

LITIGATING CROSS-BORDER CONTRACTS: AN ART MARKET PERSPECTIVE

Scenario:

In 1826, Goya gave a painting to his then girlfriend and old age companion Leocadia Weiss. The couple lived in Rome for five years prior to the Goya's death (1826). The painting was shipped to Rome by Leocadia and was consigned on a long-term loan basis to a State museum after Goya's passing. The loan was renewed after Leocadia passed away (1854) and remained in the Museum's custody. In 1975 the painting was stolen from the gallery.

In 2024, the painting was found by an elderly couple in the attic of their house in Bordeaux. Apparently, the painting was acquired in the antiquarian market in Paris by the grandfather of the husband. The couple consigned the painting to an international auctioneer in London. After some analysis and research, the painting was attributed to Leocadia and not to Goya.

As no report had been filed with the police, Interpol, ALR, database of the Carabinieri, the painting was offered at auction in London.

The great-great-granddaughter of Leocadia, an Italian national living in Rome through her lawyer sent a letter to the auction company challenging the attribution and claiming the restitution of the painting

Anne-Sophie Nardon in Bordeaux, acting for the French couple.

Giuseppe Calabi in Rome, acting for Clara

Mark Stiebel in London, acting for the auction house