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## La Bergère – Meyer Heirs and Fred Jones Jr. Museum of Art

*Raoul Meyer – Fred Jones Jr. Museum of Art at the University of Oklahoma – Artwork/œuvre d'art – Nazi looted art/spoliations nazies – Judicial claim/action en justice – Judicial decision/décision judiciaire – Settlement agreement/accord transactionnel – Due diligence – Ownership/propriété – Procedural issue/limites procedurals – Conditional restitution/restitution sous condition – Donation – Cultural cooperation/coopération culturelle – Loan/prêt – Shared custody/co-possession – Symbolic gesture/geste symbolique*

*Raoul Meyer's art collection, which included Camille Pissarro's painting "La bergère rentrant des moutons" (hereinafter "La Bergère"), was looted by Nazi troops during the occupation of France in early 1940s. Decades later, Meyer's daughter and heir, Léone Meyer, discovered the painting at the Fred Jones Jr. Museum of Art at the University of Oklahoma, and initiated a lawsuit in the United States seeking its return. After a three-year litigation the two sides reached a settlement in 2016. The latter was denounced by Ms. Meyer. Eventually, the lawsuit was dropped and ownership of the painting was transferred to the Fred Jones Jr. Museum of Art.*

*I. Chronology; II. Dispute Resolution Process; III. Legal Issues; IV. Adopted Solution; V. Comment; VI. Sources.*

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## I. Chronology

### Nazi looted art

- **Prior to 1940:** Gaston Lévy, a French collector, sold Camille Pissarro's painting "*La bergère rentrant des moutons*", or "Shepherdess bringing in sheep" (hereinafter "*La Bergère*"),<sup>1</sup> to Théophile Bader. *La Bergère* ended up with Yvonne Meyer, the daughter of Théophile Bader and wife of Raoul Meyer, when Bader's collection was divided between her and her sister Paulette Heilbronn.<sup>2</sup>
- **Early-1940s:** When Nazi forces targeted prominent Jewish families in France to seize their art collections during the Vichy Regime, the Meyer family placed its collection, including *La Bergère*, in a safe at a branch of the Crédit Commercial de France in Mont-de-Marsan, France. However, the *Devisenschutzkommando*, a German financial investigative agency in Paris eventually seized the Meyer collection and transferred it, including *La Bergère*, to Jeu de Paume, from where the painting was either exchanged for more desirable artwork or handed over to intermediaries for shipment to Switzerland.<sup>3</sup>
- **Mid-1940s:** Léon de Sépibus brought *La Bergère* to Switzerland, where Christoph Bernoulli, an art dealer, acquired it. He then sold it to André Maus.<sup>4</sup>
- **Early-1950s:** Raoul Meyer discovered *La Bergère* was in Geneva, in the possession of Maus, following which Bernoulli regained custody and control over the painting.<sup>5</sup>
- **1953:** Raoul Meyer brought a civil lawsuit against Bernoulli for the return of *La Bergère* in Basel, Switzerland.<sup>6</sup>
- **1956:** David Findlay Galleries in New York, United States (US), acquired *La Bergère* from an art dealer in Amsterdam (E.J. van Wisselingh & Co).<sup>7</sup>
- **1957:** Findlay Galleries sold *La Bergère* to Aaron M. and Clara Weitzenhoffer.<sup>8</sup>
- **2000:** The estate of Clara Weitzenhoffer made a bequest to the Fred Jones Jr. Museum of Art at the University of Oklahoma (FJMA), which included *La Bergère*.<sup>9</sup>
- **2009:** Annette Schlagenhauff, associate curator at the Indianapolis Museum of Art, submitted documents on *La Bergère* covering the years of 1952 and 1953 to the FJMA regarding Bernoulli, which included letter exchanges confirming Raoul Meyer was in the process of seeking the return of the painting.<sup>10</sup>

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<sup>1</sup> Kutner,, p. 3.

<sup>2</sup> First Amended Complaint, para. 32.

