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13 Attorneys for Plaintiffs  
14 JEWISH FEDERATION-COUNCIL  
OF GREATER LOS ANGELES and  
15 DANIEL TODD GRYCZMAN

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF LOS ANGELES

18 JEWISH FEDERATION-COUNCIL OF GREATER  
LOS ANGELES, a California nonprofit public  
19 benefit corporation; and  
20 DANIEL TODD GRYCZMAN, an individual;

21 Plaintiffs,

22 v.

23 NORTON SIMON MUSEUM OF ART AT  
PASADENA, a California nonprofit public benefit  
24 corporation;  
NORTON SIMON ART FOUNDATION, a  
25 California nonprofit public benefit corporation;  
THE NORTON SIMON FOUNDATION, a  
26 California nonprofit public benefit corporation; and  
DOES 1-9, inclusive,  
27

28 Defendants.

Case No. **26STCV29134**

**COMPLAINT FOR:**

1. Recovery of Artwork Under California  
Code of Civil Procedure Section 338.2

**Demand for Jury Trial**

1 Plaintiffs Jewish Federation-Council of Greater Los Angeles and Daniel Todd Gryczman, by  
2 their attorneys, for their Complaint against Defendants, allege as follows:

### 3 **NATURE OF THE ACTION**

4 1. This is an action to recover the diptych *Adam* and *Eve*, a pair of life-sized oil paintings  
5 on wood panels by the sixteenth-century German artist Lucas Cranach the Elder (hereinafter referred  
6 to as the “Cranachs”). The Cranachs were stolen by the Nazis from *Kunsthandel J. Goudstikker N.V.*,  
7 an art dealership owned by the noted Jewish collector and dealer, Jacques Goudstikker, during the  
8 Nazi occupation of the Netherlands in 1940. The Cranachs are currently in the possession, custody,  
9 and control of Defendants in the State of California and within the County of Los Angeles.

10 2. Plaintiffs’ predecessor-in-interest sought to recover the Cranachs in an action in the  
11 United States District Court for the Central District of California but lost on procedural grounds (act  
12 of state doctrine) in 2018. Plaintiffs are bringing the instant action pursuant to Section 338.2 of the  
13 California Code of Civil Procedure, enacted in 2024. Section 338.2(a) created a new cause of action  
14 “for damages, other financial recovery, title, recovery, or ownership, of artwork or other personal  
15 property that was taken or otherwise lost as a result of political persecution.” Cal. Civ. Proc. Code §  
16 338.2(a) (2026).<sup>1</sup> Section 338.2(g) makes clear that claimants like Plaintiffs’ predecessor-in-interest,  
17 whose claims to recover personal property stolen due to political persecution were dismissed on  
18 procedural grounds, may bring an action under Section 338.2(a) to recover that property within two  
19 years of Section 338.2’s effective date. Because Plaintiffs are the assignees of the predecessor-in-  
20 interest’s rights, title, and interest to the Cranachs, the right to bring this action under Section 338.2(g)  
21 now belongs to Plaintiffs.

### 22 **THE PARTIES**

23 3. Plaintiff Jewish Federation-Council of Greater Los Angeles (the “Federation”) is a  
24 California resident, nonprofit public benefit corporation with its principal place of business in Los  
25 Angeles, California.

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26  
27 <sup>1</sup> “[T]his bill creates a new cause of action that would allow any California resident to seek damages  
28 or to recover artwork or personal property that was stolen or lost as the result of ‘political  
persecution.’” Assemb. Comm. on Judiciary, Analysis of A.B. 2867, as amended Apr. 25, 2024, 2023-  
2024 Leg., Reg. Sess., at 1 (Cal. 2024).

1           4.       Plaintiff Daniel Todd Gryczman (“Gryczman”) is an individual residing in Los  
2 Angeles, California. He is Chair of the Federation but brings this action in his individual capacity.

3           5.       Plaintiffs are assignees of Marei von Saher, the sole surviving heir of Jacques  
4 Goudstikker through his widow, Désirée Goudstikker-von Halban, and their son, Edward. Marei,  
5 Edward’s widow, is the successor to the Goudstikker family’s interest in *Kunsthandel J. Goudstikker*  
6 *N.V.* On September 14, 2026, Marei assigned to Gryczman and the Federation any and all of her rights  
7 to the Cranachs, including, but not limited to, rights to damages or other restitution with respect to,  
8 title to, recovery of, interest in, or ownership of, or in any way related to the Cranachs, including all  
9 rights to bring suit therefor, to collect and receive any of same and to enter into any settlements for  
10 same.

