

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:09-cv-03706-CM-THK**

Grosz et al v. the Museum of Modern Art et al  
Assigned to: Judge Colleen McMahon  
Referred to: Magistrate Judge Theodore H. Katz  
Cause: 28:1332 Diversity-Property Damage

Date Filed: 04/10/2009  
Date Terminated: 01/11/2010  
Jury Demand: None  
Nature of Suit: 380 Personal Property:  
Other  
Jurisdiction: Diversity

Date Filed	#	Docket Text
02/02/2010	<u>73</u>	REPLY MEMORANDUM OF LAW in Support re: <u>66</u> AMENDED MOTION for Reconsideration re; <u>64</u> MOTION for Reconsideration re; <u>59</u> Order on Motion to Dismiss,,... Document filed by Martin Grosz, Lilian Grosz. (Dowd, Raymond) (Entered: 02/02/2010)
02/01/2010	<u>72</u>	CERTIFICATE OF SERVICE of Declaration Of Louis M. Solomon, Esq., with exhibits and Defendant The Museum of Modern Art's Memorandum of Law in Opposition to Plaintiffs' Motions "to Supplement the Record" and "to Reconsider, Reargue, Leave to Amend the Complaint and for Relief from Judgment". served on David John Rowland, Esq. at Rowland & Petrof on 2/1/2010. Service was made by Electronic Mail. Document filed by The Museum of Modern Art. (Jones, Jennifer) (Entered: 02/01/2010)
02/01/2010	<u>71</u>	DECLARATION of Louis M. Solomon, Esq. in Opposition re: <u>61</u> MOTION to Amend/Correct / <i>Supplement the Record.</i> , <u>66</u> AMENDED MOTION for Reconsideration re; <u>64</u> MOTION for Reconsideration re; <u>59</u> Order on Motion to Dismiss,,... Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Solomon, Louis) (Entered: 02/01/2010)
02/01/2010	<u>70</u>	MEMORANDUM OF LAW in Opposition re: <u>61</u> MOTION to Amend/Correct / <i>Supplement the Record.</i> , <u>66</u> AMENDED MOTION for Reconsideration re; <u>64</u> MOTION for Reconsideration re; <u>59</u> Order on Motion to Dismiss,,... Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 02/01/2010)
01/22/2010	<u>69</u>	ORDER the Museum of Modern Art is granted 10 days to respond in 15 pages or less to the following two issues related to the motions filed by plaintiffs between 1/19 and 21/10 (docket nos. 61, 64 and 66), as further set forth in this document. (Signed by Judge Colleen McMahon on 1/22/10) Copies sent by chambers (cd) (Entered: 01/22/2010)
01/22/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>68</u> Notice of Appeal. (nd) (Entered: 01/22/2010)
01/22/2010		Transmission of Notice of Appeal to the District Judge re: <u>68</u> Notice of Appeal. (nd) (Entered: 01/22/2010)
01/21/2010	<u>68</u>	NOTICE OF APPEAL from <u>58</u> Endorsed Letter, <u>47</u> Endorsed Letter,, <u>59</u> Order on Motion to Dismiss,, <u>60</u> Clerk's Judgment,. Document filed by Martin Grosz, Lilian Grosz. Filing fee \$ 455.00, receipt number E 892398. (nd) (Entered: 01/22/2010)
01/21/2010	<u>66</u>	AMENDED MOTION for Reconsideration re; <u>64</u> MOTION for Reconsideration re; <u>59</u> Order on Motion to Dismiss,,... Document filed by Martin Grosz, Lilian Grosz.(Dowd, Raymond) (Entered: 01/21/2010)
01/20/2010	<u>67</u>	SEALED DOCUMENT placed in vault.(nm) (Entered: 01/21/2010)
01/20/2010	<u>65</u>	MEMORANDUM OF LAW in Support re: <u>64</u> MOTION for Reconsideration re; <u>59</u> Order on Motion to Dismiss,,... Document filed by Martin Grosz, Lilian Grosz. (Attachments: # <u>1</u> Text of Proposed Order PART 1, # <u>2</u> Supplement PART 2, # <u>3</u> Text of Proposed Order PART 3, # <u>4</u> Text of Proposed Order PART 4, # <u>5</u> Text of Proposed

		Order PART 5, # <u>6</u> Text of Proposed Order PART 6, # <u>7</u> Text of Proposed Order PART 7, # <u>8</u> Text of Proposed Order PART 8)(Dowd, Raymond) (Entered: 01/20/2010)
01/20/2010	<u>64</u>	MOTION for Reconsideration re: <u>59</u> Order on Motion to Dismiss,, Document filed by Martin Grosz, Lilian Grosz.(Dowd, Raymond) (Entered: 01/20/2010)
01/19/2010	<u>63</u>	DECLARATION of Raymond J. Dowd in Support re: <u>61</u> MOTION to Amend/Correct / <i>Supplement the Record</i> .. Document filed by Martin Grosz, Lilian Grosz. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Errata E)(Dowd, Raymond) (Entered: 01/19/2010)