<sup>3</sup> Ibid., paras. 34-39.

<sup>4</sup> Ibid., paras. 48, 50, 52, 55. See also, Memorandum in Law in Support of Motion to Dismiss First Amended Complaint, p. 5.

<sup>5</sup> First Amended Complaint, para. 53.

<sup>6</sup> Memorandum in Law in Support of Motion to Dismiss First Amended Complaint, p. 5.

<sup>7</sup> Ibid., paras. 4, 62. See also, Memorandum in Law in Support of Motion to Dismiss First Amended Complaint, p. 6.

<sup>8</sup> First Amended Complaint, para. 62.

<sup>9</sup> Ibid., para. 5.

<sup>10</sup> Ibid., paras. 54-55.

- **26 March 2012:** Léone Meyer (hereinafter: “Meyer”) , the daughter and heir of Raoul Meyer, learned that *La Bergère* was on display in the FJMA from a blog post by Marc Masurovsky at the Holocaust Art Restitution Project.<sup>11</sup>
- **9 May 2013:** Meyer filed a Complaint against the Board of Regents of the University of Oklahoma in the US District Court for the Southern District of New York, seeking the return of the painting.<sup>12</sup>
- **7 March 2014:** Meyer filed an Opposition to the Oklahoma Defendants’ motion to dismiss the First Amended Complaint, requesting, in the alternative, to have the case transferred to the US District Court for the Western District of Oklahoma should the Court find she has failed to make a prima facie showing of personal jurisdiction.<sup>13</sup>
- **14 May 2014:** The US District Court for the Southern District of New York granted the Oklahoma Defendants’ motion to dismiss the First Amended Complaint, concluding the Court lacked personal jurisdiction over them.<sup>14</sup>
- **5 June 2014:** Meyer filed an Appeal in the US Court of Appeals for the Second Circuit, arguing the case should be transferred to the US District Court for the Western District of Oklahoma in the interest of justice.<sup>15</sup>
- **12 March 2015:** The Second Circuit issued a Summary Order, remanding the case back to the US District Court for the Southern District of New York to decide whether transferring the case to the US District Court for the Western District of Oklahoma, as requested in the alternative by Meyer in her Opposition to the Defendants’ motion to dismiss, served the interest of justice.<sup>16</sup>
- **7 April 2015:** The US District Court for the Southern District of New York transferred the case to the US District Court for the Western District of Oklahoma.<sup>17</sup>
- **23 February 2016:** The parties reached a settlement agreement, whereby the University of Oklahoma agreed to transfer title of the painting to Meyer.<sup>18</sup>
- **July 2016:** In accordance with the settlement – which provides for possession to be shared equally in “perpetual rotation” between the FJMA and a French museum – the painting was exhibited at the Musée d’Orsay until 16 July 2021.<sup>19</sup>
- **23 October 2023:** Meyer brought an action before the *Tribunal judiciaire de Paris* against the University of Oklahoma Foundation Inc, the Board of Regents of the University of Oklahoma, David L. Boren as President of the University of Oklahoma, and the Musée d’Orsay to obtain the seizure of the painting.<sup>20</sup>

<sup>11</sup> Ibid., para. 2. See also, Memorandum of Law in Opposition to Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint, p. 6.

<sup>12</sup> Memorandum in Law in Support of Motion to Dismiss First Amended Complaint, p. 4.

<sup>13</sup> Memorandum of Law in Opposition to Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint, p. 1.

<sup>14</sup> Memorandum Decision and Order Dismissing Action as against the Oklahoma Defendants for Lack of Personal Jurisdiction, p. 2.

<sup>15</sup> First Notice of Appeal, Docket Entry No. 59. See also True Copy Order of USCA, Docket Entry No. 64, p. 3.

<sup>16</sup> True Copy Order of USCA, Docket Entry No. 63, p. 3.

