
6 Dr. Rinesch in order to obtain restitution of the  
7 property, correct?

8 A. Correct, yes.  
9 Q. You testified you were aware of  
10 nothing directly pertaining to attempts to obtain 13:46:30  
11 restitution of the Klimts after World War II,  
12 correct?  
13 A. Would you rephrase -- repeat that  
14 question? If I was not aware of especially Klimt  
15 things? The question about the Klimts? 13:47:01  
16 Q. Yes, ma'am. I believe you testified  
17 yesterday that you were specifically aware of no  
18 aspect of Robert's and Dr. Rinesch's efforts to  
19 obtain any restitution of the Klimt paintings or  
20 any actions they took with respect to the Klimt 13:47:23  
21 paintings during the years after the war; is that  
22 correct?  
23 A. I didn't know anything at the time,  
24 but from the things I received later, I saw that it  
25 was a total denial of letting any paintings go out. 13:47:37  
0225  
1 And only when we agreed to leave the Klimts there 13:47:42  
2 did we get any paintings out. The first thing was  
3 no paintings go out, none, because they were all  
4 Austrian. And so they wouldn't let any one go --  
5 let any of them go. 13:48:00  
6 Q. The source of that information that  
7 you just volunteered was correspondence that you  
8 saw in or after 1998; is that correct?  
9 A. Yes, correct.  
10 Q. So I'm just asking you for your direct 13:48:13  
11 personal knowledge in the years immediately after  
12 World War II; in the 1940s.  
13 A. Yes, no -- no, I was not personally  
14 involved in that at all.  
15 Q. And I was just confirming my 13:48:26  
16 understanding that at that time you were not aware  
17 of what was being done with respect to the Klimt  
18 paintings either by Robert or Dr. Rinesch?  
19 A. Correct.  
20 Q. I had the impression yesterday, and 13:48:38  
21 this is the only reason for this line of questions,  
22 that you may have had some contemporaneous  
23 knowledge during the '40s of efforts that were  
24 being made with respect to restitution of other  
25 property than the Klimts during that same time 13:48:53  
0226  
1 period. Is that an accurate impression? 13:48:55  
2 A. It's all so long ago. I don't recall.  
3 Q. As you sit here, you don't recall  
4 whether you were aware of efforts that were being  
5 made with respect to property other than the Klimt 13:49:26  
6 paintings during the 1940s by Robert or  
7 Dr. Rinesch?  
8 A. It's difficult for me to say other  
9 than this. I knew there were efforts to be made to  
10 get something out, but whether it was the Klimts or 13:49:37  
11 the other paintings, I wasn't aware of it.  
12 Q. How about property other than  
13 paintings or artwork; were you aware of efforts  
14 being made with respect to restitution of any --  
15 A. We got a few little china items. 13:49:53  
16 Q. For the sake of record, if you would  
17 allow me to finish the sentence.  
18 A. I'm sorry.  
19 Q. I know you know where I'm going with  
20 these, but the record needs to be complete. 13:50:03  
21 Other than paintings or other artwork,

22 were you aware at the time, during the 1940s, of  
23 any of the efforts at obtaining restitution of  
24 property from your uncle's estate?  
25 A. The extra efforts that were being made 13:50:27

0227  
1 I was not involved in that, and I wasn't aware of 13:50:29  
2 it until I got a few pieces of porcelain.  
3 Q. I understand from your testimony  
4 yesterday that none of your uncle's property in  
5 Czechoslovakia was returned to the family; is that 13:50:48  
6 correct?  
7 A. Nothing.  
8 Q. This is property that had fallen  
9 within the control of a communist government after  
10 World War II; is that correct? 13:51:05  
11 A. No, excuse me. It was first under the  
12 leadership -- under the -- what would you call him?  
13 Heydrick, the one that took over Czechoslovakia .  
14 Q. After the war?  
15 A. Heydrick, H-E-Y-D-R-I-C-K. He lived 13:51:25  
16 in my uncle's castle, and a lot of the things that  
17 were in there, beautiful paintings and porcelain  
18 and carpets and whatever, were already taken by  
19 him. And so we didn't get anything from that.  
20 Q. My question was for the period after 13:51:50  
21 the war.  
22 A. After the war, no, I don't know.  
23 Q. After the conclusion of the war?  
24 A. I don't know, because we never went  
25 there. I never saw anything from there. 13:52:00

0228  
1 Q. Let me rephrase my question. 13:52:02  
2 After the conclusion of World War II  
3 and the defeat of the Nazis --  
4 A. Yeah.  
5 Q. -- were efforts made, to your 13:52:11  
6 knowledge, to obtain restitution of any of the  
7 property from Czechoslovakia?  
8 A. I suppose my brother did try, but  
9 nothing became of it, so I wasn't informed of  
10 anything. 13:52:25  
11 Q. Do you know why nothing became of it?  
12 A. I beg your pardon?  
13 Q. Do you know why nothing became of it?  
14 A. No. I mean the communists took over,  
15 I guess. 13:52:35  
16 Q. Are you aware that the communists made  
17 any restitution of any of the property --  
18 A. No, nothing.  
19 Q. -- that had been seized during World  
20 War II? 13:52:49  
21 A. No, nothing.  
22 Q. Are you aware what property was  
23 restituted to the members of your family from  
24 Ferdinand Bloch-Bauer's estate after the war  
25 concluded? 13:53:00

0229  
1 A. You are not talking Czechoslovakia 13:53:02  
2 now.  
3 Q. I'm talking about any property at all,  
4 yes.  
5 A. Yes, very small part. 13:53:07  
6 Q. Do you know precisely what was  
7 restituted?  
8 A. A few paintings and a few pieces of  
9 china.

10 Q. That's the total for all the family 13:53:18  
11 members?

12 A. You talking shares that you asked me  
13 about yesterday, from the sugar industry? Are you  
14 talking about the artwork?

15 Q. I was actually talking about all 13:53:31  
16 property. And Mr. Schoenberg did mention to you  
17 specifically shares yesterday.

18 A. Yes.

19 Q. Is there a document that you are aware  
20 of that exists, that lists all the property that 13:53:44  
21 has been restituted to the family?