01/19/2010	<u>62</u>	MEMORANDUM OF LAW in Support re: <u>61</u> MOTION to Amend/Correct / <i>Supplement the Record</i> .. Document filed by Martin Grosz, Lilian Grosz. (Dowd, Raymond) (Entered: 01/19/2010)
01/19/2010	<u>61</u>	MOTION to Amend/Correct / <i>Supplement the Record</i> . Document filed by Martin Grosz, Lilian Grosz.(Dowd, Raymond) (Entered: 01/19/2010)
01/11/2010	<u>60</u>	CLERK'S JUDGMENT in favor of The Museum of Modern Art against Lilian Grosz, Martin Grosz that defts' motion to dismiss is granted and the case is dismissed. (Signed by J. Michael McMahon, Clerk on 1/11/10) (jf) (Additional attachment(s) added on 1/11/2010: # <u>1</u> notice of right to appeal) (jf). Modified on 1/12/2010 (ml). (Entered: 01/11/2010)
01/06/2010		Transmission to Judgments and Orders Clerk. Transmitted re: <u>59</u> Order on Motion to Dismiss, to the Judgments and Orders Clerk. (jmi) (Entered: 01/07/2010)
01/06/2010	<u>59</u>	DECISION AND ORDER GRANTING DEFENDANT'S MOTION TO DISMISS THE COMPLAINT granting <u>13</u> Motion to Dismiss. The defendant's motion to dismiss is granted. The Clerk of the Court is instructed to remove the motion to dismiss (Docket No. 13) from the Court's outstanding motion list, and to enter judgment for defendant dismissing the case. In view of the disposition of the motion, the pending Objection to the Magistrate Judge's ruling on a discovery dispute (Docket No. 55) is moot. This constitutes the decision and order of this Court. SO ORDERED. (Signed by Judge Colleen McMahon on 1/6/2010) (jmi) (Entered: 01/07/2010)
01/06/2010	<u>58</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Margaret Dale dated 1/6/10 re: MoMA seeks permission to file its response on or before 1/11/10. ENDORSEMENT: Suspend work on your response. (Signed by Judge Colleen McMahon on 1/6/10) (cd) (Entered: 01/06/2010)
01/04/2010	57	TRANSCRIPT of proceedings held on 12/21/2009 before Magistrate Judge Theodore H. Katz. (mbe) (Entered: 01/06/2010)
12/30/2009	<u>56</u>	DECLARATION of Raymond J. Dowd in Support re: <u>55</u> Objection (non-motion). Document filed by Martin Grosz, Lilian Grosz. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O)(Dowd, Raymond) (Entered: 12/30/2009)
12/30/2009	<u>55</u>	Objection to <i>Order of Magistrate Judge</i> . Document filed by Martin Grosz, Lilian Grosz. (Dowd, Raymond) (Entered: 12/30/2009)
12/29/2009	<u>54</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Margaret A. Dale dated 12/23/09 re: counsel for defendant responds to plaintiffs' two letters dated December 22, the first regarding plaintiffs' first, second and third requests for admissions and the second regarding MoMA's application to strike the reply rebuttal report of plaintiffs' Dutch law expert, Robert Polak. ENDORSEMENT: For substantially the same reasons set forth in defendants' letter of 12/23/09, the Court hereby strikes the Polak Reply Rebuttal Report. It was untimely and not contemplated by the Court's Scheduling Order. Although plaintiffs' counsel failed to raise the contention interrogatory issue at the conference, when asked if there was anything else for the Court to address, the Court makes the following observations: the objections to the requests in the First Request for Admissions were, for the most part, appropriate and contention interrogatories should not be addressed to pure questions of law. As for the Second Request for Admissions, the Court views them as untimely. However, to the extent that the requests seek admissions on the genuineness of documents, the

		parties are to confer in an effort to stipulate to the authenticity or genuineness of documents. You may proceed with the January 8th deposition. The Court suggests requesting a one week extension on briefing the motion for summary judgment. So Ordered. (Signed by Magistrate Judge Theodore H. Katz on 12/29/09) (dle) (Entered: 12/29/2009)
12/21/2009		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Discovery Hearing held on 12/21/2009. (mro) (Entered: 12/23/2009)