11           6.       Defendant Norton Simon Museum of Art at Pasadena (“Norton Simon Museum”),  
12 located in Pasadena, California, is and at all relevant times was a public benefit corporation organized  
13 and operated under the laws of the State of California as an art museum open to the public, with its  
14 principal place of business located on the museum premises at 411 West Colorado Boulevard,  
15 Pasadena, California.

16           7.       Defendant Norton Simon Art Foundation is and at all relevant times was a public  
17 benefit corporation organized and operated under the laws of the State of California, with its principal  
18 place of business located at 385 East Colorado Boulevard, Suite 240, Pasadena, California.

19           8.       Defendant The Norton Simon Foundation is and at all relevant times was a public  
20 benefit corporation organized and operated under the laws of the State of California, with its principal  
21 place of business located at 385 East Colorado Boulevard, Suite 240, Pasadena, California.

22           9.       Plaintiffs are ignorant of the true names and capacities, whether individual, corporate,  
23 associate, or otherwise, of Defendants sued herein as DOES 1 through 9, inclusive, and therefore sue  
24 these Defendants by fictitious names. To the extent that any person or entity other than the named  
25 Defendants has acquired, holds, possesses, controls, or claims any right, title, interest, or lien in or to  
26 the Cranachs—including, but not limited to, as a transferee, purchaser, consignee, pledgee, lender,  
27 borrower, bailee, custodian, successor-in-interest, or assignee of any Defendant—or is otherwise  
28 responsible for the acts, omissions, or injuries alleged herein, Plaintiffs sue such person or entity by

1 one of the said fictitious names. Plaintiffs will amend this Complaint to allege the true names and  
2 capacities of DOES 1 through 9, inclusive, if and when they are ascertained.

### 3 **JURISDICTION AND VENUE**

4 10. This Court has subject matter jurisdiction over this matter pursuant to Article VI,  
5 Section 10 of the California Constitution.

6 11. Venue is proper in this Court pursuant to the California Code of Civil Procedure,  
7 including, without limitation, Section 395.5 thereof.

### 8 **FACTUAL ALLEGATIONS**

#### 9 **The Cranachs' Early History and Acquisition by Jacques Goudstikker**

10 12. Lucas Cranach the Elder (1472-1553), a prominent German Renaissance painter and  
11 printmaker, painted the Cranachs in or about 1530. Each of the two wood panels measures  
12 approximately 74 x 27 inches in size.

13 13. In the 1920s, the Cranachs were moved from the Church of the Holy Trinity in Kiev to  
14 the repositories of one state-owned Kiev museum and later another.

15 14. Beginning in or about 1929, Soviet authorities arranged to sell certain state-owned  
16 artworks abroad, including those that had been housed in various state-owned museums (like the  
17 Cranachs) as well as artworks formerly in the collection of the Stroganoff family, a Russian noble  
18 family. Although sold together with artworks formerly in the Stroganoff family's collection, the  
19 Cranachs were not at the time and had never been part of the Stroganoff family's collection.

20 15. As part of the effort to sell certain state-owned artwork abroad, Soviet authorities held  
21 an auction of state-owned artworks at Rudolph Lepke's Kunst-Auctions-Haus (the "Lepke Auction  
22 House") in Berlin, Germany, in May 1931. The auction was titled simply the "Stroganoff Collection,"  
23 even though not all of the artworks offered for sale had been part of the Stroganoff family's collection.  
24 As an essay that accompanied the auction catalog explained, a number of works that had never been  
25 owned by the Stroganoffs were included in the auction. The Cranachs were explicitly identified in the  
26 essay as having derived from the Church of the Holy Trinity in Kiev, not the Stroganoff family's  
27 collection.

28 16. On or about May 12, 1931, Jacques Goudstikker ("Jacques") purchased the Cranachs

1 at the Lepke Auction House auction.

2 17. One of the most prominent and important Old Masters art dealers in the Netherlands,  
3 Jacques was the principal shareholder and sole managing director of *Kunsthandel J. Goudstikker N.V.*  
4 (the “Goudstikker Gallery” or the “Gallery”), a world-renowned art dealership incorporated in  
5 Amsterdam, the Netherlands, in 1931.

