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# U.S. Court Orders German Baroness to Return Painting Stolen from Jewish Collector and Art Dealer

## JUDGMENT SENDS STRONG MESSAGE TO ALL POSSESSORS OF PROPERTY LOOTED FROM DR. MAX STERN AND THE GALERIE STERN, DÜSSELDORF

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MONTREAL/January 4, 2008—

Concordia University acting on behalf of the executors of the Estate of Dr. Max Stern and its three university beneficiaries (Concordia, McGill University/Montreal, Hebrew University of Jerusalem) is pleased to announce that on December 27, 2007, the United States District Court for the District of Rhode Island granted the Estate's Motion for Summary Judgment regarding the painting, *Girl from the Sabine Mountains*, by renowned European court painter, Franz-Xaver Winterhalter (1805-1873). The decision is the first in U.S. legal history dealing with the forced sale of Jewish owned art in Nazi Germany; it equates a forced sale to a theft.

The historically-significant judgment comes almost exactly three years after the Art Loss Register notified the Stern Estate that Baroness Von Morse Pickard (living in Providence under her married name of Marie-Louise Bissonnette) was putting up for local auction the same painting acquired by her step-father at a forced sale of Stern property in 1937 at Lempertz Auction House in Cologne. The work was ultimately withdrawn from the Rhode Island sale, after which the Stern Estate initiated good faith discussions with the Baroness through the New York State Banking Department's Holocaust Claims Processing Office. Some six months after these discussions commenced, the Baroness took the clandestine decision to send the painting to Germany in the hopes of circumventing U.S. jurisdiction. The Stern Estate filed suit in Rhode Island in May 2005.

In her 18-page memorandum and order, Chief United States District Judge Mary M. Lisi acknowledges that on August 29, 1935 Dr. Stern was ordered by the Reich Chamber for the Fine Arts (an organization of the Nazi government) to close his gallery and liquidate its inventory. The Nuremberg laws were enacted two weeks later. Since Dr. Stern was Jewish, and since under the Nuremberg laws he was subject to official persecution by the German government, the Nazi's actions in this instance have to be classified as looting or stealing.

Judge Lisi concluded the following: **The painting was taken unlawfully from Dr. Stern; Von Morse Pickard is in wrongful possession of the painting; and the Stern Estate is the rightful owner of the painting.**

"This unprecedented ruling is another enormous boost for the Max Stern Art Restitution Project which has been successfully pursuing works lost to Dr. Stern from the 1935-1937 period", said Estate executor, Robert Vineberg. "The court's acknowledgement of the 1937 Lempertz sale as the final forced act in a series of coercive acts imposed on Stern by the Nazi government strengthens our resolve to actively pursue more than four hundred other paintings lost to him during those years."

<http://auktion392.com>

<http://maxsternproject.concordia.ca>

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From top to bottom: Interior view of Wilharm Castle with Winterhalter painting in corner ; Mädchen aus den Sabiner Bergen, oil on canvas, Franz Xaver Winterhalter, (1806-1873) ; detail of the same ; Galerie Stern, Dusseldorf.

Source :

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