

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
GRÜNBAUM 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.

TIMOTHY REIF and DAVID FRAENKEL, as
Co-Trustees of the LEON FISCHER TRUST
FOR THE LIFE AND WORK OF FRITZ
GRÜNBAUM 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-00346

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

Case No. 1:23-cv-02108

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

NOTICE OF CROSS-MOTION

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

Plaintiffs,

– against –

THE ART INSTITUTE OF CHICAGO,

Defendant,

An Artwork *RUSSIAN PRISONER OF WAR*
(1916) by the Artist Egon Schiele,

Defendant-in-rem.

Case No. 1:23-cv-02443

[rel. 23-cv-00346; 23-cv-02108; 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
GRÜNBAUM and MILOS VAVRA,

Plaintiffs,

– against –

THE SANTA BARBARA MUSEUM OF ART,

Defendant,

An Artwork *PORTRAIT OF THE ARTIST'S
WIFE*
(1915) by the Artist Egon Schiele,

Defendant-in-rem.

Case No. 1:23-cv-3009

[rel. 23-cv-00346; 23-cv-02108; 23-cv-2443;
22-cv-10625]

PLEASE TAKE NOTICE that upon the annexed Declaration of Claudia G. Jaffe dated June 29, 2023 and the exhibits annexed thereto, the Declaration of Herbert Gruber dated June 28, 2023 and the exhibits annexed thereto, the accompanying memorandum of law, and all prior pleadings and proceedings had herein, Plaintiffs Timothy Reif and David Fraenkel, as Co-Trustees

of the Leon Fischer Trust for the Life and Work of Fritz Grünbaum and Milos Vavra, hereby cross-move this Court before the Honorable John G. Koeltl, United States District Judge, United States District Court for the Southern District of New York, for an order denying Defendants' motions to dismiss, converting the motions to dismiss to summary judgment on the Grünbaum Heirs' declaration of title and conversion claims pursuant to Rules 12(d) and 56 of the Federal Rules of Civil Procedure and granting the Grünbaum Heirs' judgment declaring the Grünbaum Heirs hold title to the Egon Schiele artworks *Portrait of a Man* (1917), *Girl With Black Hair* (1911), *Russian Prisoner of War* (1916) and *Portrait of the Artist's Wife* (1915) (collectively, "the Artworks"), determining that the Museums converted the Artworks by wrongfully refusing to return the Artworks as of December 15, 2022, together with an order pursuant 28 U.S.C. 1651 and 2201-02 directing that the Artworks be returned to the Grünbaum Heirs, care of Dunnington Bartholow & Miller LLP at Gander & White, Attention James Samartzis, 45-11 33rd Street, Long Island City, New York 11101, along with an award of costs and prejudgment interest running from December 15, 2022, and granting Plaintiffs such other and further relief as this Court deems just and equitable.

Dated: New York, New York
June 29, 2023

Respectfully submitted,

**DUNNINGTON BARTHOLOW & MILLER
LLP**

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