12/15/2009	<u>53</u>	ENDORSED LETTER addressed to All Counsel in Grosz v. Museum of Modern Art (09 Civ. 37006) from Judge Coleen McMahon dated 12/15/2009 ENDORSEMENT: I am acquainted with one of the Associate General Counsels of MoMA, Nancy Adelson, Esq. The law clerk who has been working on the above-captioned matter advises methat Ms. Adelson's name has not come up in connection with this action, and I do not understand her to have any connection to this case. Nonetheless, I am disclosing our acquaintance. (Signed by Judge Colleen McMahon on 12/15/2009) (jar) (Entered: 12/15/2009)
12/11/2009	<u>52</u>	ORDER GRANTING MOTION OF DEFENDANT THE MUSEUM OF MODERN ART ("MoMA") TO EXTEND TIME FOR FILING THE JOINT PRETRIAL ORDER: The Court, having reviewed the Motion, hereby ORDERS and ADJUDGES that said motion is GRANTED. This Court vacates any prior order requiring the parties to file the Joint Pretrial Order in this matter on or before January 15, 2010. The Court will notify parties of the new deadline for filing the Joint Pretrial Order at its convenience. (Signed by Judge Colleen McMahon on 12/11/2009) (jpo) (Entered: 12/11/2009)
12/10/2009	<u>51</u>	CERTIFICATE OF SERVICE of Notice of Motion to extend time for filing the Joint Pretrial Order, Order granting motion, Memorandum of Law in Support, and Declaration of Louis M. Solomon in Support served on David John Rowland, Esq. of Rowland & Petroff on 12/10/09. Service was made by Electronic Mail. Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 12/10/2009)
12/10/2009	<u>50</u>	DECLARATION of Louis M. Solomon in Support re: <u>48</u> MOTION for Extension of Time <i>for filing the Joint Pretrial Order.</i> . Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 12/10/2009)
12/10/2009	<u>49</u>	MEMORANDUM OF LAW in Support re: <u>48</u> MOTION for Extension of Time <i>for filing the Joint Pretrial Order.</i> . Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 12/10/2009)
12/10/2009	<u>48</u>	MOTION for Extension of Time <i>for filing the Joint Pretrial Order.</i> Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Text of Proposed Order granting Motion)(Solomon, Louis) (Entered: 12/10/2009)
12/02/2009	<u>47</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Louis M. Solomon dated 12/2/2009 re: We are constrained to write to respond to the inaccuracies in Plaintiffs' counsel's most recent letter to the Court dated December 1, 2009. ENDORSEMENT: All of these letters are being thrown in the trash. I do not read such letters or pay them any mind. So, stop sending them. I will NOT augment the record on the motion. (Signed by Judge Colleen McMahon on 12/2/2009) (jpo) Modified on 12/8/2009 (jpo). (Entered: 12/03/2009)
10/21/2009	<u>46</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Raymond J. Dowd dated 10/19/2009 re: We represent the heirs of George Grosz in the above-captioned dispute. We write with the consent of counsel for defendant, Museum of Modern Art ("MoMA"), with respect to the issue of the close of fact discovery which, according to your Honor's Amended Civil Case Management Plan, is November 30, 2009. Both Margaret Dale, counsel for the MoMA, and I understood this order to permit discovery to continue for all purposes until November 30, 2009. We write because your Honor's order dated October 15, 2009, states that fact discovery should have been completed. We write to ensure that Ms. Dale and I had an accurate understanding that November 30, 2009, is indeed the discovery cutoff. We also write to clarify the circumstances of Mr. Smith's October 9, 2009, letter to the Court. ENDORSEMENT: The Court assured that fact discovery was to have been completed because expert discovery usually follows fact discovery. Moreover, Ms. Dales letter of October 7, 2009 specifically requested modest adjustments in the last

		Case Management Order in order to accommodate the experts schedules and to complete expert discovery. As long as the parties are cooperating in the completing fact discovery, the November 30 deadline will apply to all discovery. SO ORDERED. (Signed by Magistrate Judge Theodore H. Katz on 10/21/2009) (jmi) (Entered: 10/21/2009)
