

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

BARBARA ANN HARTKE, an individual)
on her own behalf and on behalf of the Estate)
of decedent Gilbert V. Hartke)

Plaintiff,)

v.)

Civil Action No.
1:22-03571

BONHAM'S & BUTTERFIELD'S)
AUCTIONEERS CORPORATION, A)
DELAWARE CORPORATION; THE)
CATHOLIC UNIVERSITY OF AMERICA,)
A NON-PROFIT DISTRICT OF)
COLUMBIA CORPORATION)

Defendant.)

AFFIDAVIT OF THOMAS KUIPERS

STATE OF GEORGIA, WHITE COUNTY, TO WIT:

I, Thomas Kuipers, am over 18 years of age, competent to testify, and have personal knowledge of the facts set forth herein.

1. I am the owner and Chief Executive Officer of International Systems Management, Inc.

2. I reside in Cleveland, Georgia

3. My grandmother is Inez Mercedes Hartke, sister of Father Gilbert Vincent Hartke.

4. Father Gilbert Vincent Hartke was my grand-uncle.

5. I, together with the other descendants of Inez Mercedes Hartke, support Catholic University and Bonham's auction of the Dorothy dress ("Dress") donated to Catholic University by Ms. Mercedes McCambridge.

6. Plaintiff, Barbara Ann Hartke, is the daughter of Eugene Hartke, and is my

first cousin once removed.

7. I understand that Barbara Ann Hartke alleges that she has an interest in the Dress and objects to its auction for the benefit of the drama students at Catholic University. Based upon my review of the Complaint filed in this action, and my knowledge about my grand-uncle, Father Gilbert Hartke and the Dress, I believe she is wrong.

8. If this dress had passed into my grand-uncle Father Gilbert Hartke's estate, I and the other descendants of Inez Mercedes Hartke, would have requested a partition and donated any funds from any sale of the dress to support the drama students at Catholic University. However, a partition of the Dress did not occur because the Dress was not part of my grand-uncle Father Gilbert Hartke's estate as a Dominican priest.

9. Around 1974 or 1975 when I was about 12 or 13 years old, my father, Robert W. Kuipers, took my sister, Marybeth Kuipers, and me to Washington D.C. My father had work in Washington D.C. but the plan was for my father to take us on a tour of Washington D.C. after his work. As part of the tour we were going to see Father Gilbert Hartke at Catholic University. We had met Father Hartke previously as he visited us at our home.

10. Unfortunately, my father got sick and went into the hospital with a bleeding ulcer when we arrived in Washington D.C. Our grand-uncle, Father Hartke, agreed to pick up my sister and me because we did not have anyone to look after us with my father in the hospital. We spent the morning with him in Father Hartke's office at Catholic University.

11. While in his office, he showed us a blue dress and asked us what we thought it was. I specifically recall telling him that I believed that the dress worn by Dorothy in the Wizard of Oz. I knew this because we had watched Wizard of Oz several times as children. He confirmed my suspicion that the dress was in fact one of the dresses worn by Dorothy in the

Wizard of Oz. I also recall my grand-uncle, Father Hartke, explaining to us that she would have had a couple dresses for the filming of the movie. As a child, I was amazed that I was looking at the dress from the Wizard of Oz.

12. I asked my grand-uncle Father Gilbert Hartke if I could have the dress. I asked him because he seemed detached from the dress and was clearly not as impressed with the dress as I was at the time.

13. In response to my question, I remember my grand-uncle Father Gilbert Hartke said to me that I could not have it as the dress belonged to Catholic University. He explained to me that the University would put the dress on display in a case or use it in some manner for the drama school and to benefit the students. He stated that he was not sure what will be decided on how the dress will be used and that it is a decision for the University.

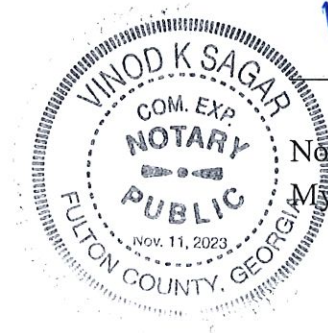
14. He hung the dress up and returned to his work as I sat there in his office.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT UPON PERSONAL KNOWLEDGE THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT.


Thomas Kuipers

May 12, 2022
Date

Subscribed and sworn to before me this 12th day of May, 2022.



Vinod K. Sagar
Notary Public
My commission expires: 11/11/2023