

PREET BHARARA
United States Attorney for
the Southern District of New York
By: CHRISTINE I. MAGDO
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New York, New York 10007
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14 MISC 331

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: ANCIENT ETRUSCAN BRONZE HERAKLES :
STATUETTE, LOCATED AT WARD & COMPANY, :
IN NEW YORK, NEW YORK, :
Defendant-in-Rem. :

STIPULATION AND ORDER

14 Misc.

FILED
U.S. DISTRICT COURT
2014 OCT -1 PM 4:25
S.D. OF N.Y.

WHEREAS, the Federal Bureau of Investigations (the "FBI") and the United States
Attorney's Office ("USAO") have determined the following facts:

- (a) On or about January 7, 1964, an ancient Etruscan statuette of Herakles, made
of bronze in the 6th or 5th century B.C. (the "Subject Property") was stolen
from the Museo Oliveriano in Pesaro, Italy (the "Museo Oliveriano");
(b) In or about the 1960s, the Subject Property was sold by an art dealer in
Switzerland, and then by an art dealer in New York, New York (the "New
York dealer");
(c) In or about the 1960s or 1970s, Eugene V. Thaw, on behalf of E.V. Thaw &
Co., purchased, without knowledge of the theft, the Subject Property from the
New York dealer;

- (d) In or about the 1990s, Ward & Company (“Ward”), an art dealer in New York, New York, agreed, without knowledge of the theft, to consign the Subject Property for sale;
- (e) In or about 2012, Italian law enforcement discovered that the Subject Property was being offered for sale by Ward;
- (f) In or about 2014, the Italian Government requested the assistance of the United States in investigating the Subject Property;
- (g) The Subject Property belongs to the Museo Oliveriano;

WHEREAS, Eugene V. Thaw (“Thaw”), the owner of E.V. Thaw & Co., in New York, New York, was advised that the Subject Property was stolen from Museo Oliveriano;

WHEREAS, Thaw has denied any knowledge, at the time of purchase and until contacted by the United States, that the Subject Property was stolen;

WHEREAS, Thaw wishes to have the Subject Property returned to the Museo Oliveriano and has agreed to voluntarily relinquish all right, title, and interest he may have in the Subject Property;

WHEREAS, the USAO, the FBI, and Thaw have determined that the Subject Property should be returned to the Museo Oliveriano and/or the Italian Government;

WHEREAS, Ward currently has possession of the Subject Property and Thaw voluntarily consents to the seizure of the Subject Property by the FBI, so that it may be returned to the Museo Oliveriano and/or the Italian Government;

WHEREAS, the USAO has uncovered no evidence of wrongdoing on the part of Thaw, or his agents, officers and employees; and

WHEREAS, Thaw has cooperated fully with the FBI's investigation and wishes to resolve this matter without further litigation by providing for the return of the Subject Property to the Museo Oliveriano, its rightful owner, and/or the Italian Government, through the FBI and the USAO;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, as follows:

1. Thaw voluntarily consents to the seizure of the Subject Property by the FBI, to allow for its return to the Museo Oliveriano and/or the Italian Government.
2. Thaw voluntarily consents to the relinquishment of all of his right, title and interest in the Subject Property.
3. Following the seizure of the Subject Property by the FBI, the United States shall return the Subject Property to the Museo Oliveriano and/or the Italian Government.
4. Thaw represents that his company, E.V. Thaw & Co., New York, New York, is the sole owner of the Subject Property and agrees to hold harmless the United States and any and all of its agents, contractors, and employees (including, without limitation, the FBI, the Department of State, and the USAO) from any and all claims, including, without limitation, third-party claims, in connection with or arising out of the United States' transfer of the Subject Property to the Museo Oliveriano and/or the Italian Government.
5. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of Thaw or any of his agents, officers or employees, past and present, and the United States stipulates that Thaw has cooperated fully to recover the Subject Property for return to its rightful owner.

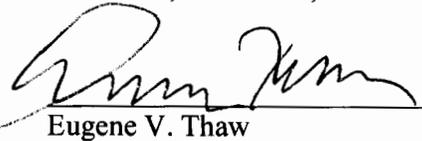
10. This Stipulation and Order represents the complete agreement of the parties and cannot be amended without written consent of all the parties to this Stipulation and Order.

Agreed and consented to:
PREET BHARARA
United States Attorney for the
Southern District of New York

By: 
CHRISTINE I. MAGDO
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2297

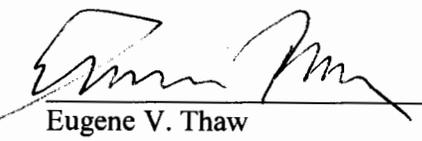
10/1/14
Date

E.V. Thaw & Co., New York, New York

By: 
Eugene V. Thaw
726 Park Avenue
New York, New York 10021

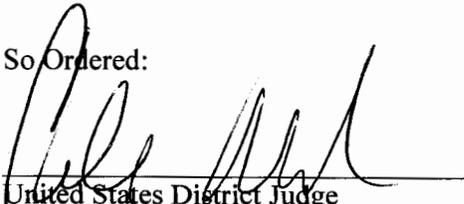
9/26/14
Date

Eugene V. Thaw

By: 
Eugene V. Thaw
726 Park Avenue
New York, New York 10021

9/26/14
Date

So Ordered:


United States District Judge
Southern District of New York
Part I

10/2/2014
Date