

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

A 10<sup>th</sup> CENTURY CAMBODIAN SANDSTONE  
SCULPTURE, CURRENTLY LOCATED AT  
SOTHEBY'S IN NEW YORK, NEW YORK,

Defendant in rem.

STIPULATION AND ORDER  
OF SETTLEMENT

12 Civ. 2600 (GBD)

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WHEREAS, on or about April 4, 2012, a Verified Complaint, 12 Civ. 2600 (GBD) (the "Complaint") was filed in the United States District Court for the Southern District of New York seeking the forfeiture of a 10<sup>th</sup> Century Cambodian Sandstone Sculpture located at Sotheby's Inc. ("Sotheby's") in New York (the "Statue") pursuant to Title 19, United States Code, Section 1595a(c) and Title 18, United States Code, Sections 545 and 981(a)(1)(C);

WHEREAS, on or about April 5, 2012, the Court entered a Judicial Restraining Order prohibiting Sotheby's from transferring or otherwise disposing of the Statue;

WHEREAS, on or about April 23, 2012, Sotheby's and Ms. Ruspoli di Poggio Suasa ("Ms. Ruspoli") filed claims to the Statue;

WHEREAS, on or about April 9, 2013, the Government filed a Verified Amended Complaint (the "Amended Complaint");

WHEREAS, on or about May 6, 2013, Sotheby's and Ms. Ruspoli filed a Joint Answer to the Amended Complaint;

WHEREAS, the Amended Complaint alleges that the Statue is forfeitable to the United States as, among other things, property brought into the United States contrary to law;

WHEREAS, Sotheby's and Ms. Ruspoli maintain that at all relevant times Ms. Ruspoli had clear legal title to the Statue and deny ever knowing or believing that the Statue belonged to the Kingdom of Cambodia, or providing anyone any provenance information about the Statue known or believed to be inaccurate;

WHEREAS, Sotheby's and Ms. Ruspoli have a good faith disagreement with the United States regarding whether the Kingdom of Cambodia owned the Statue;

WHEREAS, the United States does not contend that Sotheby's (or any of its lawyers, executives, officers, or employees) or Ms. Ruspoli knew or believed that the Statue was owned by the Kingdom of Cambodia or knowingly provided false or misleading provenance information about the Statue;

WHEREAS, the parties have given due consideration to the evidence gathered in this case;

WHEREAS, the parties believe that further litigation of this action would be burdensome, and would require resolution of disputed factual issues and issues of U.S., Cambodian, French Colonial, and other law;

WHEREAS, Sotheby's and Ms. Ruspoli have voluntarily determined, in the interests of promoting cooperation and collaboration with respect to cultural heritage, to arrange for the Statue to be transferred to the Kingdom of Cambodia;

WHEREAS, the United States agrees that a voluntary transfer of the Statue to the Kingdom of Cambodia would be in the interests of promoting cooperation and collaboration with respect to cultural heritage;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, through its attorney, Preet Bharara, United States Attorney for the Southern District of

New York, Sharon Cohen Levin, Alexander Wilson, Sarah Paul and Christine Magdo, Assistant United States Attorneys, of counsel, and Sotheby's and Ms. Ruspoli, and their counsel of record, Peter Neiman, Esq. of WilmerHale, as follows:

1. The Court's Judicial Restraining Order of April 5, 2012 shall be and hereby is modified to permit Sotheby's to transfer the Statue to the Kingdom of Cambodia, pursuant to paragraph 2 of this Stipulation and Order of Settlement.

2. Within 90 days of the entry of this Stipulation and Order of Settlement, Sotheby's shall transfer the Statue to a representative of the Kingdom of Cambodia in New York.

3. Upon the Statue's transfer to a representative of the Kingdom of Cambodia in New York, this forfeiture action shall be dismissed with prejudice. The United States shall provide the Court with notice of the transfer.

4. Sotheby's and Ms. Ruspoli shall not make any claims against the United States or any of its agents and employees (including, without limitation, the Department of Homeland Security ("DHS") and the United States Attorney's Office for the District of New York ("USAO-SDNY")) in connection with or arising out of the United States' seizure, restraint, and/or constructive possession of the Statue, including, without limitation, any claim that the United States did not have probable cause to seize, restrain, and/or forfeit the Statue, that Sotheby's and/or Ms. Ruspoli are prevailing parties, or that Sotheby's and/or Ms. Ruspoli are entitled to attorneys' fees or any award of interest.

5. Upon the transfer of the Statue to a representative of the Kingdom of Cambodia, the USAO-SDNY shall release Sotheby's, including its affiliates, lawyers, executives, officers, or employees, and Ms. Ruspoli from any civil claims arising out of the importation, possession, export, transfer or offer for sale of the Statue.

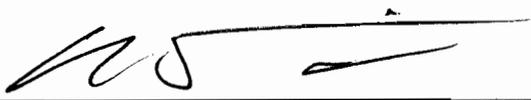
6. Each party waives all rights to appeal or to otherwise challenge or contest the validity of this Stipulation and Order of Settlement.

7. Each party shall bear its own costs and attorneys' fees.

8. The signature pages of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Signature pages may be by fax or .pdf and such signatures shall be deemed as valid originals.

AGREED AND CONSENTED TO:

PREET BHARARA  
United States Attorney for the  
Southern District of New York

By: 

Sharon Cohen Levin/Alexander Wilson  
Sarah Paul/Christine Magdo  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, New York 10007  
(212) 637-2200

12/12/2013  
DATE

ADDITIONAL SIGNATURES ON NEXT PAGE

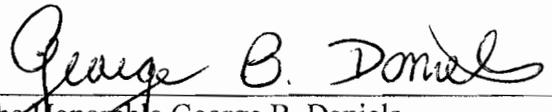
SOTHEBY'S INC. & MS. RUSPOLI

By: 

Peter G. Neiman  
WilmerHale  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(212) 295-6487  
*Counsel for Sotheby's Inc. and Ms. Ruspoli*

12/12/13  
DATE

SO ORDERED:

  
The Honorable George B. Daniels  
United States District Judge  
**HON. GEORGE B. DANIELS**

DEC 12 2013  
DATE