22 A. No, I haven't seen it if it exists.

23 Q. You mentioned a number of paintings in  
24 your testimony?

25 A. Yes. 13:54:02

0230

1 Q. You have mentioned certain shares in 13:54:02  
2 the sugar factory?

3 A. Yes.

4 Q. You have mentioned a few other  
5 articles of art like the porcelain? 13:54:12

6 A. Correct.

7 Q. Are you aware of any other property  
8 that was restituted to any members of the family  
9 beyond those things that you have already  
10 mentioned? 13:54:27

11 A. No.

12 Q. Are you aware of any other property  
13 that was delivered to your sister Louise?

14 A. My sister Louise did get a few more of  
15 the property because she was 50 percent, and only 13:54:51  
16 after her death, her part was divided between her  
17 two children. So she got a few more things than I  
18 did or my brother Robert.

19 Q. Do you know what those items or?

20 A. I know one was a Rodin, R-O-D-I-N, 13:55:06  
21 bust that she -- she doesn't have it any more. She  
22 sold it. And she also received a few more  
23 paintings than I did, which were all Austrian  
24 paintings. And just like me, she sold a number of  
25 them and kept a couple. 13:55:36

0231

1 Q. Are you aware how the decisions were 13:55:38  
2 made about which items you received and which items  
3 your sister Louise received?

4 A. No. Because I lived here and they  
5 lived there, and I trusted her implicitly. So she 13:55:54  
6 took what she liked, and then I got some other  
7 things that were left.

8 Q. Who made the decisions about who  
9 received what from the restituted property?

10 A. Well, as long as my sister was 50 13:56:21  
11 percent of the inheritance, she chose apparently  
12 what she liked best, and then the rest was left for  
13 Robert and myself. There wasn't that much to begin  
14 with, so --

15 Q. Do you know what Louise received in 13:56:49  
16 return for the sale of the Rodin; the amount of  
17 money?

18 A. No, I wish I would. I never found  
19 out. I don't think it was as much as it could have  
20 been because I was never told how much she got for 13:57:01  
21 it. It was a small one. It was not a huge thing.

22 MR. SCHOENBERG: I read in one of the  
23 documents, I think, that it may not have been a

24 real one.  
25 THE WITNESS: That's another thing, yeah. 13:57:19  
0232  
1 MR. SCHOENBERG: So who knows. 13:57:21  
2 THE WITNESS: I don't think she got much  
3 because she would have told me.  
4 MR. COOPER: Would you place before the  
5 witness Exhibit No. 32 please. 13:57:45  
6 MR. SCHOENBERG: Surely.  
7 Q. BY MR. COOPER: This document was  
8 shown to you by Mr. Schoenberg yesterday.  
9 A. Yes.  
10 Q. I believe that you testified that you 13:58:00  
11 believe the handwriting on the bottom of the page  
12 of Exhibit No. 32 is your brother Robert's; is that  
13 correct?  
14 A. No, it says --  
15 MR. SCHOENBERG: He's talking about here. 13:58:16  
16 THE WITNESS: Oh, that one, the date.  
17 Excuse me.  
18 That was my brother Robert, yes.  
19 Q. BY MR. COOPER: You believe this was 13:58:23  
20 one of the documents you received from  
21 Mrs. Auersperg; is that correct?  
22 A. Just a minute.  
23 Yeah. May I make a comment on this?  
24 Q. I was going to solicit your comment on  
25 this. 13:58:42  
0233  
1 You mentioned yesterday that you 13:58:42  
2 thought that there was something incorrect about  
3 this document?  
4 A. Yes.  
5 Q. Is that the comment you wanted to 13:58:48  
6 make?  
7 A. Yes.  
8 Q. Would you please tell me what is  
9 incorrect?  
10 A. It's totally incorrect that my uncle 13:58:52  
11 ever asked the gallery to keep the paintings in his  
12 house. He was the owner of those paintings. He  
13 gave one of the paintings to the gallery in 1936,  
14 and received a profuse thank you note, thanking him  
15 and telling him how generous it was to do that. If 13:59:19  
16 he would have to request keeping the paintings at  
17 his house, they wouldn't have thanked him in the  
18 very elaborate way about parting with that  
19 painting.  
20 He owned these paintings. He didn't 13:59:41  
21 need any request to keep them in his house.  
22 Q. Anything else?  
23 A. This was a painting that Furer got for  
24 himself, the lawyer that was --  
25 Q. You base what you just testified to 14:00:19  
0234  
1 with respect to Exhibit No. 32 on your conclusions 14:00:21  
2 from this and other documents you received in and  
3 after 1998; is that correct?  
4 A. Well, yes. There were several  
5 documents that are quite totally clear that it was 14:00:36  
6 my uncle that owned the paintings and not my Aunt  
7 Adele.  
8 Q. But you only know that from your  
9 reading of documents in and after 1998, correct?  
10 A. Yes. I mean, we all know it from 14:00:58  
11 these documents.

12 Q. I simply meant in drawing those  
13 conclusions, you weren't drawing upon any personal  
14 knowledge you had prior to the time that you had  
15 received these documents; isn't that correct? 14:01:10  
16 A. Correct.  
17 MR. SCHOENBERG: Before you move on, I  
18 just note for the record Exhibit No. 32, which we  
19 testified was a document that we received from  
20 Nelly Auersperg, appears to be a transcript of the 14:01:25  
21 letter you just marked as Exhibit No. 60, which is  
22 the copy that was presumably found in the records  
23 of the Austrian Gallery and sent to us by  
24 Mr. Czernin, but the text is pretty much the same.  
25 MR. COOPER: Would you please place before 14:01:52  
0235  
1 the witness the document previously marked as 14:01:53  
2 Exhibit No. 36. This is also a document you  
3 testified you received from Nelly Auersperg in  
4 early 1998.  
5 Q. You also made a comment, volunteered a 14:02:41  
6 comment on the record that you had not been aware  
7 of this document prior to 1998 or you would have  
8 done something about it.  
9 Do you recall making that comment?  
10 A. Yesterday I made that comment? 14:03:04  
11 Q. Yes.  
12 A. I would say so. I'm sure I made it.  
13 Q. I wonder if you recall what you meant  
14 by that.  
15 A. Well, if I would have known that my 14:03:11  
16 uncle was the owner of the paintings, and not as it  
17 is constantly spoken about that it was her will  
18 that left the paintings to the gallery, I would  
19 have done something about it. But I was not aware  
20 of it. 14:03:34  
21 Q. It appears, does it not, from this  
22 letter between your sister Louise and your brother  
23 Robert, that -- I'm sorry, between Dr. Rinesch and  
24 your brother Robert, that your brother Robert was  
25 aware of these facts at this time in 1948, correct? 14:03:56  
0236  
1 MR. SCHOENBERG: You are asking her if it 14:04:02  
2 appears from this document whether he was aware?  
3 MR. COOPER: Yes.  
4 THE WITNESS: It's very difficult because  
5 he says on the one hand that it's definitely not a 14:04:15  
6 legal thing. On the other hand, he interprets the  
7 wish of my uncle to fulfill her request.  
8 MR. SCHOENBERG: You are not listening to  
9 his question.  
10 Can you ask your question again. 14:04:30  
11 Q. BY MR. COOPER: As far as you know,  
12 Robert received this letter April 22, through  
13 Bryant, correct?  
14 A. Oh, this one. I only saw the 11th of  
15 April -- yes, April 22. 14:04:45  
16 Q. 1948, correct?  
17 A. Yes.  
18 Q. And you are not aware of how it is  
19 that your sister came into possession of this  
20 particular letter, correct? 14:04:54  
21 A. No idea.  
22 Q. But as far as you know, both of them  
23 were aware of the facts set forth in this letter in  
24 1948, correct?  
25 A. Yes. 14:05:04