<sup>17</sup> Order Transferring Case to the Western District of Oklahoma. See also *Meyer v. University of Oklahoma Board of Regents et al.*, Docket No. 5:16-ma-00001, 16 May 2016.

<sup>18</sup> Ellis and Silas, “University of Oklahoma Settlement Agreement Revealed in Nazi-Looted Art Case”.

<sup>19</sup> Tribunal judiciaire de Paris, Jugement rendu le 10 mai 2021, 20/58396, p. 4.

<sup>20</sup> Ibid., p. 5.

- **30 October - 2 November 2020:** Meyer denounced the settlement and filed an action with the *Tribunal judiciaire de Paris* to obtain the restitution of the painting.<sup>21</sup>
- **20 November 2020:** The Oklahoma parties obtained an anti-suit injunction from the U.S. District Court for the Western District of Oklahoma.<sup>22</sup>
- **1 February 2021:** The US Court of Appeals for the Tenth Circuit denied Meyer’s request for a stay of the effects of the contested decision. Meyer appealed the decision.<sup>23</sup>
- **22 February 2021:** Meyer brought an action before the *Tribunal judiciaire de Paris* requesting that it order the Oklahoma parties to cease all obstruction of the plaintiff’s free exercise of her right to bring an action before the French courts on the basis of the order of 21 April 1945 (Ordonnance n°45-770 du 21 avril 1945).<sup>24</sup>
- **10 May 2021:** The *Tribunal judiciaire de Paris* dismissed Meyer’s request of seizure and her request to oppose the anti-suit injunction issued by the US court. The decision on the merits was scheduled for 2 June.<sup>25</sup>
- **June 2021:** Meyer and the University of Oklahoma Foundation dropped the legal battle.<sup>26</sup>
- **July 2021:** *La Bergère* was sent to the US for permanent exhibition at the FJMA.<sup>27</sup>

## II. Dispute Resolution Process

### Judicial claim – Judicial decision – Settlement agreement

- From the start, Raoul Meyer was committed to the recovery of his art collection lost at the hands of the Nazis. While he recovered a number of his paintings by submitting an inventory of his works of art looted by the Nazis to the French Commission for Art Recovery (Commission de Récupération Artistique), *La Bergère* was not among them.<sup>28</sup> However, once he tracked the painting to Basel, Switzerland, Raoul Meyer brought a civil lawsuit for the return of *La Bergère* against the Swiss art dealer, Christoph Bernoulli, who was in possession of the painting.<sup>29</sup> Throughout a period of over a year, settlement negotiations took place between the parties involved but the dispute was not resolved until the Basel Civil Court ruled on the lawsuit.<sup>30</sup> Bernoulli tried to resell the painting to Raoul Meyer following the judgment, but Raoul Meyer refused to pay for what he believed was his property, and he lost track of the painting from that point on.<sup>31</sup>

<sup>21</sup> Tribunal judiciaire de Paris, Judgment of 10 May 2021, 20/58396, p. 5.

<sup>22</sup> Ibid., p. 6.

<sup>23</sup> Ibid., p. 6.

<sup>24</sup> Ibid., p. 7.

<sup>25</sup> Ibid., p. 17.

<sup>26</sup> “Spoliation nazie: fin de la bataille judiciaire pour la Bergère de Pissaro”, *Connaissance des arts*, 2 juin 2021.

<sup>27</sup> Ibid.

<sup>28</sup> First Amended Complaint, para. 41.

<sup>29</sup> Memorandum in Law in Support of Motion to Dismiss First Amended Complaint, p. 5.

<sup>30</sup> First Amended Complaint, paras. 55, 57.

<sup>31</sup> Kutner, p. 4.

