

Historical Society *of the New York Courts*

2018 Garfinkel Essay Scholarship

Summary of Matter of Stettiner Case

148 A.D.3d 184, 46 N.Y.S.3d 608, 2017 N.Y. Slip Op. 01168

The painting “Seated Man with a Cane” by Amedeo Modigliani (1918) was owned by Oscar Stettiner. Mr. Stettiner was a Jewish art collector who abruptly fled Paris during the Nazi invasion. His art collection was sold by the Nazis. The painting ended up in the possession of Mr. Van der Klip. In 1996, his family sold the painting to IAC, Inc. for 3.2 million dollars. The painting remained in storage until 2008 when it was placed for auction with Sotheby’s. There were no bids for the painting, and it remained in storage until April of 2016 when possession of the painting was taken by the Swiss authorities.

In 2011, the grandson of Mr. Stettiner tried to recover possession of the painting. He received no response. He has received permission from the Surrogate’s Court in New York County (Manhattan) to act on behalf of his deceased grandfather to recover the painting. IAC has filed an application with the Appellate Division, First Department, requested that the permission extended to the Estate of Mr. Stettiner be revoked on the basis of lack of jurisdiction. They claim that the New York State courts do not have proper jurisdiction to hear the case.

The Court did not agree and stated that because IAC contracted with Sotheby’s to sell the painting, they are subject to the jurisdiction of the New York State courts. The case for recovery of the stolen painting will be able to move forward with the grandson representing the interests of his deceased grandfather.