0237

1 MR. SCHOENBERG: Well, you meant the 14:05:06  
2 letter sent in '48, or they were both aware in  
3 1948, because I think she testified Louise was in  
4 Yugoslavia or Israel.

5 THE WITNESS: Louise wasn't in Vancouver at 14:05:19  
6 that time.

7 Q. BY MR. COOPER: Where was Louise?

8 A. Yugoslavia.

9 Q. She arrived in Canada in 19 --

10 A. I don't know exactly. This is all so 14:05:28  
11 long ago. She was in Yugoslavia. She was in  
12 prison after he was executed. She tried to escape,  
13 and then she went via Israel to Canada, but I  
14 couldn't tell you exactly when she arrived in  
15 Canada. 14:05:45

16 Q. I'm sorry. I didn't mean to ask for  
17 all of that information. Again, I simply meant, to  
18 the best of your recollection, it was around 1949  
19 that she arrived in Canada?

20 A. Definitely past 1948, but I don't know 14:05:59  
21 if it was '50 or '49 or '51. I don't know.

22 Q. I understand that.

23 You have no idea when she came into  
24 possession of this information; is that correct?

25 A. Not exactly, no. 14:06:15

0238

1 Q. And you received it from Nelly 14:06:20  
2 Auersperg in March or April 1998; is that correct?

3 A. Yes.

4 Q. I'm sorry?

5 A. I guess so, yes. See, there was so 14:06:33  
6 much -- my problem is only, I know all the

7 documents, but which one was through Czernin and  
8 which one came from Nelly is a little difficult  
9 because I know there was not very much I got from  
10 Nelly. It was a few sheets, but which ones were 14:06:49  
11 hers and which ones were his, I don't know exactly.

12 Q. Yesterday you had indicated in your  
13 response to Mr. Schoenberg's questioning that you  
14 thought this came from Nelly Auersperg?

15 A. Yeah. 14:07:06

16 Q. You don't have any reason to doubt  
17 that as you sit here today, do you?

18 A. No, I don't doubt that. It must have  
19 come either from Nelly or from Czernin.

20 Q. You also testified yesterday you 14:07:36  
21 remembered caring for the first time that there was  
22 an issue in Austria with regard to the Klimt  
23 paintings in March 1998, when you were at the  
24 hospital with your sister Louise.

25 Do you recall that? 14:07:58

0239

1 A. Yes. 14:07:59

2 Q. What is it you recall learning at that  
3 time regarding the Klimt paintings?

4 A. Well, you see my sister at that time  
5 was partly in and out of consciousness, and it 14:08:07  
6 wasn't me who told her about that letter. I think

7 it probably was her son. I don't know exactly who  
8 informed her of that news of Vienna. And the only  
9 thing she said is, "We need a very good lawyer  
10 now." And the next thing is she died within a week 14:08:36  
11 after that. So I wasn't concerned about the legal  
12 matters at that time.

13 Q. I'm interested in hearing what it was

14 that you were informed to which your sister Louise  
15 reacted that she would need to get a good lawyer. 14:08:55  
16 What was the substance of the  
17 information?  
18 A. The unfortunate thing is it was not a  
19 direct phone call that I got. It was Dr. Sturm had  
20 called my sister-in-law Thea Bloch-Bauer, and told 14:09:09  
21 her that something came up in Vienna that he is  
22 beginning to doubt that the Klimt paintings belong  
23 in the gallery. And so Thea came to the hospital  
24 to talk to us. But it was very difficult time for  
25 all of us, with my sister dying, so not much 14:09:35  
0240  
1 attention was paid to it. 14:09:41  
2 Q. What was the best recollection you had  
3 of what was told to you by Thea at that time?  
4 A. That the newspaper came out in Vienna  
5 that says -- that said that there are great doubts 14:10:00  
6 about the Klimts hanging in the gallery and that  
7 they actually don't belong to the gallery. And so  
8 it was then that, after my sister passed away, that  
9 we went into the legal aspects of it.  
10 Q. And in what way did you go into the 14:10:27  
11 legal aspects of it?  
12 A. We got into communication with Randol  
13 Schoenberg.  
14 Q. When was of the first conversation you  
15 had with Mr. Schoenberg in response to the 14:10:47  
16 information you received in March 1998?  
17 A. It took a while. My sister was buried  
18 in April --  
19 Randy, did can you help me?  
20 Q. I'm just looking for your best 14:11:10  
21 recollection.  
22 MR. SCHOENBERG: I can tell you what it  
23 is.  
24 MR. COOPER: No, that's fine.  
25 THE WITNESS: I'm very sorry, but I'm 14:11:14  
0241  
1 usually good in memory, but there was so much going 14:11:16  
2 on with her death.  
3 We went back and forth and went to  
4 Vancouver twice. I think it was either in the late  
5 summer -- we didn't do anything right away. 14:11:28  
6 Q. BY MR. COOPER: The articles that had  
7 been published, I take it they were published in  
8 Austria, the articles that Thea referred to?  
9 A. Yes, I think members of the communist  
10 party and others had their doubts, by I never met 14:11:52  
11 anybody.  
12 Q. Did you obtain copies of those  
13 articles?  
14 A. No.  
15 Q. Do you recall any further details that 14:12:05  
16 you received at that point in time regarding this  
17 question of the ownership of the Klimt paintings?  
18 A. No.  
19 Q. What discussions did you have with  
20 Dr. Sturm at the time regarding any information he 14:12:18  
21 was providing?  
22 A. I never even talked to him personally  
23 at that time. I talked to him last summer. At  
24 that time it was his wife who called me, and she  
25 was horridly upset. She said, "You can't do that 14:12:38  
0242  
1 because he wrote, and he was so sure that he would 14:12:40

