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Plaintiffs Respond to Hungary's Meritless Motion to Dismiss in Holocaust Looted Art Case

Hungary Continues to Block Restitution and Undermine Justice for Herzog Heirs

Washington, DC; May 4, 2011 – The Herzog heirs have filed a memorandum of law in opposition to Hungary's motion to dismiss the lawsuit filed against it and its museums and university for artworks looted from the Herzog family during the Holocaust. The Plaintiffs' response highlights Hungary's attempts to avoid a review of the merits of the family's complaint. Although Hungary's motion to dismiss does not dispute the family's claim that it never voluntarily parted with its art collection, Hungary continues to resist restitution and invokes technical roadblocks in an effort to avoid the lawsuit. Those technical arguments are without any merit, according to the family's response.

The Herzog heirs maintain that the U.S. District Court has jurisdiction over their claims and that none of the defendants' other technical arguments warrant dismissal of the complaint. The Plaintiffs' complete response is available here: <http://www.hungarylootedart.com/wp-content/uploads/2011/05/Herzog-Memo-of-Law-Dismissal-Response.pdf>.

Michael Shuster, counsel to the Herzog family, has urged the court to reject Hungary's meritless arguments for dismissal and to permit the family's claims to proceed.

"Hungary does not want to address the merits of this case and instead makes technical arguments," said Shuster. "We are optimistic that the Court will reject Hungary's attempts to portray this case as anything other than what it is: A straightforward attempt to recover property from someone who wrongfully possesses it and refuses to return it."

Shuster pointed out that Hungary agreed with 47 other nations in 2009 at an international conference on Holocaust looted property that claims should be decided on the merits and not on technical grounds such as those it has now raised.

Heirs to the Herzog Collection filed suit in July 2010 to seek the return of artworks illegally held by Hungary since the Holocaust. In their lawsuit, the heirs also demand a full and transparent accounting of looted art from the Herzog Collection held by Hungary. The lawsuit seeks the return of over 40 artworks with a combined value of over \$100 million, including masterworks by El Greco, Francisco de Zurbarán, and Lucas Cranach the Elder. The works come from the collection of Baron Mór Lipót Herzog, a passionate Jewish art collector. Hungary, a World War II-era ally of Nazi Germany, has held the artworks since the genocide of its Jewish population and continues to circumvent justice by refusing to restitute the artworks.

Additional materials, including a copy of the publicly filed complaint and photos of the artwork, are available online at <http://www.hungarylootedart.com/>.

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