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AFTER CLAIMANTS REFUSE GOOD FAITH EFFORTS TO RESOLVE UNSUBSTANTIATED CLAIMS TO ARTWORK, ROCHESTER FOUNDATION SEEKS COURT ASSISTANCE CONFIRMING ITS OWNERSHIP

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Rochester, NY. A case to resolve competing and contradictory ownership claims to the gouache drawing *Portrait of the Artists Wife* (1917) by Egon Schiele has been filed in New York State Supreme Court, following a good faith effort by the plaintiff to work with all parties to achieve a fair and just resolution despite the defendants' failure to substantiate their claims to the artwork.

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Nixon Peabody client Robert Owen Lehman has owned the drawing in good faith and without challenge since 1964 when he purchased the artwork at the Marlborough Fine Arts Gallery in London. Lehman's ownership of the drawing was openly published with an illustration in 1990 as part of *Egon Schiele, The Complete Works*, a comprehensive catalogue raisonné of Schiele works by noted expert Jane Kallir.

In March 2016, the drawing was gifted to the Rochester-based Robert Owen Lehman Foundation, Inc., a charitable grant-making foundation, with the intention of the foundation selling the artwork and using the proceeds to, among other things, promote the appreciation and public awareness of classical music.

The defendants, Eva Zirkl, Israelitische Kultusgemeinde Wien (IKG), Michael Bar, and Robert Rieger Trust, have made two separate and competing claims to ownership of the drawing, both based on allegations that an Austrian ancestor once owned the drawing, but that it was taken from them during the Nazi regime. The documents provided by the defendants do not support their claims.

In a good faith effort to avoid the need for legal action, Lehman offered to work with all parties to achieve a fair and just resolution. But, IKG has refused to participate in any negotiations with defendants Bar or Rieger Trust, who jointly presented a competing claim for the drawing. IKG represented heirs of the Rieger family in at least one prior art restitution claim.

The Nixon Peabody team consists of [Thaddeus Stauber](#), partner and head of the firm's [Arts & Cultural Institutions team](#), partner [Carolyn Nussbaum](#), and counsel [Aaron Brian](#).