6 **Nazi Confiscation of the Cranachs**

7 18. On May 10, 1940, Nazi troops invaded the Netherlands.

8 19. Because they were Jewish, and prominent Jews at that (Jacques’s wife Désirée  
9 Goudstikker-von Halban (“Dési”) was a renowned opera singer), the Goudstikkens were forced to flee  
10 for their lives. On or about May 14, 1940, Jacques, Dési, and their one-year-old son Edward (“Edo”)  
11 escaped the Netherlands by boat with only a few personal effects, leaving everything else behind,  
12 including the Gallery and all of its assets. These assets included over 1,300 artworks (the “Goudstikker  
13 Collection”).

14 20. On May 16, 1940, just days into their journey, Jacques lost his life in a shipboard  
15 accident.

16 21. At the time of his death, Jacques had in his possession a black notebook, which has  
17 come to be known by art historians and experts around the world as the “Blackbook.” The Blackbook  
18 contained entries describing artworks in the Goudstikker Collection at that time. The Blackbook listed  
19 the Cranachs as numbers 2721 and 2722 and indicated that they had been purchased at the Lepke  
20 Auction House and were originally from the Church of the Holy Trinity in Kiev.

21 22. When Jacques died, Dési retrieved the Blackbook. It is currently located in the  
22 Goudstikker archives, which are maintained by the Municipal Archives of Amsterdam.

23 23. Upon Jacques’s death, Dési and Edo inherited Jacques’s shares in the Gallery.

24 24. After the family was forced to flee, the Gallery was left without management, and  
25 Jacques had not designated anyone in the Netherlands with power of attorney.

26 25. In June 1940, Nazi Reichsmarschall Hermann Göring—Adolf Hitler’s second-in-  
27 command—looted paintings, drawings, antiquities, and other works of art, including the Cranachs,  
28 from the Goudstikker Collection—loading hundreds of the most valuable artworks in the Goudstikker

1 Collection, including the Cranachs, on trucks, and transporting them to Germany. At the end of July  
2 1940, the remaining works selected by Göring were transported to Germany. In total, Göring looted  
3 over 800 artworks from the Goudstikker Collection (the “Göring Theft”). He displayed the artworks  
4 in his several residences.

5 26. Göring, together with his henchman Aloïs Miedl, a German banker and businessman  
6 living in the Netherlands, looted the Gallery in typical Nazi fashion: stealing property and then  
7 attempting to give the theft a veneer of legality by papering agreements after the fact. To that end,  
8 Jacques’s mother, who had remained in Amsterdam, was “persuaded” to vote her minority block  
9 (15%) of shares in the Gallery to approve the so-called “sales” of its assets to Göring and Miedl at a  
10 fraction of their value. To “persuade” her, Göring’s representatives threatened that her property and  
11 her son’s property would be confiscated if she did not cooperate, but that cooperating would secure  
12 her protection.

13 27. Dési, who together with her minor son Edo had inherited the majority of shares in the  
14 Gallery upon Jacques’s death, refused to consent to the proposed so-called “sales” when contacted  
15 about them by her husband’s former employees. As the Gallery’s majority shareholder, however, Dési  
16 was the only person with authority to consent to the so-called “sales.”

17 28. Miedl, for his part, “Aryanized” the Jewish Gallery, taking over its management in June  
18 1940. In October 1940, he began operating his own art dealership, *Kunsthandel voorheen J.*  
19 *Goudstikker N.V.*, out of the Gallery, using its remaining stock, its former employees, its infrastructure,  
20 and the goodwill of the Goudstikker name to do so. This, too, was papered over via a so-called “sale”  
21 to Miedl, which purported to cover all of the Gallery’s remaining assets, artworks, and goods, as well  
22 as the family’s villa and castle (the “Miedl Theft”).

23 29. At no time during World War II (the “War”) did either Dési or Edo receive the proceeds  
24 of either of the so-called “sales.”

25 30. In a letter dated November 9, 1944, the Dutch government in exile in London advised  
26 Dési that after liberation, one of its primary concerns would be to restore looted works of art to their  
27 owners. The Dutch government consequently asked Dési for information regarding the contents of the  
28 Goudstikker Collection. Dési presented to the Dutch government a photocopy of the Blackbook so

1 that the Dutch government could identify artworks from the Goudstikker Collection among the art that  
2 had been looted by the Nazis.