2 get it, that he put his name out. And now it would  
3 be horrible commission if you don't give it to  
4 him."  
5 And I just said we can't, and Nelly 14:12:51  
6 agreed with me.  
7 She said, "You can't do that."  
8 We had signed up with Mr. Schoenberg,  
9 and we can't go back on it. I even told him, "If  
10 you would have told us sooner, it might have been 14:13:03  
11 our decision to go along with you, but at this  
12 point, we can't do it."  
13 Q. When did that conversation take place?  
14 A. That's the problem, you want the date,  
15 and I can't tell you the date. It must have 14:13:19  
16 been -- maybe Nelly would know. Maybe it was, I  
17 guess, the summer of 1998 or 1999.  
18 Q. Let me ask the question a little  
19 differently.  
20 The conversation with Mr. Sturm's 14:13:35  
21 wife --  
22 A. Yes.  
23 Q. -- to which you just referred?  
24 A. Yeah.  
25 Q. Took place after Mr. Schoenberg was 14:13:44  
0243  
1 retained in connection with these matters? 14:13:46  
2 A. Correct, only a few days before -- I  
3 mean a few days after Mr. Schoenberg was retained.  
4 Q. So if we can fix that date in time,  
5 then you would be able to say that the conversation 14:13:58  
6 you had, that you just referred to, occurred a few  
7 days after that?  
8 A. Correct.  
9 My age is letting me down.  
10 MR. COOPER: Would you put Exhibit No. 43 14:14:42  
11 before the witness, please.  
12 MR. SCHOENBERG: Surely.  
13 MR. COOPER: I don't have my copy. If you  
14 could lay that flat when you are done, I just want  
15 to make reference to the date. 14:15:09  
16 THE WITNESS: 11th of May, the way he  
17 writes it. Isn't it different?  
18 MR. SCHOENBERG: The letter is dated 11th  
19 of May, but there is a fax of September 21, 1998.  
20 THE WITNESS: He wrote it in May and sent 14:15:33  
21 it to us in September?  
22 Q. BY MR. COOPER: Mrs. Altman, it's  
23 exactly your knowledge of this document that has  
24 been marked as Exhibit No. 43 that I wanted to  
25 explore a bit with you. 14:15:37  
0244  
1 A. I didn't get this letter. 14:15:40  
2 Q. That was my first question for you.  
3 When was the first time you saw this  
4 letter?  
5 A. Recently. I didn't get this letter. 14:15:47  
6 I got this horrified call from his wife.  
7 Q. I appreciate that. I'm just trying to  
8 clear up a few questions I have about the sequence  
9 of events.  
10 A. Yes, go ahead. 14:15:58  
11 Q. Did you have any communication with --  
12 is it Mrs. Sturm, is that how I would refer to his  
13 wife?  
14 A. Yeah.  
15 Q. Mrs. Sturm, the conversation you had 14:16:07

16 with her was later in 1998, well after --  
17 A. Much later.  
18 Q. Okay. The conversation you understand  
19 took place between Thea Bentley and Mr. Sturm took  
20 place sometime in mid March 1998, correct? 14:16:32  
21 A. Must have been because she came to the  
22 hospital and told us those things.  
23 Q. Had you any communications with  
24 Mr. Sturm or Mrs. Sturm between March 1998 and the  
25 occasion for your telephone call with Mrs. Sturm 14:16:53  
0245  
1 that took place a few days after Mr. Schoenberg's 14:16:58  
2 retention?  
3 A. None whatsoever.  
4 My only communication with Mrs. Sturm  
5 was she bought some of the articles that I 14:17:06  
6 inherited and sold to her, and she was a good  
7 friend, both of them were friends of my sister.  
8 Q. You don't know what the nature of the  
9 communications between Thea Bentley and Mr. Sturm  
10 were that would have caused him to have written the 14:17:25  
11 letter on behalf of the heirs of Ferdinand  
12 Bloch-Bauer on May 11, 1998?  
13 A. No, I assure you Thea had no idea  
14 about that because I asked her after that all came  
15 about. She had no idea. None of us did. And if 14:17:44  
16 he would have asked us before, it's very possible  
17 that they would have wanted him to take this as his  
18 assignment, but he never even contacted us before.  
19 Q. By the time you learned of his letter  
20 purportedly on behalf of the heirs, you already 14:18:09  
21 retained Mr. Schoenberg?  
22 A. Yes.  
23 Q. To act in the same capacity?  
24 A. Yes. My niece Nelly agreed with me  
25 totally that this was very uncalled for. 14:18:18  
0246  
1 Q. Thank you. 14:18:21  
2 A. I mean, we are friends now, but at the  
3 time this was very uncalled for.  
4 Q. Did Mrs. Sturm tell you what had  
5 caused Dr. Sturm to write this letter supposedly on 14:18:35  
6 behalf of the heirs of Ferdinand Bloch-Bauer in May  
7 1998?  
8 A. Well, she had -- she was great  
9 friends, both of them were great friends of my  
10 sister, and with me there was nothing. I mean, I 14:18:57  
11 knew them only for buying a few of my things, but  
12 she -- they were great friends of my sister, and  
13 apparently they assumed that when those first  
14 things in Vienna came up, that my sister would let  
15 them handle the case. 14:19:15  
16 Q. Do you know whether your sister Louise  
17 spoke to Dr. Sturm about the Klimt paintings prior  
18 to her death?  
19 A. No, I have no idea. I am sure she  
20 didn't. 14:20:02  
21 MR. COOPER: Would you show the witness  
22 Exhibit No. 48, please.  
23 Q. Do you recall testifying about Exhibit  
24 No. 48 yesterday, Mrs. Altman?  
25 A. Yes. 14:20:45  
0247  
1 Q. This is your submission in connection 14:20:46  
2 with the petition for the reduction of court fees?  
3 A. Correct.