- *La Bergère* was again involved in legal proceedings several decades later, this time in the US, when Raoul Meyer's daughter and heir, Léone Meyer, discovered its whereabouts and filed a lawsuit in the US District Court for the Southern District of New York. The lawsuit became quite controversial as the defendants did not dispute that the painting had been looted by the Nazis during the occupation of France, but instead based their objections to the restitution of *La Bergère* to the heir on procedural matters.<sup>32</sup> It is not uncommon for institutions to use legal technicalities such as the statute of limitations to block Nazi-era art claims.<sup>33</sup>
- Notably, while the dispute was ongoing, in May 2015 Oklahoma State legislators became involved in the dispute by adopting a non-binding resolution, taking note of the instant case and urging the University of Oklahoma and the FJMA to conduct thorough provenance research on its collection and return any compromised works to their rightful owners.<sup>34</sup>
- Following the case being dismissed in New York and transferred to Oklahoma on procedural grounds, the two sides reached a settlement agreement in February 2016. The latter has been ratified by US courts and became legally binding in France in October of the same year.<sup>35</sup>
- Meyer became the owner of the painting but could not sell it without the agreement of the US counterpart. The settlement stipulated that the painting must be exhibited in perpetual rotation, first in France for five years in a museum chosen by Meyer, then in Oklahoma for three years, and so on.<sup>36</sup>
- Whereas the painting was on loan to the Musée d'Orsay in Paris, Meyer denounced the agreement and initiated an action before the Paris courts to obtain the restitution of the painting as the sole and entire owner.<sup>37</sup> She asked the sequestration of the painting until the case was heard on the merits in French courts and a writ ordering the University of Oklahoma to cease the proceedings.
- In response to the French court filing, the Oklahoma parties had obtained an anti-suit injunction from the US District Court for the Western District of Oklahoma requiring Meyer to cease all legal proceedings in France.<sup>38</sup>
- Meyer appealed this decision, requesting that the decision be suspended pending the forthcoming decision.<sup>39</sup>
- By order of 1 February 2021, the US Court of Appeals for the Tenth Circuit denied Meyer's request. It held that she did not demonstrate that she was likely correct on the merits or that she would suffer irreparable harm by having to comply with the challenged order now.<sup>40</sup>

<sup>32</sup> Bowley, "University of Oklahoma Agrees to Return Pissarro Painting Looted by Nazis".

<sup>33</sup> Kutner, p. 3.

<sup>34</sup> For the floor version of the Resolution, see [http://webserver1.lsb.state.ok.us/cf\\_pdf/2015-16%20FLR/HFLR/HR1026%20HFLR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2015-16%20FLR/HFLR/HR1026%20HFLR.PDF). H.R. 1026, 2015 Leg., 1<sup>st</sup> Sess. (Okla. 2015). See also Cascone, "University of Oklahoma Will Return Camille Pissarro Painting to Holocaust Survivor".

<sup>35</sup> Tribunal judiciaire de Paris, Judgment of 10 May 2021, 20/58396, p.5.

<sup>36</sup> Ibid., p. 6.

<sup>37</sup> Ibid., p. 5.

<sup>38</sup> Tribunal judiciaire de Paris, Judgment of 10 May 2021, 20/58396, p. 6.

<sup>39</sup> Ibid., p. 6.

<sup>40</sup> Ibid., p. 6.

- In addition, finding Meyer's resistance to be manifestly abusive, insofar as the plaintiff persists in knowingly disobeying the order of 20 November 2020, the US District Court for the Western District of Oklahoma found Meyer in civil contempt of court on 4 January 2021. It ordered her to pay US\$ 2.500 per day of default from 1 March 2021 until she withdrew from her French proceedings.<sup>41</sup>
- Meyer brought an action before the *Tribunal judiciaire de Paris* requesting that it orders the Oklahoma parties, under a fine of 50.000 euros per day of delay, to cease all obstruction of the plaintiff's free exercise of her right to bring an action before French courts on the basis of the order of 21 April 1945.
- The *Tribunal judiciaire de Paris* dismissed Meyer's application for the seizure of the painting and her request to oppose an anti-suit injunction issued by the US judge. The decision on the merits was expected on June 2.<sup>42</sup>
- Meyer and the University of Oklahoma Foundation dropped the legal battle and acknowledged the transfer of ownership of the painting to the Foundation. The parties did not wait for a new decision on the merits of the case, which was due on 2 June 2021. Meyer relinquished her rights to the painting and her ownership on it.<sup>43</sup>