3 31. In or about May 1945, the Allied Forces discovered Göring's collection of artworks  
4 and sent them to the Munich Central Collecting Point, where the artworks that had been part of the  
5 Goudstikker Collection, including the Cranachs, were identified.

6 32. In or about 1946, in accordance with Allied policy, the Allied Forces handed the  
7 artworks from the Goudstikker Collection to the Dutch government.

### 8 **The Family's Post-War Restitution Claims**

9 33. During and after the War, the Dutch government created systems of restitution and  
10 reparations for losses incurred by its citizens at the hands of the Nazis.

11 34. In 1946, Dési returned to the Netherlands intending to seek restitution of her family's  
12 and the Gallery's property. Despite her correspondence with the Dutch government in exile, she was  
13 met with hostility and confronted a "restitution" regime that made it difficult for Jews like her to  
14 recover their property.

15 35. In light of onerous conditions imposed by the Dutch government, Dési was in a position  
16 to file a restitution claim *only* for the return of the property stolen in the Miedl Theft, which included  
17 what had been her home with Jacques. Dési was not in a position to also file a claim for the return of  
18 the property stolen in the Göring Theft.

19 36. In August 1952, Dési entered into a settlement agreement with the Dutch government  
20 covering only the property stolen by Miedl.

21 37. The 1952 settlement of Dési's Miedl Theft claim expressly stated that she was entering  
22 into the settlement agreement because of, among other things, her frustration with the Dutch  
23 government's post-War restitution process and her dissatisfaction with the fact that the Dutch  
24 government would not compensate her for the extraordinary losses that the Goudstikker family  
25 suffered at the hands of the Nazis.

26 38. This settlement did not cover any of the works stolen in the Göring Theft, including the  
27 Cranachs. The Dutch government kept the Göring-looted works, including the Cranachs, in the Dutch  
28 National Collection.

1           39.     The fact that Dési did not pursue a claim with respect to the Göring Theft within the  
2 Dutch post-War restitution framework did not diminish or impact the Gallery's, and thereby Dési's,  
3 title to the Cranachs under California law.

4                     **Transfer of the Cranachs to Stroganoff and to Defendants**

5           40.     In 1961, George Stroganoff-Scherbatoff (hereinafter George Stroganoff), a member of  
6 the Russian noble family, *see supra* ¶ 14, wrongfully claimed the Cranachs from the Dutch  
7 government, asserting that the paintings belonged to his family.

8           41.     In July 1966, even though the Cranachs belonged to the Goudstikker heirs and were  
9 never part of the Stroganoff family's collection, the Dutch government wrongfully delivered the  
10 Cranachs to George Stroganoff as part of a sale transaction.

11          42.     On information and belief, the Dutch government gave no notice of such transfer—or  
12 George Stroganoff's claim to the Cranachs, for that matter—to Dési or Edo (by then approximately  
13 27 years old).

14          43.     On January 13, 1971, Defendants purchased the Cranachs from George Stroganoff for  
15 \$800,000.

16          44.     After learning on or about October 25, 2000 that the Cranachs had been acquired by  
17 Defendants, Marei made a demand on Defendants to return them to her, as Jacques's heir and holder  
18 of title to the Cranachs. Defendants refused to return them.

19          45.     Since that time, Defendants have wrongfully retained possession of the stolen  
20 Cranachs, and the paintings are on public display at the Norton Simon Museum in Pasadena,  
21 California.

22                     **The Family's More Recent Restitution Proceedings in the Netherlands**

23          46.     Edo (Jacques and Dési's son) married Marei von Saher in October 1972. Dési died in  
24 February 1996, leaving all of her assets to Edo. A few months later, in July 1996, Edo passed away as  
25 well, leaving all of his assets to Marei, who thereby became Jacques's sole surviving heir.

26          47.     In 1997, the State Secretary of the Dutch Ministry of Education, Culture and Science  
27 (the "State Secretary") announced that an investigation into the provenance of artworks recovered in  
28 Germany and handed over to the Netherlands after the War was underway, and that the Dutch

1 government would entertain claims for art that the Dutch government had not restituted after the War  
2 and which remained in its custody.