4 Q. In connection with the Austrian  
5 litigation? 14:21:01  
6 A. Correct.  
7 Q. There is no reference in this document  
8 to your home as one of your assets; is that  
9 correct?  
10 A. Yes. I even say that we bought the 14:21:15  
11 house in 1975, and it's part of my assets.  
12 Q. There is no value listed under Item 1  
13 on Page No. 2 with respect to the value of the  
14 house; is that correct?  
15 A. I see we bought it. 14:21:34  
16 Q. If you wouldn't mind, please allow me  
17 to finish my questions.  
18 It says what it was purchased for, is  
19 that what you are saying?  
20 A. Yes. 14:21:44  
21 Q. Where does that appear?  
22 A. At the bottom. The house was paid out  
23 in 1975 for approximately 900,000 Austrian  
24 shillings.  
25 MR. SCHOENBERG: She's looking at the 14:21:59  
0248  
1 first page, and I believe you are looking at the 14:22:01  
2 second page.  
3 MR. COOPER: I see. All right.  
4 Q. You are on the first page, and the  
5 reference is to the purchase price of the house, 14:22:07  
6 correct?  
7 A. Correct.  
8 Q. And what was the value of the house on  
9 the date that you submitted this document to the  
10 Austrian court? 14:22:19  
11 A. It was a little higher probably. When  
12 was it? I mean --  
13 MR. SCHOENBERG: Just say if you know.  
14 THE WITNESS: Oh, September 1999. Well, I  
15 don't know what it was at the time. I'm sure it 14:22:38  
16 was more.  
17 Q. BY MR. COOPER: Do you know what it's  
18 worth today?  
19 A. I think today they said it's  
20 approximately \$750,000. 14:22:46  
21 Q. What is that based?  
22 A. Pardon me?  
23 Q. On what is that value based, to your  
24 knowledge?  
25 A. In the neighborhood; the real estate 14:22:58  
0249  
1 people who came by and wanted to know if I want to 14:23:00  
2 sell it. It's around \$700,000.  
3 Q. Do you recall why you didn't put the  
4 current value of the house on this submission when  
5 it was made to the Austrian court? 14:23:19  
6 A. It doesn't say what it -- I mean, I  
7 can only say what I actually paid for it, but the  
8 other thing just is an assumption. It's not what  
9 you actually can get for it. I put down everything  
10 that I owned. 14:23:41  
11 Q. The court granted, in part, your  
12 application for a reduction of the court fees,  
13 correct?  
14 A. Pardon me?  
15 Q. The Austrian court granted, in part, 14:24:01  
16 your request for reduction in the court fees,  
17 correct?

18 A. Yes. But I understand it was still  
19 too high. I would have had to mortgage my house in  
20 order to pay for it. 14:24:12  
21 Q. You chose not to appeal that decision,  
22 correct?  
23 MR. SCHOENBERG: Object to the extent it  
24 calls for attorney-client communications.  
25 If you can answer without disclosing 14:24:22  
0250  
1 any communications we had. 14:24:26  
2 THE WITNESS: If I objected to it? I don't  
3 quite understand.  
4 MR. SCHOENBERG: He's asking if you --  
5 Q. BY MR. COOPER: I'm going to get an 14:24:34  
6 appropriate objection in a moment.  
7 The question was simply: Do you  
8 recall that you had the opportunity to appeal the  
9 decision not to further reduce the court fees?  
10 You just mentioned the fact that they 14:24:47  
11 didn't reduce them as far as you wanted them to,  
12 correct?  
13 A. Yes.  
14 Q. Yes. You chose not to appeal that 14:24:57  
15 decision to a higher Austrian court?  
16 MR. SCHOENBERG: Object, it assumes there  
17 were even grounds for appeal.  
18 If you can answer the question, go  
19 ahead.  
20 THE WITNESS: I don't know. I live here. 14:25:06  
21 I don't know.  
22 Q. BY MR. COOPER: You don't recall  
23 anything regarding the decision to appeal or not  
24 appeal this decision; is that correct?  
25 A. I understood that I couldn't afford it 14:25:19  
0251  
1 because I know what they -- what they asked for to 14:25:23  
2 begin with, and I thought I could never afford it.  
3 Q. I meant the fact that there was a  
4 further avenue available to you in the Austrian  
5 court system to seek further reduction of the fees. 14:25:44  
6 MR. SCHOENBERG: Objection, states facts  
7 not in evidence.  
8 We can stipulate to the fact that no  
9 appeal was filed by us. There was an appeal filed  
10 by Austria. We certainly did not file an appeal. 14:25:55  
11 THE WITNESS: I was told that.  
12 MR. SCHOENBERG: You don't have to say  
13 what you were told. It's attorney-client  
14 privilege.  
15 Q. BY MR. COOPER: I'm not seeking any 14:26:08  
16 communications between you and Mr. Schoenberg in  
17 connection with this. I was trying to understand  
18 whether you understood that you had the ability to  
19 appeal and whether you had made a deliberate choice  
20 not to do so? 14:26:26  
21 MR. SCHOENBERG: Object, calls for  
22 attorney-client communications and also assumes  
23 facts not in evidence.  
24 MR. COOPER: And you are instructing the  
25 witness not to answer? 14:26:39  
0252  
1 MR. SCHOENBERG: Yes, I'm going to 14:26:40  
2 instruct her not to answer that.  
3 Q. BY MR. COOPER: You testified  
4 yesterday that the proceeds of the sale of some of  
5 the property that was restituted to you -- 14:26:59