10/15/2009	<u>45</u>	ORDER: The Court will not enter the Proposed Order. The parties were given ample opportunity at the two conferences to argue those matters that required Court resolution. The Court extended the expert discovery deadline to accommodate counsels' and the experts' schedules. Fact discovery should have been completed. So Ordered. (Signed by Magistrate Judge Theodore H. Katz on 10/15/2009) (tve) (Entered: 10/15/2009)
10/13/2009	<u>44</u>	AMENDED CIVIL CASE MANAGEMENT PLAN: that plaintiffs are not seeking a jury trial. Defendant is considering and researching the issue, and will comply with the applicable rules in terms of advising the Court and Plaintiffs of its position. Discovery responses pursuant to Fed.R.Civ.P. 26(a) shall be exchanged by June 4, 2009. Defendants shall complete their document production to Plaintiffs by no later than July 24, 2009 No additional parties may be joined after July 15, 2009. No pleading may be amended after July 15, 2009. All discovery, including expert discovery, must be completed on or before November 30, 2009. A joint pre-trial order in the form prescribed in Judge McMahon's individual rules, together with all other pre-trial submissions required by those rules (not including in limine motions), shall be submitted on or before January 15, 2010. Additional relief as set forth in this Order. (pl) (Entered: 10/14/2009)
09/18/2009		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Discovery Hearing held on 9/18/2009. (mro) (Entered: 09/24/2009)
08/31/2009	<u>43</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Raymond J. Dowd dated 8/21/2009 re: We represent plaintiffs Martin and Lilian Grosz. We write pursuant to an order of reference from the Hon. Colleen McMahon dated July 9, 2009. We write with respect to defendant the Museum of Modern Art ("MoMA")'s failure to provide discovery. We respectfully submit that the Grosz heirs are entitled to the requested documents, that such document requests are narrowly-tailored, and that such requests relate directly necessary to our claims and defenses. We have been cooperative with MoMA in all respects in trying to minimize any burdens on them. But in the end, the MoMA is a taxpayer-financed institution that has already told the world that it has made all Holocaust-era provenance records public. ENDORSEMENT: Plaintiffs application to appeal production of addition documents relating to paintings that are not in issues is denied. The discovery plaintiffs seek is at most, highly tangential to the matters in issue. They will shed no light on whether MOMA legitimately acquired title to the paintings in issue. Moreover, the burden entailed in responding to the request far exceeds the probative value of the material being sought. SO ORDERED. (Signed by Magistrate Judge Theodore H. Katz on 8/31/2009) (jmi) (Entered: 09/01/2009)
08/11/2009	<u>42</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Raymond J. Dowd dated 8/11/2009 re: Counsel writes to request an adjournment of the 9/11/2009 Rule 16 conference. ENDORSEMENT: Conference adjourned to 10/2/09 @ 9:30 am. (Signed by Judge Colleen McMahon on 8/11/2009) (tve) (Entered: 08/11/2009)
08/06/2009	41	TRANSCRIPT of proceedings held on 7/29/09 before Magistrate Judge Theodore H. Katz. (pl) (Entered: 08/11/2009)
08/06/2009	<u>40</u>	NOTICE of Compliance with Rule 6 of Judge McMahon's Rules Governing Electronic Discovery. Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Certificate of Service)(Dale, Margaret) (Entered: 08/06/2009)
07/29/2009	<u>39</u>	ORDER CONCERNING CONFIDENTIALITY OF DOCUMENTS AND MATERIALS regarding procedures regarding procedures that shall govern the handling of confidential information during the course of these proceedings. (Signed by Magistrate Judge Theodore H. Katz on 7/29/09) (djc) (Entered: 07/29/2009)
07/16/2009	<u>38</u>	CALENDAR NOTICE (Pretrial Conference (Rule 16) set for 9/11/2009 at 09:45 AM in Courtroom 14C, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon.) (Signed by Judge Colleen McMahon on 7/16/09) (djc) (Entered: 07/16/2009)

		07/16/2009)