3 48. In January 1998, believing that many of the Gallery's stolen artworks remained in the  
4 Dutch government's custody, Marei filed a claim with the State Secretary seeking to recover the  
5 artworks from the Goudstikker Collection in the Dutch government's custody. Marei did not know at  
6 the time that the Cranachs were no longer in the Dutch government's custody.

7 49. The State Secretary rejected the claim in March 1998 on the basis that Dési had  
8 deliberately chosen not to submit a request for restoration of rights as to the Göring Theft under the  
9 Dutch post-War restitution regime.

10 50. Marei then appealed the State Secretary's decision to the Hague Court of Appeal. On  
11 December 16, 1999, the Court of Appeal declined to hear the appeal on technical grounds, including  
12 that the time to bring such claims under the Dutch government's post-War restitution regime expired  
13 in 1951.

14 51. In 2001, the Dutch government announced a new policy for handling restitution claims  
15 for recovered stolen artworks, adopting "a more policy-oriented approach" to the restitution issue "in  
16 which priority is given to moral rather than strictly legal arguments." In connection with this new  
17 policy, the Dutch government established the Advisory Committee on the Assessment of Restitution  
18 Applications for Items of Cultural Value and the Second World War (the "Restitutions Committee")  
19 to evaluate and take action on such restitution claims.

20 52. In 2004, Marei submitted a restitution claim to the Restitutions Committee under the  
21 new policy, seeking the return of all Goudstikker Collection artworks remaining in the Dutch  
22 government's custody. The Restitutions Committee recommended that artwork from the Göring Theft  
23 still in the Dutch government's custody be returned to the Gallery.

24 53. In 2006, the State Secretary accepted the Restitutions Committee's recommendation to  
25 restitute the art to the Gallery due to "the facts and circumstances surrounding the involuntary loss of  
26 property and the manner in which the matter was dealt with in the early Fifties."

27 54. Over 200 works of art in the custody of the Dutch government were accordingly  
28 returned to Marei pursuant to the State Secretary's decision. The Cranachs, however, were not returned

1 to Marei because they were no longer in the custody of the Dutch government; instead, they were on  
2 the walls of Defendants' museum in California.

3 **Marei's Federal Action, Its Dismissal, and Subsequent Legislative Developments**

4 55. On May 1, 2007, Marei commenced an action against Defendants in the United States  
5 District Court for the Central District of California, Case No. 2:07-cv-02866, seeking to recover the  
6 Cranachs and asserting state-law claims for replevin, conversion, damages under California Penal  
7 Code Section 496, quiet title, and declaratory relief (the "Federal Action").

8 56. Marei filed the Federal Action roughly seventeen years before California enacted  
9 Assembly Bill 2867 ("A.B. 2867") in 2024, which added Section 338.2 to the California Code of Civil  
10 Procedure.

11 57. The Federal Action wove its way through the federal court system for approximately  
12 twelve years, including multiple dismissals, appeals, remands, cross-motions for summary judgment,  
13 and denials of certiorari by the U.S. Supreme Court.

14 58. In 2018, the Ninth Circuit affirmed summary judgment against Marei on the ground  
15 that the act of state doctrine precluded the court from considering her theory of the case. *See Von Saher*  
16 *v. Norton Simon Museum of Art at Pasadena*, 897 F.3d 1141, 1143 (9th Cir. 2018) ("Because the act  
17 of state doctrine deems valid the Dutch government's conveyance to Stroganoff, the Museum has good  
18 title. Holding otherwise would require us to nullify three official acts of the Dutch government—a  
19 result the [act of state] doctrine was designed to avoid.").

20 59. Subsequently, in 2024, California passed A.B. 2867, 2023-2024 Reg. Sess. (Cal. 2024),  
21 which, among other things, added Section 338.2 to the California Code of Civil Procedure. Section  
22 338.2 created a new cause of action for California residents (or their heirs, trustees, assignees, or  
23 representatives of their estate) to sue to "recover artwork or other personal property that was taken or  
24 otherwise lost as a result of political persecution." Cal. Civ. Proc. Code § 338.2(a) (2026). Section  
25 338.2(e) provides that California substantive law applies to all such actions, and Section 338.2(g)  
26 explicitly permits claimants whose previous claims to recover such personal property were dismissed  
27 on procedural grounds, including subject matter jurisdiction, to bring new claims for recovery under  
28 the statute as long as such new litigation is filed within two years of the statute's effective date

1 (September 16, 2024).