6 A. Property?  
7 Q. Yes. In particular, I think you were  
8 referring to --  
9 A. The porcelain.  
10 Q. -- some of the porcelain? 14:27:09  
11 A. Yes.  
12 Q. Although I don't know if that's all  
13 the property referenced in the exhibit. I was not  
14 really focused on the exhibit so much as I was to  
15 the payments to the Fried, Frank firm to which -- 14:27:19  
16 A. Correct. They received the entire  
17 money that we -- that I received for the -- that we  
18 received for the porcelain.  
19 Q. What was the total amount paid, to the  
20 best of your knowledge, to the Fried, Frank firm? 14:27:36  
21 A. It was approximately \$100,000.  
22 Q. Was that the entire amount that was  
23 paid to it or only from that particular source?  
24 A. Excuse me? You are talking about the  
25 porcelain? 14:27:51  
0253  
1 Q. No. Do you know what the total dollar 14:27:52  
2 amount of all monies paid to the Fried, Frank firm  
3 in connection with this matter was?  
4 A. It was \$100,000.  
5 Q. Total, from beginning to end? 14:28:03  
6 A. Yes. They worked on a very small  
7 percentage.  
8 Q. Of the litigation?  
9 A. Pardon me?  
10 Q. What do you mean by your last comment, 14:28:17  
11 they worked on a very small percentage?  
12 A. I was surprised it was so little.  
13 Q. Actually, I didn't express any  
14 surprise at all, but I didn't understand your last  
15 comment. 14:28:29  
16 A. You said all the amount, and I said  
17 yes, it was all the amount.  
18 Q. I simply meant the entire amount paid  
19 to them was \$100,000?  
20 A. Yes. 14:28:38  
21 Q. That was paid from the proceeds of the  
22 porcelain sale?  
23 A. Correct.  
24 Q. What did you mean by for working for  
25 such a small percentage? 14:28:45  
0254  
1 A. When you said all, I said yes, it was 14:28:46  
2 all.  
3 Q. A percentage of what?  
4 A. Their legal fees.  
5 Q. Were their legal fees based in some 14:29:00  
6 fashion on a percentage of some figure?  
7 Do you understand my question?  
8 A. Yes.  
9 Q. I'm trying to understand what you  
10 meant by a percentage when referencing the fees. 14:29:15  
11 A. I think they worked for what was  
12 called pro bono. I'm not a lawyer. I just know  
13 that they worked for what I thought was a very fair  
14 amount of money.  
15 It has nothing to do with the case. I 14:29:42  
16 don't even know why we are discussing it.  
17 Q. It was offered as testimony yesterday.  
18 I'm attempting to understand it.  
19 A. It was offered as testimony yesterday?

20 Q. Yes. This whole question of the 14:29:54  
21 amount of money you received for the porcelain and  
22 the payment to Fried, Frank.  
23 A. Yeah, I said that amount from the  
24 porcelain was paid in total to cover the legal fees  
25 of Fried, Frank and, yeah. 14:30:07  
0255

1 Q. Fried, Frank ceased being your counsel 14:30:31  
2 in this case sometime shortly after that payment  
3 was made?  
4 A. I beg your pardon?  
5 Q. Fried, Frank ceased being your counsel 14:30:31  
6 in this case sometime shortly after that payment  
7 was made; is that correct?  
8 A. Yes.  
9 Q. And you have separate financial  
10 arrangements with Mr. Schoenberg from whatever 14:30:51  
11 financial arrangements were made with Fried, Frank  
12 with respect to payment for this case?  
13 A. Totally separate.  
14 Q. What are you financial arrangements  
15 with Mr. Schoenberg with respect to his payment for 14:31:28  
16 services in this case?  
17 MR. SCHOENBERG: I'm trying to --  
18 THE WITNESS: I think --  
19 MR. SCHOENBERG: If I can interject and  
20 ask what relevance that would have in the case. 14:31:37  
21 MR. COOPER: I believe that the reason the  
22 testimony was offered yesterday is that Mrs. Altman  
23 was attempting to demonstrate that her inability to  
24 pay a substantial amount in Austria for the court  
25 fees was as represented in the petition and in 14:32:06  
0256

1 other documents that have been submitted to the 14:32:14  
2 courts, and that an effort was being made to  
3 demonstrate that the proceeds from the porcelain  
4 sale had gone directly to counsel and was not  
5 otherwise available for other purposes, including 14:32:27  
6 the court fees.  
7 So I think, given the fact that  
8 Mrs. Altman's financial wherewithal and ability to  
9 pay court fees and court counsel fees has been pled  
10 and made the subject of voluntary testimony, we are 14:32:42  
11 entitled to the remainder of the information on  
12 that same topic. For instance, her choice and  
13 ability to pay you.  
14 MR. SCHOENBERG: I don't understand that.  
15 I'm going to instruct her not to answer. 14:32:57  
16 Well, let me think about it.  
17 Generally, the arrangement the client  
18 has with the lawyer is not privileged. The  
19 relevance of this testimony really is not a correct  
20 use of it. If you stop representing to the court 14:33:20  
21 that she got a million dollars from the porcelain  
22 and drawings, which you have represented to the 9th  
23 Circuit incorrectly, her relationship with me,  
24 really, has nothing to do with that. I don't see  
25 it as relevant in any way. 14:33:41  
0257

1 Can I confer with my client briefly? 14:33:45  
2 MR. COOPER: Sure, that's fine.  
3 VIDEOGRAPHER: Off the record?  
4 MR. COOPER: You are asking to go off the  
5 record? 14:34:00  
6 MR. SCHOENBERG: Yes, please.  
7 VIDEOGRAPHER: Going off the record at