07/15/2009	<u>37</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Margaret A. Dale dated 7/14/2009 re: Counsel for defendant writes regarding the discovery dispute raised by Plaintiff in their 7/8/2009 correspondence to Judge Colleen McMahon. ENDORSEMENT: The Court will not require the production of these documents. The request is overbroad and burdensome. So ordered. (Signed by Magistrate Judge Theodore H. Katz on 7/15/2009) (tve) (Entered: 07/15/2009)
07/13/2009	<u>36</u>	AMENDED CIVIL CASE MANAGEMENT PLAN: Amended Pleadings due by 7/15/2009. Joinder of Parties due by 7/15/2009. All Discovery, including expert discovery, due by 10/20/2009. Joint Pretrial Order due by 12/11/2009. (Signed by Magistrate Judge Theodore H. Katz on 7/13/09) (tro) (Entered: 07/13/2009)
07/09/2009	<u>35</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Raymond J. Dowd dated 7/8/2009 re: Requesting an extension of Plaintiff's deadline for submission of an expert report until September 15, 2009. ENDORSEMENT: Take this to the Magistrate ASAP. (Signed by Judge Colleen McMahon on 7/9/2009) (jpo) (Entered: 07/09/2009)
07/09/2009	<u>34</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Specific Non-Dispositive Motion : Discovery Dispute. Referred to Magistrate Judge Theodore H. Katz. (Signed by Judge Colleen McMahon on 7/9/2009) (jpo) (Entered: 07/09/2009)
07/08/2009	<u>33</u>	CERTIFICATE OF SERVICE of Corrected Version of the Declaration of Louis M. Solomon with Exhibits in connection with the Motion of Defendant The Museum of Modern Art to Dismiss the Amended Complaint served on David John Rowland, Esq. of Rowland & Petroff on 7/8/09. Service was made by Electronic Mail. Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 07/08/2009)
07/08/2009	<u>32</u>	DECLARATION of Louis M. Solomon in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Exhibit A)(Solomon, Louis) (Entered: 07/08/2009)
07/01/2009	<u>31</u>	CERTIFICATE OF SERVICE of Defendant's Reply Memorandum in Support of its Motion to Dismiss the "First Amended Complaint", The Reply Declaration of Professor Dr. IUR Wolfgang Ernst and the Reply Declaration of Louis M. Solomon with Exhibit in further support of Motion of Defendant the Museum of Modern Art to Dismiss the Amended Complaint served on David John Rowland, Esq. on July 1, 2009. Service was made by Electronic Mail. Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 07/01/2009)
07/01/2009	<u>30</u>	RESPONSE in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint. Reply Declaration of Professor Dr. IUR. Wolfgang Ernst</i> . Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 07/01/2009)
07/01/2009	<u>29</u>	RESPONSE in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint. Reply Declaration of Louis M. Solomon</i> . Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Exhibit F)(Solomon, Louis) (Entered: 07/01/2009)
07/01/2009	<u>28</u>	REPLY MEMORANDUM OF LAW in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 07/01/2009)
06/25/2009	<u>27</u>	AFFIDAVIT OF SERVICE of Memorandum of Law in Opposition to Motion to Dismiss the First Amended Complaint; Declaration of Raymond Dowd in Opposition to Motion to Dismiss with exhibits thereto; Declaration of Dr. Jonathan Petropoulos in Opposition to Motion to Dismiss with exhibits thereto; Declaration of Dr. Gordian Hasselblatt in Opposition to Motion to Dismiss with exhibits thereto served on MoMA on June 25, 2009. Service was made by E-Mail. Document filed by Martin Grosz, Lilian Grosz. (Dowd, Raymond) (Entered: 06/25/2009)
06/25/2009	<u>26</u>	DECLARATION of Dr. Gordian Hasselblatt in Opposition re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by Martin Grosz, Lilian Grosz. (Attachments: # <u>1</u> Exhibit A-D)(Dowd, Raymond) (Entered: 06/25/2009)

06/25/2009	<u>25</u>	DECLARATION of Dr. Jonathan Petropoulos in Opposition re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by Martin Grosz, Lilian Grosz. (Attachments: # <u>1</u> Exhibit A–B)(Dowd, Raymond) (Entered: 06/25/2009)
06/25/2009	<u>24</u>	DECLARATION of Raymond J. Dowd in Opposition re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by Martin Grosz, Lilian Grosz. (Dowd, Raymond) (Entered: 06/25/2009)
