



Berlin, July 12, 2019

Guelph Treasure Restitution Lawsuit Update

The Stiftung Preussischer Kulturbesitz will appeal to the U.S. Supreme Court to dismiss a lawsuit seeking restitution of the Welfenschatz (Guelph Treasure) on the grounds that American courts lack jurisdiction over the case.

In February 2015 a lawsuit was filed in the U.S. District Court for the District of Columbia in Washington, D.C., for the restitution of the Guelph Treasure (*Philipp and Stiebel vs. Federal Republic of Germany and Stiftung Preussischer Kulturbesitz*).

SPK believes that this case should not be heard in a U.S. court and therefore requested that it be dismissed for lack of jurisdiction. Following denials of SPK's *motion to dismiss* by the District Court and the U.S. Court of Appeals for the District of Columbia Circuit, SPK filed a *motion to stay* with the Appeals Court on June 24 asking it not to pursue the case while SPK prepares to ask the U.S. Supreme Court to declare the complaint inadmissible. Unlike in comparable legal situations under German law, a request to the U.S. Supreme Court for a decision on admissibility of a case does not automatically suspend the case from going forward.

The U.S. Appeals Court rejected SPK's motion to stay yesterday. It is expected that the District Court will soon begin the process of *discovery* (the evidence-gathering phase of a case) ahead of the trial phase of this case, in which the court would begin to consider the merits of the case. At the same time, SPK, as previously announced, is preparing a request to the U.S. Supreme Court that it review the jurisdiction question at the foundation of this case.

Hermann Parzinger, President of the SPK: "We regret that the Appeals Court did not grant our request to wait for the Supreme Court to first decide whether it will address the foundational question of whether an American court has jurisdiction to hear the case at all. The SPK was and is of the opinion that this case should not be heard in a U.S. court, and remains convinced that the lawsuit is without merit, as the sale of the Welfenschatz in 1935 was not a Nazi forced sale."

The Stiftung Preussischer Kulturbesitz is firmly committed to fair and just solutions in the restitution of Nazi confiscated art. Since 1999, SPK has processed more than 50 requests for restitution and returned around 350 works of art and 2,000 books to their rightful owners. They include a

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INGOLF KERN
BIRGIT JÖBSTL

Von-der-Heydt-Straße 16–18
10785 Berlin

Telefon: +49 30 266-41 14 40
Telefax: +49 30 266-41 28 21

pressestelle@hv.spk-berlin.de
www.preussischer-kulturbesitz.de

Contact for U.S. Media Inquiries to SPK:

ANDREW FRANK

Phone: +1 212 333-0275

E-Mail: adf@karvcommunications.com

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drawing by Vincent van Gogh, works by Munch, and The Watzmann, a painting by Caspar David Friedrich.

SPK is represented in this matter in the United States by the law firm of Wiggin and Dana.

Further information about the Guelph Treasure and a detailed historical review of the sale in 1935 are available at:

<http://www.preussischer-kulturbesitz.de/en/newsroom/dossiers-and-news/all-dossiers/dossier-the-guelph-treasure.html>

More on the implementation of the Washington Principles:

<http://www.preussischer-kulturbesitz.de/en/newsroom/dossiers-and-news/all-dossiers/restituted.html>

About SPK

With its museums, libraries, archives and research institutes, the *Stiftung Preußischer Kulturbesitz* (Prussian Cultural Heritage Foundation) is one of the most important cultural institutions in the world. Its outstanding collections include all areas of cultural tradition: from archaeological and ethnological objects by way of the visual arts to literature and music. They are the basis of intense scholarly and educational work. The combination of art and culture, with science and research, is an unmistakable feature of the Foundation. The Foundation was established in 1957 by federal law as a foundation directly responsible to the German government. It is financed by the German federal government – from the budget of the commissioner for culture and the media – and Germany's sixteen states.