8 2:37 P.M.  
9 (There was a discussion between  
10 the witness and her counsel.) 14:35:40  
11 VIDEOGRAPHER: Going back on the record at  
12 2:39 P.M.  
13 MR. SCHOENBERG: Can you ask the question  
14 again?  
15 Q. BY MR. COOPER: What is your 14:35:46  
16 financial arrangement with Mr. Schoenberg in  
17 connection with his representation of you in this  
18 lawsuit?  
19 A. Mr. Schoenberg is working for me on  
20 contingency. 14:35:53  
21 Q. Do you know what the terms of the  
22 contingency are?  
23 MR. SCHOENBERG: To that I'm going to  
24 object.  
25 THE WITNESS: I don't think it's anybody's 14:36:01  
0258  
1 business except mine. 14:36:02  
2 MR. SCHOENBERG: I'm going to object on  
3 relevance grounds there. The percentage of the  
4 contingency has nothing to do with any of the  
5 issues that you raised or any of the issues we 14:36:11  
6 raised.  
7 MR. COOPER: I think you have already  
8 identified that the subject of the relationship,  
9 financial interest in the lawsuit, is not  
10 privileged. I think it's certainly within the 14:36:25  
11 ambit of what has been made relevant by  
12 Mrs. Altman's contentions in the case, and I see no  
13 reason why allowing her to complete this  
14 questioning is properly the subject of an  
15 instruction not to answer. 14:36:42  
16 MR. SCHOENBERG: That's fine. I'm still  
17 instructing her not to answer any further questions  
18 with regard to the our financial arrangement.  
19 Q. BY MR. COOPER: Mrs. Altman,  
20 returning for a moment to Exhibit No. 36. Would 14:36:54  
21 you put that back in front of you, please.  
22 Do you recall that you testified that  
23 you would have done something about this had you  
24 learned of the contents of this letter prior to  
25 March 1998? 14:37:21  
0259  
1 A. Yes. 14:37:23  
2 Q. What would you have done?  
3 MR. SCHOENBERG: Calls for speculation.  
4 Q. BY MR. COOPER: What did you mean  
5 when you said you would have done something? 14:37:31  
6 A. I would have probably looked for legal  
7 representation because it was a request and not a  
8 legal obligation.  
9 Q. Representation to do what?  
10 A. To do something in that case because 14:37:53  
11 the paintings were taken out of the house in the  
12 years following 1938, and without any right or  
13 legal -- they were taken.  
14 Q. You would have done something to seek  
15 legal counsel to obtain the return of the 14:38:18  
16 paintings?  
17 MR. SCHOENBERG: Objection, again, calling  
18 for speculation, hypothetical, not percipient  
19 testimony.  
20 MR. COOPER: I'm asking the witness what 14:38:29  
21 she meant.

22 Q. Is that what you meant?  
23 MR. SCHOENBERG: Again, same objection.  
24 Q. BY MR. COOPER: Mrs. Altman?  
25 A. I would have looked into it more 14:38:37  
0260  
1 clearly. 14:38:39  
2 MR. COOPER: Let's take a short break.  
3 VIDEOGRAPHER: Off the record 2:42 P.M.  
4 (A brief recess was taken.)  
5 VIDEOGRAPHER: Going back on the record at 14:40:59  
6 2:44 P.M.  
7 Q. BY MR. COOPER: Mrs. Altman, one of  
8 the paintings that is included as the subject of  
9 your claims in this lawsuit is the painting that we  
10 have referred to a couple of times yesterday and 14:41:23  
11 today of Amalie Zuckerkandl?  
12 A. Yes.  
13 Q. That painting was not the subject of  
14 Adele Bloch-Bauer's will; is that correct?  
15 A. No, correct. 14:41:37  
16 Q. It didn't play any role in any of the  
17 other facts about which you have testified in the  
18 last day and a half?  
19 A. Correct.  
20 Q. What is your understanding of why it's 14:41:47  
21 included within the Complaint in this action?  
22 A. It's included because I read from a  
23 letter from my brother that it was hanging in my  
24 uncle's bedroom at the time, and he wanted to know  
25 what became of it. And that is really my only 14:42:05  
0261  
1 knowledge of it. I have not seen the painting 14:42:09  
2 because I didn't go into my uncle's bedroom. I  
3 just get it from these letters that it was there.  
4 Q. And you have no knowledge that would 14:42:22  
5 suggest that that painting was included in any of  
6 the communications or transactions between  
7 Dr. Rinesch and the Austrian government during  
8 1948; is that correct?  
9 A. No, I just saw that letter of my  
10 brother Robert saying whatever happened to that 14:42:38  
11 painting that was in my uncle's bedroom.  
12 Q. And that's the sole information you  
13 have with respect to the Amalie Zuckerkandl  
14 painting?  
15 A. Yes. 14:42:51  
16 Q. Is that correct?  
17 A. Yes.  
18 MR. COOPER: Would you put Exhibit No. 40  
19 before the witness, please.  
20 Q. Is that the letter to which you just 14:43:16  
21 referred as the letter from your brother?  
22 A. Yes.  
23 Q. This is the document marked for  
24 identification purposes 00976, marked yesterday as  
25 Exhibit No. 40, bearing the date February 17, 1979; 14:43:27  
0262  
1 is that correct? 14:43:31  
2 A. Yes.  
3 Q. And that's the only information about  
4 the Amalie Zuckerkandl painting that you have; is  
5 that correct? 14:43:45  
6 A. Yeah. He writes -- did you have it  
7 translated at the bottom? My brother writes, it  
8 would be highly interested for him to find out how  
9 come it went into the possession of

10 Mueller-Hoffmann. 14:44:00  
11 Q. You have no personal knowledge about  
12 how it got into the possession of Mueller-Hoffmann?  
13 A. No, I don't. I don't know nothing  
14 about it.  
15 MR. SCHOENBERG: Objection, also states a 14:44:10  
16 fact not in evidence, and I actually believe it's  
17 not true.  
18 I should explain that. It's not true  
19 that the painting was ever in the possession of the  
20 Mueller-Hoffmann family, but I don't believe 14:44:27  
21 Mrs. Altman has any percipient knowledge of that.  
22 MR. COOPER: Let's just clarify.  
23 Q. You have no percipient knowledge of  
24 any of the contents of that letter?  
25 A. No, nothing. I remember the 14:44:39  
0263  
1 Mueller-Hoffmanns from social contact, but that's 14:44:41  
2 all.  
3 Q. At this time in 1979, Robert Bentley  
4 was still representing the interests of the family  
5 with respect to attempting to obtain the return of 14:45:00  
6 property from your uncle's estate; is that correct?  
7 A. Yes.  
8 MR. COOPER: Counsel, reserving our right  
9 to take a discovery deposition at an appropriate  
10 time in the litigation and based on the questioning 14:45:26  
11 you have made of Mrs. Altman yesterday and this  
12 morning, I have no further questions at this time.  
13 MR. SCHOENBERG: I should add, we have had  
14 discussions prior to the stipulation for this  
15 deposition, a stipulation which is attached to 14:45:52  
16 Exhibit No. 1 of the deposition, with regard to any  
17 further depositions.  
18 I know we don't yet have an agreement  
19 with regard to any further depositions. I know 14:46:12  
20 it's your position you are entitled to take another  
21 deposition asking the same things, and we have not  
22 yet agreed to that. We have agreed to postpone our  
23 disagreement and deal with it at another date.  
24 MR. COOPER: Shall we go off the record to  
25 reach an agreement with respect to the handling of 14:46:30  
0264  
1 this transcript? 14:46:32  
2 MR. SCHOENBERG: Give me one second. I  
3 may have a follow up question or two.  
4 I have some follow up.  
5 Let's mark as Exhibit No. 68, a copy 14:47:50  
6 of an April 11, 2000 letter from Nelly Auersperg to  
7 Professor Bacher, with attached letter sent from  
8 Hermine Mueller-Hoffmann to Nelly's mother Louise.  
9 This was taken from a report prepared by Professor  
10 Bacher with regard to the portrait of Amalie 14:48:21  
11 Zuckerkandl.  
12 MR. COOPER: Counsel, I trust this is  
13 going to be directly related to some testimony  
14 Mrs. Altman gave on cross, which is the only  
15 possible ground for proper redirect. 14:48:45  
16 MR. SCHOENBERG: The answer to that  
17 question is yes.  
18 MR. COOPER: I reserve judgment on that  
19 subject until I have heard your questions, but  
20 there is nothing about the document that strikes me 14:49:00  
21 as likely in that category.  
22 (Altman Exhibit 68 was  
23 marked for identification