06/25/2009	<u>23</u>	MEMORANDUM OF LAW in Opposition re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by Martin Grosz, Lilian Grosz. (Dowd, Raymond) (Entered: 06/25/2009)
06/11/2009	<u>22</u>	CERTIFICATE OF SERVICE of Supplemental Declaration of Professor Dr. iur. Wolfgang Ernst and Supplemental Declaration of Professor E.J.H. Schrage by electronic mail served on David John Rowland, Esq. on 6/11/2009. Document filed by The Museum of Modern Art. (Jones, Jennifer) (Entered: 06/11/2009)
06/11/2009	<u>21</u>	DECLARATION of Supplemental Declaration of Professor E.J.H. Schrage in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Exhibit C &D)(Solomon, Louis) (Entered: 06/11/2009)
06/11/2009	<u>20</u>	DECLARATION of Supplemental Declaration of Professor Dr. iur. Wolfgang Ernst in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Exhibit D &E)(Solomon, Louis) (Entered: 06/11/2009)
06/10/2009	<u>19</u>	STIPULATION AND ORDER: Plaintiffs' opposition papers to Defendant's Motion to Dismiss shall be served by the close of business no later than June 25, 2009; and Defendant's reply papers shall be served by the close of business no later than July 3, 2009. (Signed by Judge Colleen McMahon on 6/10/09) (db) (Entered: 06/10/2009)
06/04/2009	<u>18</u>	CERTIFICATE OF SERVICE of, by electronic mail, Defendant MoMA's Notice of Motion to Dismiss with prejudice the Amended Complaint, Memorandum of Law in Support, Declaration of Louis M. Solomon, Esq., in Support, Declaration of Professor Dr. iur. Wolfgang Ernst in Support, and Declaration of Professor E.J.H. Schrage in Support served on David John Rowland, Esq., at Rowland & Petroff on 6/4/2009. Document filed by The Museum of Modern Art. (Jones, Jennifer) (Entered: 06/04/2009)
06/04/2009	<u>17</u>	DECLARATION of Professor E.J.H. Schrage in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Exhibit A – B)(Solomon, Louis) (Entered: 06/04/2009)
06/04/2009	<u>16</u>	DECLARATION of Professor Dr. iur. Wolfgang Ernst in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Exhibit A – C)(Solomon, Louis) (Entered: 06/04/2009)
06/04/2009	<u>15</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MISSING PAGES FROM EXHIBIT – SEE DOC. #32 – DECLARATION of Louis M. Solomon, Esq. in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by The Museum of Modern Art. (Attachments: # <u>1</u> Exhibit A – E)(Solomon, Louis) Modified on 7/13/2009 (kco). (Entered: 06/04/2009)
06/04/2009	<u>14</u>	MEMORANDUM OF LAW in Support re: <u>13</u> MOTION to Dismiss <i>with prejudice the Amended Complaint</i> .. Document filed by The Museum of Modern Art. (Solomon, Louis) (Entered: 06/04/2009)
06/04/2009	<u>13</u>	MOTION to Dismiss <i>with prejudice the Amended Complaint</i> . Document filed by The Museum of Modern Art. Responses due by 6/18/2009(Solomon, Louis) (Entered: 06/04/2009)
06/02/2009	<u>12</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Louis M. Solomon dated 6/2/09 re: Counsel for Defendant The Museum of Modern Art write to jointly request that Your Honor approve the following briefing schedule on the motion: MoMA intends to file the motion by 6/4/09 (which is on an accelerated basis, since Plaintiff just filed an Amended Complaint on 5/29/09); Plaintiffs would serve and file

		any opposition by 6/26/09; and MoMA would serve and file any reply papers by 7/8/09. If Your Honor does not feel that this schedule will give the Court sufficient time to consider MoMA's motion in advance of the conference now scheduled for 7/17/09, then MoMA requests that the Court direct the parties to adhere to the 14-day; 1-week schedule set forth in the operative Scheduling Order, with opposition papers due on June 18 and reply papers due on June 25. ENDORSEMENT: I really can't commit myself. Especially in view of foreign law. I like your expedited schedule but I have a busy schedule. (Signed by Judge Colleen McMahon on 6/2/09) (tro) (Entered: 06/02/2009)