2 60. Section 338.2 further provides that in actions brought pursuant to it, where covered  
3 artwork “is taken or lost as a result of political persecution, clear title is not conveyed to any subsequent  
4 purchaser or owner” and “[d]efenses that the defendant acquired the title in good faith, by acquisitive  
5 prescription, or by adverse possession, and the defense of laches do not apply[.]” *Id.* § 338.2(f).

6 61. In enacting A.B. 2867, the California Legislature explained, “[t]his law effectuates  
7 California’s established laws and public policies against theft and trafficking in stolen property;  
8 precluding a thief from passing good title to any subsequent purchaser of stolen property; [and]  
9 protecting the rights of true owners to recover stolen artwork and other items of cultural property . . .  
10 This law aligns California law with federal laws, federal policies, and international agreements  
11 prohibiting pillage and seizure of works of art and cultural property and calling for restitution of seized  
12 property, as embodied in the Hague Convention of 1907 (and 1899), the UNESCO 1970 Convention[.]  
13 . . . the National Stolen Property Act of 1934, the Holocaust Victims Redress Act, the Holocaust  
14 Expropriated Art Recovery Act of 2016, and related federal executive branch policies and international  
15 agreements.” A.B. 2867 § 1(k), 2023-2024 Reg. Sess. (Cal. 2024).

16 62. Subsequent federal legislation, the Holocaust Expropriated Art Recovery (HEAR) Act  
17 of 2025, eliminated the act of state doctrine as a defense in actions to recover artwork and other  
18 property lost between 1933 and 1945 because of Nazi persecution that are timely under the Act.  
19 Holocaust Expropriated Art Recovery Act of 2025, Pub. L. No. 119-82, sec. 2(a)(3)(G), § 5(f)(2), 140  
20 Stat. 752, 753 (2026).

21 **FIRST CAUSE OF ACTION**

22 **Against All Defendants**

23 **(For Recovery of Artwork Under California Code of Civil Procedure Section 338.2)**

24 63. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through  
25 62 as if set forth fully herein.

26 64. The Cranachs are “artwork” within the meaning of California Code of Civil Procedure  
27 Section 338.2(d)(1)(A) because they are paintings.

28 65. The Cranachs were unlawfully taken or stolen as a result of “political persecution”

1 within the meaning of Section 338.2(d)(2). The Cranachs were stolen from the Goudstikker Gallery  
2 by Nazi Reichsmarschall Hermann Göring during the Nazi occupation of the Netherlands. The  
3 Goudstikker family was targeted for persecution based on its Jewish identity—a protected class under  
4 California’s Unruh Civil Rights Act, *see* Cal. Civ. Code § 51(b), (e)(4), (e)(5), (e)(7) (2026).

5         66. Under California law, the transfer of purported title to goods through theft or means  
6 otherwise “against the will of the owner” is void. *Suburban Motors, Inc. v. State Farm Mut. Auto. Ins.*  
7 *Co.*, 268 Cal. Rptr. 16, 19 (Ct. App. 1990); *see also Cassirer v. Thyssen-Bornemisza Collection*  
8 *Found.*, 89 F.4th 1226, 1230-31 (9th Cir. 2024) (“There [wa]s no dispute that the Nazis stole the  
9 Painting from [the Jewish victim]” who was forced to “sell” the painting to a Nazi-appointed art dealer  
10 as a condition of obtaining an exit visa, with the nominal payment deposited into an account she could  
11 not access), *vacated and remanded on other grounds*, 145 S. Ct. 1331 (2025). The theft thus did not  
12 divest the Gallery of title to the Cranachs, and that title subsequently passed to Jacques Goudstikker’s  
13 heirs and, ultimately, to Plaintiffs.

14         67. Under California law, because the Cranachs were taken as a result of political  
15 persecution, clear title to the Cranachs was not conveyed to any party claiming to be a subsequent  
16 purchaser or owner, including the Dutch government, George Stroganoff, or Defendants. *See* Cal. Civ.  
17 Proc. Code § 338.2(f) (2026) (“In an action brought pursuant to this section, where an item specified  
18 in subdivision (d) is taken or lost as a result of political persecution, clear title is not conveyed to any  
19 subsequent purchaser or owner.”); *Naftzger v. Am. Numismatic Soc’y*, 49 Cal. Rptr. 2d 784, 791 (Ct.  
20 App. 1996) (“[A] thief cannot convey valid title to an innocent purchaser of stolen property[.]”).

