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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: DEUX FEMMES DANS UN JARDIN, : STIPULATION AND ORDER
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: 18 Misc.
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WHEREAS, the Federal Bureau of Investigations (the "FBI") and the United States Attorney's Office for the Southern District of New York ("USAO") have determined the following facts:

- (a) *Deux Femmes Dans Un Jardin*, a 1919 painting by Pierre Auguste Renoir (the "Renoir"), currently located at Christie's Gallery ("Christie's") in New York, New York, was acquired by Alfred and Marie Weinberger in Paris, France in 1925.
- (b) Prior to the Nazi occupation the Weinbergers fled Paris, storing their collection of art work (the "Weinberger collection"), including the Renoir, at Bank Morgan & Cie, in Paris.
- (c) On December 4, 1941, the Weinberger collection, including the Renoir, was seized from Bank Morgan & Cie by the Devisenschutzkommando, a Nazi unit. On September 10, 1944, the Weinberger collection was transported to a depot used by the "Einsatzstab Reichsleiter Rosenberg" (the "ERR"), a Nazi agency which, among other undertakings, seized artworks and other cultural holdings of Jews and

other so-called "enemies" of the Third Reich.

- (d) After World War II, Alfred Weinberger made many efforts, over a span of decades, to recover the Renoir. His claim to the Renoir was recognized by France, in 1948, and Germany, in 1961.
- (e) On November 3, 2005, the Park West Gallery ("Park West") purchased the Renoir at Sotheby's New York ("Sotheby's").
- (f) On May 6, 2009, Park West offered the Renoir for sale through Sotheby's but the Renoir did not sell at auction.
- (g) In or about September 2012, Park West sold the Renoir to a private collector (the "Collector").
- (h) In or about 2013 the Collector attempted to sell the Renoir through Christie's Auction House in New York.
- (i) In or about April 2013, Christie's received a claim for the Renoir from an attorney representing Sylvie Sulitzer, heir to Alfred and Marie Weinberger (hereinafter, the "Weinberger heir")
- (j) Christie's withdrew the Renoir from the sale. After an independent analysis and investigation, Christie's concluded that the Renoir had been looted by the ERR from the Weinberger collection.
- (k) Park West subsequently issued the Collector a refund for the full purchase price of the Renoir.

WHEREAS, Park West wishes to fully cooperate with the FBI and have the Renoir returned to the Weinberger heir, and has further agreed to voluntarily relinquish any right, title, and

interest that it may have in the Renoir without prejudice to any claims it may have against Sotheby's;

WHEREAS, the USAO, the FBI, and Park West have agreed that the Renoir should be returned, through the USAO and FBI, to the Weinberger heir;

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

1. Park West voluntarily relinquishes all right, title, and interest it may have in the Renoir, to allow for its return, through the USAO and the FBI, to the Weinberger heir, and shall execute any documentation which may be required to allow the FBI to collect the Renoir from Christie's.

2. Following the entry of this Stipulation and Order and its collection of the Renoir, the United States shall return the Renoir to the Weinberger heir.

3. This Stipulation and Order is not intended to and shall not have any effect upon any claim, counter-claim or defense that Park West may assert to any claim brought by or against it by Sotheby's regarding the Renoir. Nothing in this Stipulation and Order shall waive any claim, defense or remedy, in law or in equity, that Park West may have against Sotheby's with respect to the Renoir, and all such rights of Park West are hereby reserved.

4. Park West is hereby barred from asserting any claim against the United States of America ("USA"), the Department of Justice ("DOJ"), the USAO, the FBI, or any agents, contractors, or employees of the USA, DOJ, USAO, or FBI in connection with the return of the Renoir, including, but not limited to, costs, attorney's fees, or interest.

5. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of Park West, or any of its agents, officers or employees, past

and present, and the United States stipulates that Park West has fully cooperated to ensure that the Renoir is returned to its rightful owner, the Weinberger heir.

6. The signature page 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. Faxed, scanned and emailed copies shall be treated as originals.

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

8. The parties hereby waive all rights to challenge or contest the validity of this Stipulation and Order.

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

Agreed and consented to:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:

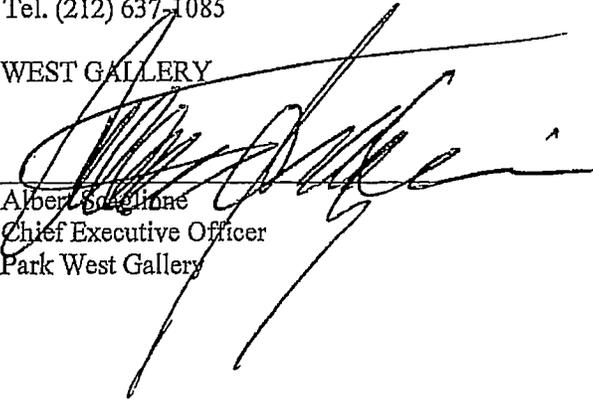

Noah Falk
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One St. Andrew's Plaza
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Date

6/22/18

PARK WEST GALLERY

By:


Albert S. Gellman
Chief Executive Officer
Park West Gallery

Date

06/25/18

So Ordered:


United States District Judge
Southern District of New York

Date

9-11-18

Part I

The foregoing Stipulation and Order is an agreement between the USAO, the FBI and Park West. No forfeiture proceeding, in-rem proceeding or other action or proceeding has been commenced or adjudicated in this Court as to the Renoir. Nothing in the Stipulation and Order vests title in the Renoir in any person or binds the right of any claimant or other person to the Renoir other than Park West.

PKC