

New York's Met Can Keep Cezanne

By [The Moscow Times](#)

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NEW YORK — The Metropolitan Museum of Art can keep a famed painting by Paul Cezanne that an art collector's great-grandson had argued was improperly acquired after being confiscated by the Russian Bolshevik regime a century ago, a U.S. appeals court ruled.

The painting "Madame Cezanne in the Conservatory" or "Portrait of Madame Cezanne," was bequeathed to the Met by Stephen Clark, a collector and museum trustee who died in 1960. Clark had bought the painting in 1933.

In a 2010 lawsuit, Pierre Konowaloff, who says he is the sole heir of Ivan Morozov, a Russian whose art collection was declared state property following the 1917 revolution, sought the return of the painting.

But the 2nd U.S. Circuit Court of Appeals in New York, in a written ruling last week, rejected Konowaloff's claim.

The lawsuit claimed the Bolshevik seizure amounted to punishment without legal process.

Konowaloff also argued that the painting's sale might have violated Russian laws prohibiting the export of artwork of historical importance.

U.S. District Judge Shira Scheindlin in Manhattan dismissed the lawsuit in September 2011, saying legal doctrine precludes U.S. courts from inquiring into the validity of decisions by recognized foreign sovereign governments within their own territory.

The 2nd Circuit agreed. The decision by a three-judge panel of the court found that the lawsuit on its face was barred by what is called the "act of state" doctrine.

The court also said that because Morozov did not own the painting after 1918, Konowaloff, who lives in Paris, did not have legal standing to complain about its sale or treatment after that date.

The 1891 oil painting is part of the Met's collection.

"We are gratified that the court has confirmed our faith in the ownership history of this work of art, and pleased that the Met can continue to share this beautiful picture with its millions of visitors," Harold Holzer, a museum spokesman, said in a statement.

James Tyrrell, a lawyer for Konowaloff at law firm Patton Boggs, did not immediately respond to requests for comment.

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