05/29/2009	<u>11</u>	FIRST AMENDED COMPLAINT amending <u>1</u> Complaint against Republican Automaton, the Museum of Modern Art, Portrait of The Poet Max Herrmann-Neisse, Self-Portrait with Model and Republican Automaton. Document filed by Martin Grosz, Lilian Grosz. Related document: <u>1</u> Complaint filed by Lilian Grosz, Martin Grosz. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(dle) (Entered: 05/29/2009)
05/27/2009	<u>10</u>	STIPULATION AND ORDER: THE PARTIES HERETO, through their respective counsel of record, hereby stipulate and agree as follows: The parties agree that expert-related discovery in these proceedings shall be governed by this stipulation. To the extent that this stipulation imposes limitations on discovery which otherwise would be available under the Federal Rules of Civil Procedure, the parties have agreed to such limitations. This stipulation does not imply that any of the information restricted from discovery in this stipulation would otherwise be discoverable. No subpoenas (for depositions or documents) need be served on any expert identified pursuant to Rule 26(a) of the Federal Rules of Civil Procedure as one likely to be called to testify and from whom a report is provided (a "Testifying Expert") Instead, the party or parties retaining such Testifying Expert will make him or her available for deposition in New York City, at a time mutually agreed to by the parties, consistent with the Court's scheduling orders, and will produce the expert's documents, as outlined below. Unless otherwise agreed between the parties, depositions of Testifying Experts will be held at the office of counsel for the party taking the deposition. (Signed by Judge Colleen McMahon on 5/27/2009) (jfe) (Entered: 05/27/2009)
05/21/2009	<u>9</u>	CIVIL CASE MANAGEMENT PLAN: Amended Pleadings due by 7/15/2009. Joinder of Parties due by 7/15/2009. that all discovery, including expert discovery, must be completed on or before October 20, 2009. A joint pre-trial order in the form prescribed in Judge McMahon's individual rules, together with all other pre-trial submissions required by those rules (not including in limine motions), shall be submitted on or before 12/4/2009. (Signed by Judge Colleen McMahon on 5/21/09) (pl) (Entered: 05/21/2009)
05/07/2009	<u>8</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by the Museum of Modern Art.(Solomon, Louis) (Entered: 05/07/2009)
05/04/2009	<u>7</u>	NOTICE OF APPEARANCE by Jennifer Lindsay Jones on behalf of the Museum of Modern Art (Jones, Jennifer) (Entered: 05/04/2009)
05/04/2009	<u>6</u>	NOTICE OF APPEARANCE by Margaret Antinori Dale on behalf of the Museum of Modern Art (Dale, Margaret) (Entered: 05/04/2009)
05/04/2009	<u>5</u>	NOTICE OF APPEARANCE by Louis M. Solomon on behalf of the Museum of Modern Art (Solomon, Louis) (Entered: 05/04/2009)
04/20/2009	<u>4</u>	ORDER SCHEDULING AN INITIAL PRETRIAL CONFERENCE:... Initial Conference set for 7/17/2009 at 10:45 AM in Courtroom 21B, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 4/20/09) (cd) (Entered: 04/20/2009)
04/20/2009	<u>3</u>	STIPULATION EXTENDING TIME TO RESPOND TO COMPLAINT, that the time to respond to the complaint shall be extended from 5/4/09, to 6/4/09. The Museum of Modern Art answer due 6/4/2009. (Signed by Judge Colleen McMahon on 4/20/09) (cd) (Entered: 04/20/2009)
04/16/2009	<u>2</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. the Museum of Modern Art served on 4/13/2009, answer due 5/4/2009. Service was accepted by Elizabeth Mercante, Assistant to General Counsel. Document filed by Martin Grosz; Lilian

		Grosz. (Dowd, Raymond) (Entered: 04/16/2009)
04/10/2009		Case Designated ECF. (ama) (Entered: 04/15/2009)
04/10/2009		Magistrate Judge Theodore H. Katz is so designated. (ama) (Entered: 04/15/2009)
04/10/2009		SUMMONS ISSUED as to the Museum of Modern Art, Portrait of The Poet Max Herrmann-Neisse, Self-Portrait with Model and Republican Automatons. (ama) (Entered: 04/15/2009)
04/10/2009	<u>1</u>	COMPLAINT against the Museum of Modern Art, Portrait of The Poet Max Herrmann-Neisse, Self-Portrait with Model and Republican Automatons. (Filing Fee \$ 350.00, Receipt Number 683955) Document filed by Martin Grosz, Lilian Grosz.(ama) (Entered: 04/15/2009)