24 by the reporter and is  
25 attached hereto.)

0265

1 EXAMINATION

2 BY MR. SCHOENBERG:

3 Q. When counsel asked you whether you had  
4 any other information with regard to the portrait  
5 of Amalie Zuckerkandl, did you understand him to be 14:49:15  
6 asking with regard to other documents we might have  
7 collected in the last few years with regard to that  
8 painting?

9 MR. COOPER: Leading.

10 THE WITNESS: I didn't think we had any 14:49:29  
11 documents.

12 Q. BY MR. SCHOENBERG: Have you ever  
13 seen this document before?

14 MR. COOPER: Object, it exceeds --

15 THE WITNESS: The document I saw it later 14:49:36  
16 that Nelly wrote to Professor Bacher?

17 Q. BY MR. SCHOENBERG: Yes.

18 MR. COOPER: Exceeds the proper scope of  
19 redirect.

20 Q. BY MR. SCHOENBERG: Do you know what 14:49:55  
21 the second page of Exhibit No. 68 is?

22 A. Yes.

23 Q. You are looking at it now?

24 A. Yes.

25 Q. What is it? 14:49:59

0266

1 A. It's a letter from my sister from 14:50:01  
2 Hermine Mueller-Hoffmann.

3 Q. Have you read this letter before  
4 today?

5 A. Yes. She's 84 in that letter. 14:50:08

6 Q. Does Hermine Mueller-Hoffmann say in  
7 this letter how Dr. Vita Kuenstler obtained the  
8 portrait of her mother Amalie Zuckerkandl?

9 MR. COOPER: The document speaks for  
10 itself. It's hearsay. 14:50:37

11 THE WITNESS: She says the portrait of  
12 Amalie Zuckerkandl is now with Mrs. Vita Kuenstler,  
13 an art historian, who got the painting through  
14 Dr. Kalir. She called me recently and told me that  
15 it was willed to the gallery in the Belvedere. 14:51:06

16 It's okay with me, but it doesn't say anything how  
17 Mrs. Kuenstler came to get the painting through  
18 Dr. Kuenstler.

19 MR. SCHOENBERG: I'm not going to ask any  
20 further questions. Thank you. 14:51:41

21 MR. COOPER: Thank you, Mrs. Altman.

22 THE WITNESS: Thank you.

23 VIDEOGRAPHER: Going off the record at  
24 2:55 P.M.

25 This is the conclusion of the 14:51:49

0267

1 deposition. 14:51:51

2 (The following proceedings were  
3 had off the video record:)

4 MR. COOPER: Back on the record. We have  
5 reached an agreement with respect to the handling 14:55:14  
6 of the transcript.

7 Counsel stipulate that the original  
8 transcript will be sent to Mr. Schoenberg.

9 That Mrs. Altman will have 45 days  
10 after his receipt of the transcript within which to 14:55:49  
11 review, make corrections to, and execute the

12 transcript. That in the interim, either party will  
13 have the right to make reference to the testimony  
14 as it appears in the unsigned transcript, in the  
15 event the need to do so arises. 14:56:12

16 That if for any reason Mrs. Altman  
17 does not execute the corrected transcript within or  
18 after the 45-day period, either party may continue  
19 to make reference to the transcript as if it were  
20 an executed original and use it for any purpose for 14:56:35  
21 which the original would be capable of use.

22 Is there anything else we should add  
23 to that, Mr. Schoenberg?

24 MR. SCHOENBERG: The same would go for the  
25 video version of the transcript; that could be used 14:56:58

0268 in the same manner. 14:57:02

1 MR. COOPER: Within the usual limitations  
2 of when a video can be used as opposed to a  
3 transcript, I have no disagreement with that.

4 MR. SCHOENBERG: I think that's fine. 14:57:12

5 MR. COOPER: Then it's so stipulated.

6 MR. SCHOENBERG: Stipulated. Thank you  
7 very much.

8  
9 (The deposition was  
10 concluded at 2:57 P.M.)

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0269

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2 WITNESS'S DECLARATION

3  
4 I, MARIA ALTMAN, declare under penalty  
5 of perjury that I have read the foregoing  
6 transcript and that I have made any corrections,  
7 additions, or deletions that I was desirous of  
8 making in order to render the within transcript  
9 true and correct.

10 IN WITNESS WHEREOF, I have hereunto  
11 subscribed my name this \_\_\_\_\_ day of  
12 \_\_\_\_\_ 2002.

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17 \_\_\_\_\_  
18 MARIA ALTMAN

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0270

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

4 I, George A. Haas, Certified Shorthand  
5 Reporter, duly qualified in and for the State of  
6 California, do hereby certify there came before me  
7 the deponent herein, who was by me duly sworn to  
8 testify to the truth and nothing but the truth  
9 concerning the matters in this cause.

10 I further certify that the foregoing  
11 transcript is a true and correct transcript of my  
12 original stenographic notes.

13 I further certify that I am neither  
14 attorney or counsel for, nor related to or employed  
15 by any of the parties to the action in which this  
16 deposition is taken; and furthermore, that I am not  
17 a relative or employee of any attorney or counsel,  
18 employed by the parties hereto or financially  
19 interested in said action.

20 IN WITNESS WHEREOF, I have hereunto  
21 set my hand this 5th day of June 2002.

22  
23

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GEORGE A. HAAS, CSR NO. 5939

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