

## M.C. Sungaila in *The Recorder*: Boies Persuades Ninth Circuit to Revive Suit Over Nazi-Looted Art

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PRACTICES Appellate

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In the first art law case of his 50-plus year legal career, David Boies has helped convince an appellate court to revive a long-running lawsuit over a Nazi-looted painting by French impressionist Camille Pissarro.

A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit on Monday reversed a decision tossing claims that Boies' clients are the rightful owners of "Rue Saint-Honoré, après-midi, effet de pluie," a masterpiece that has been appraised at more than \$30 million. Lilly Cassirer Neubauer, the great-grandmother of the plaintiffs, lost the painting in 1939, accepting the modern day equivalent of \$360 for it after an art dealer appointed by the Nazi government seized it to conduct an appraisal.

In Monday's decision, the Ninth Circuit found that the six-year statute of limitations established under the Holocaust Expropriated Art Recovery Act of 2016 applied and that Neubauer's heirs had filed suit within six years of discovering that painting in the Thyssen-Bornemisza Collection's museum in Madrid.

The complex case has delved into the vagaries of U.S., California, Spanish and Swiss law. It drew a half-dozen amicus briefs on this trip to the Ninth Circuit—the case's third. Boies signed on to represent the plaintiffs, David and Ava Cassirer and the United Jewish Federation of San Diego County, after U.S. District Judge John Walter in Los Angeles sided with the museum on summary judgment in 2015...

Mary-Christine "M.C." Sungaila of Haynes Boone, who wrote an amicus brief for Bet Tzedek Legal Services backing the Cassirers in the case, said that it's rare for cases over Nazi-looted art to get to the merits stage in U.S. courts given the procedural and sovereignty issues they raise.

"I think it's meaningful across all these cases that this one has gotten across all these procedural hurdles to get to this point," said Sungaila, who has been active in two similar cases. "It sounds like a jury is going to learn about Spanish law."

**Excerpted from *The Recorder*. To read the full article, click [here](#) (subscription required).**