

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY REIF and DAVID FRAENKEL, as
Co-Trustees of the LEON FISCHER TRUST
FOR THE LIFE AND WORK OF FRITZ
GRUNBAUM and MILOS VAVRA,

Plaintiffs,

– against –

THE CARNEGIE INSTITUTE d/b/a
CARNEGIE MUSEUMS OF PITTSBURGH,

Defendant,

An Artwork *PORTRAIT OF A MAN* (1917) by
the Artist Egon Schiele,

Defendant-in-rem.

Case No. 1:23-cv-00346

[rel. 23-cv-02108; 23-cv-02443; 23-cv-03009;
22-cv-10625]

TIMOTHY REIF and DAVID FRAENKEL, as
Co-Trustees of the LEON FISCHER TRUST
FOR THE LIFE AND WORK OF FRITZ
GRUNBAUM and MILOS VAVRA,

Plaintiffs,

– against –

OBERLIN COLLEGE d/b/a ALLEN
MEMORIAL ART MUSEUM,

Defendant,

An Artwork *GIRL WITH BLACK HAIR* (1911)
by the Artist Egon Schiele,

Defendant-in-rem.

Case No. 1:23-cv-02108

[rel. 23-cv-00346; 23-cv-02443; 23-cv-03009;
22-cv-10625]

**NOTICE OF JOINT MOTION BY DEFENDANTS CARNEGIE INSTITUTE d/b/a
CARNEGIE MUSEUMS OF PITTSBURGH AND OBERLIN COLLEGE d/b/a ALLEN
MEMORIAL ART MUSEUM TO DISMISS PLAINTIFFS' AMENDED COMPLAINTS**

PLEASE TAKE NOTICE, that upon the accompanying Declaration of William L. Charron and exhibits annexed thereto, the accompanying Declaration of Maria Bernier and exhibits annexed thereto, the accompanying declaration of Matthew Lahey and exhibits annexed thereto, the accompanying Memorandum of Law in support of this motion, the accompanying Motion to Dismiss and supporting Memorandum of Law by defendant Art Institute of Chicago in the further related action *Reif v. Art Institute of Chicago*, No. 1:23-cv-2443, and all pleadings, papers and prior proceedings had herein, defendants Carnegie Institute d/b/a Carnegie Museums of Pittsburgh (“Carnegie”) and Oberlin College d/b/a Allen Memorial Art Museum (“Oberlin”), shall jointly move this Court, before the Honorable John G. Koeltl at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007-1312, Courtroom 14A, on a date and time as directed by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure: (a) dismissing with prejudice all claims asserted by plaintiffs Timothy Reif and David Fraenkel as co-trustees of the Leon Fischer Trust and Milos Vavra (collectively, “Plaintiffs”) (i) against Carnegie in Plaintiffs’ Third Amended Verified Complaint dated April 25, 2023, and (ii) against Oberlin in Plaintiffs’ First Amended Verified Complaint filed April 7, 2023; and (b) awarding Carnegie and Oberlin such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s Orders dated May 31, 2023 (*Oberlin* ECF No. 19; *Carnegie* ECF No. 41) (the “May 31 Orders”), any opposing affidavits and answering memoranda of law shall be filed and served on or before June 29, 2023.

PLEASE TAKE FURTHER NOTICE that, pursuant to the May 31 Orders, any reply affidavits and memoranda of law shall be filed and served on or before July 13, 2023.

Dated: New York, New York
June 8, 2023

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Museum*