### III. Legal Issues

#### Due diligence – Ownership – Procedural issue

- In the litigation in Switzerland, the court came out against Raoul Meyer for failure to prove Bernoulli had acquired *La Bergère* in bad faith. The special legal procedure allowing claimants to seek restitution of Nazi looted artworks from possessors located in Switzerland regardless of whether they acquired them in good faith or bad faith had expired in 1950; thus, civil claims such as Raoul Meyer's, fell under the Swiss Civil Code, which required proof of bad faith.<sup>44</sup> The court came out against Raoul Meyer concluding the five-year period to reclaim lost or stolen property purchased in good faith had expired in 1949 as the painting had been lost to him no later than 1944, when the German forces withdrew from Paris.<sup>45</sup> Moreover, the court ruled against Raoul Meyer reasoning the claim of bad faith was brought too late, at the consultation, and the buyer's acknowledgement that the painting came from a private owner in Basel was not indicative of lack of good faith.<sup>46</sup>
- In the United States, the District Court for the Southern District of New York dismissed the action for lack of personal jurisdiction over the Oklahoma Defendants (the Board of Regents of the University of Oklahoma, David Boren, individually and as President of the University

<sup>41</sup> Ibid., p. 6.

<sup>42</sup> Ibid., p. 25.

<sup>43</sup> "Spoliation nazie: fin de la bataille judiciaire pour la Bergère de Pissaro", *Connaissance des arts*, 2 juin 2021.

<sup>44</sup> First Amended Complaint, para. 56-57. See also Cascone, "University of Oklahoma Will Return Camille Pissarro Painting to Holocaust Survivor".

<sup>45</sup> The five-year period for requisition is prescribed by Article 934(1) of the Swiss Civil Code for lost or stolen chattels purchased in good faith. See also Case 1:13-cv-03128-CM Basel Civil Court, p. 6.

<sup>46</sup> The unlimited period for requisition is prescribed by Article 936 of the Swiss Civil Code for bad faith purchases.



- of Oklahoma and the University of Oklahoma Foundation, Inc.).<sup>47</sup> The court turned on whether it could exercise general jurisdiction over the Oklahoma Defendants in the State of New York based on New York Civil Practice Law and Rules 301.<sup>48</sup> In a strongly worded order, the New York court granted the Defendants’ motion to dismiss, on the basis that the Defendants were not “at home” in New York to satisfy the *Daimler* standard for general jurisdiction, and stated the case should have never been brought in a New York court.<sup>49</sup>
- However, following the dismissal, the Plaintiff was successful in her appeal to transfer the case to the US District Court for the Western District of Oklahoma, since she had in her Opposition to the motion to dismiss requested in the alternative to transfer the case if she failed to establish personal jurisdiction, which the New York court had not considered in granting the Defendants’ motion to dismiss.<sup>50</sup> The US Court of Appeals for the Second Circuit acknowledged the Plaintiff’s arguments to transfer the case in the interest of justice for the following reasons but remanded to the District Court to make the decision to transfer: (1) the statute of limitations might have had run out for a new lawsuit in Oklahoma; (2) the claim was meritorious; (3) Meyer had filed the claim in New York in good faith belief that the other defendants who were later dismissed fell under its personal jurisdiction; and (4) the Defendants would not be prejudiced by the transfer.<sup>51</sup>
  - As regards the provenance of *La Bergère*, Raoul Meyer’s ownership was not challenged by the Defendants who never denied that the painting was looted by the Nazis during the occupation of France. Instead, subsequent good faith acquisition by Aaron M. and Clara Weitzenhoffer was the backbone of the defense.<sup>52</sup> Not surprisingly, an acknowledgment of the Weitzenhoffer family’s good faith purchase and subsequent transfer to the University was part of the settlement agreement.<sup>53</sup>
  - In front of the *Tribunal judiciaire de Paris*, Meyer asked that the court rules in summary proceedings to preserve the interests of the parties and to order the sequestration of the painting.<sup>54</sup>
  - Oklahoma asks the court to conclude that it does not have jurisdiction to rule on the seizure. Indeed, a clause in the agreement stated that the trial court for the Western District of Oklahoma had exclusive jurisdiction to rule on any dispute relating to the agreement. Moreover, they also request that a situation of litispendens deduced from the judgment of 1 March 2016 be established, as well as an objection based on the *res judicata* nature of a decision to which Meyer has associated itself.<sup>55</sup>

