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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2013 MAR 15 A 10:54

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

IN RE:

"PAYSAGE BORDS DE SEINE,"
1879 UNSIGNED OIL PAINTING ON LINEN
BY PIERRE-AUGUSTE RENOIR.

Civil Case No. 1:13CV 347-LMB/TRJ

UNITED STATES OF AMERICA,

Plaintiff,

v.

BALTIMORE MUSEUM OF ART,
FIREMAN'S FUND INSURANCE COMPANY,
AMALIE ADLER ASCHER
AKA AMALIE C. ADLER,
HEIRS OF HERBERT L. MAY,
MARCIA "MARTHA" FUQUA,
THE POTOMACK COMPANY,

Potential Claimants.

COMPLAINT FOR INTERPLEADER AND INJUNCTIVE RELIEF

Plaintiff, United States of America, by and through undersigned counsel, Neil H. MacBride, United States Attorney for the Eastern District of Virginia, and Karen L. Taylor, Assistant United States Attorney, brings this complaint for interpleader and injunctive relief, pursuant to Rule 22 of the Federal Rules of Civil Procedure and Title 28, United States Code, Sections 1335 and 2361, and states as follows:

1. This Court has original jurisdiction over this civil action of interpleader pursuant to 28 U.S.C. § 1335(a);
2. Venue over this civil adversary proceeding is proper in this District pursuant to 28 U.S.C. § 1397 because at least one of the potential claimants resides within the Eastern District of Virginia;
3. Plaintiff is the United States of America;
4. The Property is in the possession of the United States. It is an 1879 unsigned oil painting on linen titled "Paysage Bords de Seine" by Pierre-Auguste Renoir, the renowned French Impressionist artist, that was seized by the Federal Bureau of Investigation on October 2, 2012, pursuant to the execution of a civil seizure warrant issued by this Court.¹ The Property is currently in the custody of the FBI, Northern Virginia Field Office located in Manassas, Virginia;
5. The Property has been authenticated and was appraised on November 12, 2012, as having a fair market value of \$22,000. *See* Attachment A, Appraisal Report of Ted Cooper, Director, Adams Davidson Galleries;
6. Currently known adverse Potential Claimants are:
 - (a) Baltimore Museum of Art, located in Baltimore, Maryland, is the art institute from which the Property was reported stolen in November 1951 while on display in the Collection of Sadie A. May. *See* above-referenced Attachment A;
 - (b) Fireman's Fund Insurance Company, a company of Allianz, with its principal place of business in Novato, California, insured the Property, and paid the Museum \$2,500 for its loss in March 1952, but a copy of the Museum's

¹ 1:12SW796

insurance policy cannot be found and it is unknown if a provision for the recovery of stolen art was included in said policy. *See* Attachment B, Claim of Ownership of Fireman's Fund with Cash Receipt Ledger dated March 13, 1952, and City of Baltimore Police Department Complaint Report dated November 17, 1951.

- (c) Amalie Adler Ascher aka Amalie C. Adler, great niece of Sadie A. May, resides in Towson, Maryland, and inherited any "paintings" and other objects of art bequeathed by Sadie A. May upon her death in May 1951 to the Baltimore Museum of Art that the Museum chose not to accept. *See* above-referenced Attachment A.
- (d) Heirs of Herbert L. May (undetermined to date), who purchased the Property from an art gallery in Paris, France in 1925 as it is unknown how or if Sadie A. May, his ex-wife, acquired an ownership interest in the Property. *See* above-referenced Attachment A.
- (e) Marcia "Martha" Fuqua, a resident of Lovettsville, Virginia, alleges that she purchased the Property for \$7 at a flea market near Harper's Ferry, West Virginia in 2009. *See* Attachment C ; and
- (f) The Potomack Company, located in Alexandria, Virginia, is the art auction gallery from which the Property was seized.

7. By reason of these multiple Potential Claimants with diverse citizenship and with claims that are adverse to and independent of one another, the Plaintiff is in great doubt as to which Claimant may be entitled to the Property; and

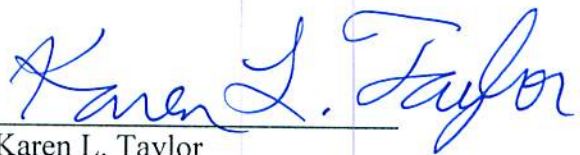
8. Further, the Government is unable to deposit the Property into this Court's registry in accordance with 28 U.S.C. § 1335(a)(2) because the registry does not have an appropriate storage facility.

WHEREFORE, the United States of America prays that this Court enter an order to permit the Government to retain custody of the Property, "Paysage Bords de Seine," pending judgment of the Court resolving this civil action; restrain each Potential Claimant from instituting any action against the Plaintiff for recovery of the interplead Property; discharge the Plaintiff from all liability in connection with the interplead Property, except for maintaining the Property during pendency of this proceeding; and dismiss the United States from this adversary proceeding. Further, the United States of America prays that it recovers its costs in this proceeding, and for such other and further relief as is just and proper.

Respectfully submitted,

Neil H. MacBride
United States Attorney

By:



Karen L. Taylor
Assistant United States Attorney
Attorney for the United States
United States Attorney's Office
Justin W. Williams U.S. Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Phone: 703-299-3700
Fax: 703-299-3982
Email: Karen.Taylor@usdoj.gov

REDACTED

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of March 2013 I served the foregoing Complaint for Interpleader and Dismissal of the United States upon the potential claimants to this proceeding by causing true and correct copies thereof to be sent via United States Postal Service, certified mail, return receipt requested to the following:

Marla J. Diaz, Esq.
Whiteford Taylor & Preston, LLP
3190 Fairview Park Drive, Suite 300
Falls Church, VA 22042
Counsel for the Baltimore Museum of Art

The Potomack Company
c/o Elizabeth Wainstein
1120 N. Fairfax Drive
Alexandria, VA 22314
Art Auction Gallery

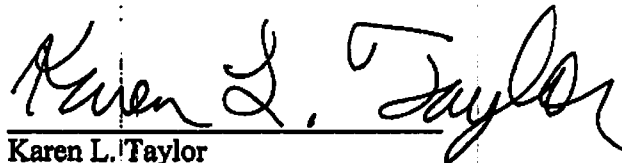
Ryan Russell, Esq.
Fireman's Fund
777 San Marin Drive
Novato, CA 94998
Counsel for the Fireman's Fund

Justin L. Watson, Esq.
Dycio & Biggs
10533 Main Street
Fairfax, VA 22030
Counsel for Martha Fuqua

I hereby certify the following potential claimant will be personally served a true and correct copy of the foregoing Complaint for Interpleader and Dismissal of the United States by an agent of the FBI on or before the 25th day of March 2013:

Amalie Adler Ascher aka Amalie C. Adler

Towson, MD 21286
Great-Niece of Sadie A May



Karen L. Taylor
Assistant United States Attorney
Attorney for the United States of America
United States Attorney's Office
Justin W. Williams U.S. Attorney Building
2100 Jamieson Avenue
Alexandria, VA 22314
Phone: 703-299-3700
Fax: 703-299-3982
Email: Karen.Taylor2@usdoj.gov