21         68. Even if the post-theft, so-called “sale” (the Göring Theft) rendered title to the Cranachs  
22 voidable rather than void—which it did not—clear title to the Cranachs was not conveyed to any party  
23 claiming to be a subsequent purchaser or owner, including the Dutch government, George Stroganoff,  
24 or Defendants. *See* Cal. Civ. Proc. Code § 338.2(f) (2026).

25         69. Before California Code of Civil Procedure Section 338.2 was enacted, Marei brought  
26 the Federal Action to recover the Cranachs—personal property stolen due to political persecution—  
27 asserting California common law and statutory claims under then-existing grounds for recovery and  
28 restitution of stolen property. The Ninth Circuit’s disposition rested on the act of state doctrine and

1 thus constitutes a dismissal on a procedural basis within the meaning of Section 338.2(g). *See*  
2 *D’Augusta v. Am. Petroleum Inst.*, 117 F.4th 1094, 1100 (9th Cir. 2024) (explaining that the court  
3 lacked subject matter jurisdiction to adjudicate the claims because “[b]oth the political question and  
4 act of state doctrines present insurmountable bars to [p]laintiffs’ claims”).

5 70. California’s enactment of Section 338.2(a) in 2024, some six years after the Ninth  
6 Circuit’s decision in the Federal Action, created a new cause of action that did not previously exist,  
7 for “damages, other financial recovery, title, recovery, or ownership, of artwork or other personal  
8 property that was taken or otherwise lost as a result of political persecution,” and Section 338.2(g)  
9 authorizes Plaintiffs, as Marei’s assignees, to bring this action within two years after A.B. 2867 took  
10 effect, which occurred on September 16, 2024, *see supra* ¶ 59.

11 71. Plaintiffs, as successors in interest to Marei, have suffered legal injury as a direct and  
12 proximate result of the theft of the Cranachs and Defendants’ subsequent wrongful possession thereof  
13 and failure to return them to Marei. Plaintiffs are informed and believe, and on that basis allege, that  
14 Defendants have also been unjustly enriched by profiting from the possession, exhibition, display,  
15 reproduction, licensing, loan, insurance, and/or transfer of the Cranachs since acquiring them in 1971,  
16 in amounts presently unknown to Plaintiffs and to be established through the accounting sought herein.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs pray for judgment against Defendants, jointly and severally, as  
19 follows:

- 20 1. For a declaration and judgment that Plaintiffs are the sole and rightful holders of title  
21 to the Cranachs, and that clear title to the Cranachs was never conveyed to any party  
22 claiming to be a subsequent purchaser or owner—including the Dutch government,  
23 George Stroganoff, or Defendants—under California law, including California Code  
24 of Civil Procedure Section 338.2(f);
- 25 2. For a writ of possession directing that the Cranachs be delivered to Plaintiffs, and for a  
26 declaration that Defendants hold the Cranachs in constructive trust for Plaintiffs  
27 pending such delivery;
- 28 3. For damages equal to the full fair market value of the Cranachs if their delivery to

1 Plaintiffs cannot be had;

- 2 4. For damages for the wrongful detention, use, and any diminution in value of the  
3 Cranachs during the period of Defendants' wrongful possession thereof, according to  
4 proof;
- 5 5. For disgorgement, restitution, and/or imposition of a constructive trust over all profits,  
6 proceeds, rents, license or loan fees, insurance proceeds, and other monetary benefits  
7 Defendants have obtained or continue to obtain that are attributable to Defendants'  
8 wrongful possession or exploitation of the Cranachs, including through exhibition,  
9 display, reproduction, licensing, loan, insurance, or transfer of the Cranachs, and all  
10 property into which the same may be traced;
- 11 6. For prejudgment interest to the fullest extent permitted by law;
- 12 7. For reasonable attorney's fees and costs under California Code of Civil Procedure  
13 Section 338.2(h);
- 14 8. For such other and further relief as the Court deems just and proper.

15 **DEMAND FOR JURY TRIAL**

16 Plaintiffs hereby demand a jury trial in this action.

17

18 Dated: September 14, 2026

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