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<sup>47</sup> Memorandum Decision and Order Dismissing Action as against the Oklahoma Defendants for Lack of Personal Jurisdiction, p. 2.

<sup>48</sup> Memorandum Decision and Order Dismissing Action as against the Oklahoma Defendants for Lack of Personal Jurisdiction, p. 3.

<sup>49</sup> The court concluded that the Oklahoma Defendants were “at home” in Oklahoma and not New York, noting that the University was located in Oklahoma, the Trustees governed it in Oklahoma, and Boren resided and worked in Oklahoma, lacking any substantial operations in the State of New York to render them “at home” there. *Ibid.*, pp. 4-7.

<sup>50</sup> See *supra* n. 12, 14, 15.

<sup>51</sup> True Copy Order of USCA, Docket Entry No. 63, p. 3.

<sup>52</sup> Kutner, p. 4.

<sup>53</sup> Ellis and Silas, “University of Oklahoma Settlement Agreement Revealed in Nazi-Looted Art Case”.

<sup>54</sup> Tribunal judiciaire de Paris, Judgment of 10 May 2021, 20/58396, p. 7.

<sup>55</sup> *Ibid.*, p. 8.

- First, the court ruled that the jurisdiction clause did not exclude the jurisdiction of the French *juge des référés* when it is a question of taking urgent or protective measures on a provisional basis, such as the sequestration of a painting. In this case, the judge does not decide on the merits of the case.<sup>56</sup>
- Secondly, the court concluded that there cannot be a situation of litispendens between a court judging on the merits and a court judging on summary proceedings. The claims are not of the same nature.<sup>57</sup>
- The court also rejected the argument of non-receivability based on the authority of *res judicata*, considering that the action initiated in summary proceedings for the purpose of placing the painting in escrow cannot be considered as having the same object as the homologation of a transaction.<sup>58</sup>
- The *Tribunal judiciaire de Paris* rejected Meyer request considering that a seizure order does not appear to be justified either by urgency or by the existence of a serious dispute between the parties.<sup>59</sup> The court recalled that the parties had waived all legal proceedings with the agreement. It also noted that US judges had not found any incompatibility of the agreement with the London Declaration of 1943 and added that even if the agreement between the parties contravened to the provisions of Ordonnance n°45-770 of April 1945 – which affirms the nullity of acts of spoliation and the restitution of property to the victims – *res judicata* must be established with respect to the court decision declaring the transaction applicable in France.<sup>60</sup> Finally, the agreement is applicable on French territory and Meyer has not brought any new element that could call the transaction into question.
- Following this decision, the parties dropped their claims. As a result, the *Tribunal judiciaire de Paris* did not have the opportunity to give a decision on the merits of the case.

#### IV. Adopted Solution

##### Conditional restitution – Cultural cooperation – Donation – Loan – Shared custody – Symbolic gesture

- After a three-year legal battle, Léone Meyer and the University of Oklahoma reached a settlement agreement with each party paying for its own attorney fees and Meyer not receiving any monetary compensation. Under the settlement agreement, the title to the painting is transferred to Léone Meyer, who is required to eventually gift it to a mutually agreed upon art institution in France.<sup>61</sup> Following the initial five-year display at such French institution, the latter will facilitate all future three-year rotating displays of *La Bergère* there

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<sup>56</sup> Ibid., p. 13.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid., p. 14.

