

Art Dealer Sued Over War Loot

SANTA BARBARA, CALIFORNIA— Two families whose artworks were looted by the Nazis have filed a complaint in a California court seeking to recover the profits earned by the art dealer who sold two of the works, paintings by Pablo Picasso and Camille Pissarro, almost 30 years ago.

Claude Cassirer and Thomas C. Bennigson filed the complaint on July 19 in Santa Barbara Superior Court against Stephen Hahn, a gallery owner and a former president of the Art Dealers Association of America. All are residents of California.

This is believed to be the first case in the United States in which the heirs have sought compensation from an art dealer. "I have not seen any other case like this, where the claim was made after a dealer sold the property," says E. Randol Schoenberg, the Los Angeles attorney who represents Cassirer and Bennigson.

At issue is whether a dealer can be sued more than a quarter century after a property has been sold. Schoenberg contends that because the paintings were stolen, the dealer may not profit from the sale but should be found to be holding the funds in trust for the rightful owners.



Picasso's *Femme en blanc*, 1922, was confiscated by the Nazis and later sold by Santa Barbara dealer Stephen Hahn to a Chicago couple.

Cassirer's grandmother, Lilly Cassirer-Neubauer of Munich, was forced to sell Pissarro's *Rue de Saint Honoré après midi, effet de pluie* (1897) to a Nazi agent in 1939 for a nominal sum, which she was barred from taking with her when she fled Germany. According to Schoenberg, it is not known how Hahn acquired the painting. Around 1976 Hahn sold the Pissarro to Baron Hans

Heinrich Thyssen-Bornemisza, who subsequently transferred it to the Thyssen-Bornemisza Collection Foundation in Madrid. Then, in 1993, the Spanish government purchased the entire collection. Cassirer has sought to recover the painting from Spain, without success.

The Picasso, *Femme en blanc* (1922), was looted by the Nazis in 1940 from Paris art dealer Justin K. Thannhauser, to whom it had been sent for safekeeping by Bennigson's grandmother, Carlota Landsberg of Berlin. Hahn imported the painting from France in 1975 and sold it a year later to James and Marilyn Alsdorf of Chicago for \$357,000, according to Schoenberg. The painting, now worth some \$10 million, is at the center of a separate lawsuit. The California Supreme Court on July 28 agreed to decide whether state courts have jurisdiction to rule on Bennigson's claim against Marilyn Alsdorf.

Hahn's attorney, Jeremy Epstein of Shearman & Sterling in Manhattan, declined to comment. But in a letter made available by Schoenberg, Epstein argued that the laws of New York should apply to the claim because Hahn was an art dealer in New York in the 1970s. Under New York law, Epstein said, the statute of limitations has expired for both sales.

—Marilyn Henry