<sup>59</sup> Ibid., p. 16.

<sup>60</sup> Ibid., p. 15.

<sup>61</sup> Ellis and Silas, “University of Oklahoma Settlement Agreement Revealed in Nazi-Looted Art Case”.



and at the FJMA.<sup>62</sup> All future displays of *La Bergère* will include an accompanying label describing the history of the painting.<sup>63</sup>

- Another striking term of the agreement is the prohibition against selling movie, television, or other commercial rights to the story of the legal dispute involving *La Bergère* without the consent of both parties.<sup>64</sup>
- As a result of her action against the agreement, Ms. Meyer lost ownership of *La Bergère*, which permanently returned to the US.

## V. Comment

- The instant case sets a good example for Nazi-looted art restitution that seeks to maintain public access to the object in dispute with the intent to educate the broader public about its provenance and historical significance.
- While initial negotiations were negative, the two sides were eventually able to come to a mutually agreeable agreement in a matter of a few months.<sup>65</sup> The heir successfully kept the focus of the dispute on the goal of maintaining public access *La Bergère* in several ways, not the least of which was her choice to forego any monetary compensation in the settlement. By only seeking the transfer of ownership and ensuring that in all future displays of the painting would be accompanied with a label detailing the history and provenance of the painting, Meyer has implicitly grounded the value of the work in its history, making its Nazi-looted identity an inseparable part of the artwork for future generations. This is of tremendous significance as by grounding the art-historical value of a Pissarro piece in the socio-historical context of the 1940s, the heir has ensured that the public is educated about the history of the painting as much as they are with the artist's technique when they go to see it in person. Furthermore, the alternating display which the parties agreed to, is a welcome collaboration that ensures the piece is not uprooted from either community it has come to belong to over the course of its history – Oklahoma, USA and France.
- Nevertheless, the opening of the action in France by Ms. Meyer also demonstrates the main weakness of alternative dispute resolution (ADR), namely that the implementation of agreements depends on the goodwill of the parties.

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<sup>62</sup> Meyer or the French institution will bear the costs of transportation and display of the painting in France following the initial five-year display in France which will be covered by the defendants. Each institution will bear the costs of insuring the painting while it is displayed in its facilities in the future. Ibid.

<sup>63</sup> This term of the settlement agreement follows in the trend to ensure history of Nazi-looted art is included in the display of such works as seen, for instance, in the settlement between the heirs of Gentili di Guisepppe and the Boston Museum of Fine Arts, on which see Marcus, "Nazi Looted Art: Setting Precedence for Museum Decisions", p. 45.

<sup>64</sup> Cascone, "University of Oklahoma Will Return Camille Pissarro Painting to Holocaust Survivor".

<sup>65</sup> Kutner, p. 7.

## VI. Sources

### a. Court decisions

- *Meyer v. University of Oklahoma Board of Regents et al.*, Docket No. 5:16-ma-00001, 16 May 2016.
- *Meyer v. University of Oklahoma Board of Regents et al.*, Docket No. 1:13-cv-03128, 9 May 2013.
- Case 1:13-cv-03128-CM Basel Civil Court, Switzerland, 25 July 1953.
- Tribunal judiciaire de Paris, Judgment of 10 May 2021, 20/58396.

### b. Legislation

- H.R. 1026, 2015 Leg., 1st Sess. (Okla. 2015).
- N.Y. Civil Practice Law and Rules 301.
- Articles 934(1) and 936 of the Swiss Civil Code.
- Ordonnance n°45-770 du 21 avril 1945 portant deuxième application de l'ordonnance du 12 novembre 1943 sur la nullité des actes de spoliation accomplis par l'ennemi ou sous son Contrôle et édictant la restitution aux victimes de ces actes de leurs biens qui ont fait l'objet d'actes de disposition.

### c. Media

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