

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-11074-JSR

Schoeps v. The Museum of Modern Art et al
Assigned to: Judge Jed S. Rakoff
Related Case: [1:06-cv-12934-JSR](#)
Cause: 28:1332 Diversity-Declaratory Judgement

Date Filed: 12/07/2007
Date Terminated: 02/02/2009
Jury Demand: Defendant
Nature of Suit: 370 Fraud or Truth-In-Lending
Jurisdiction: Diversity

Date Filed	#	Docket Text
02/24/2009	131	TRANSCRIPT of proceedings held on February 2, 2009 before Judge Jed S. Rakoff. (mro) (Entered: 02/26/2009)
02/02/2009	130	LETTER addressed to Judge Jed S. Rakoff from John J. Byrne, Jr. and Gregory P. Joseph dated 1/31/2009 re: This is to advise the Court, pursuant to Your Honor's Individual Rule 10, that the above case has been finally settled and that the Court may dismiss the case with prejudice. (jmi) (Entered: 02/03/2009)
02/02/2009	<u>129</u>	ORDER: Based on the unequivocal representations of the parties through their duly authorized counsel that they have stipulated to the unconditional dismissal of this case with prejudice, see transcript February 2, 2009; see also Letter from John J. Byrne, Jr. and Gregory P. Joseph to the Honorable Jed S. Rakoff dated January 31, 2009, this case is hereby dismissed with prejudice. The Court, with the parties' consent given in open court, see transcript February 2, 2009, will retain jurisdiction for the limited purpose of determining whether the executed final settlement -- which is to be submitted to the Court in camera within 30 days, see transcript February 2, 2009 -- is to be made public or, as the parties request, to be filed under seal. (Signed by Judge Jed S. Rakoff on 2/2/2009) (jpo) (Entered: 02/02/2009)
01/30/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/30/2009. (mro) (Entered: 02/03/2009)
01/30/2009	<u>128</u>	PROPOSED JURY INSTRUCTIONS. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/30/2009)
01/29/2009	<u>127</u>	DECLARATION of Matthew R. Lynde. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibit 1)(Davis, Evan) (Entered: 01/29/2009)
01/29/2009	<u>126</u>	NOTICE OF APPEARANCE by James Russel Fleming, Jr on behalf of the Museum of Modern Art, The Solomon R. Guggenheim Foundation (Fleming, James) (Entered: 01/29/2009)
01/29/2009	<u>125</u>	RULE 26 DISCLOSURE.Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 01/29/2009)
01/28/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/28/2009. (mro) (Entered: 01/29/2009)
01/28/2009	<u>124</u>	RULE 26 DISCLOSURE.Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/28/2009)
01/28/2009	<u>123</u>	PROPOSED VOIR DIRE QUESTIONS. Document filed by Edelgard von Lavergne-Peguilhaen.(Smitham, David) (Entered: 01/28/2009)
01/28/2009	<u>122</u>	PROPOSED VOIR DIRE QUESTIONS. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/28/2009)
01/28/2009	<u>121</u>	CERTIFICATE OF SERVICE of Richard V. Conza re <u>112</u> , <u>113</u> and <u>114</u> on January 26, 2009. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/28/2009)

		01/28/2009)
01/27/2009	<u>120</u>	NOTICE OF APPEARANCE by David George Smitham on behalf of Julius H. Schoeps (Smitham, David) (Entered: 01/27/2009)
01/27/2009	<u>119</u>	OPINION #97004, that although the Court has also considered, and rejected, various other arguments made by the Museums, the foregoing expresses the basic reasoning underlying the Court's Order of December 30, 2008 denying the Museums' motion for summary judgment, as well as the supplemental Order of January 20, 2009.. (Signed by Judge Jed S. Rakoff on 1/26/09) (pl) Modified on 1/28/2009 (mro). (Entered: 01/27/2009)
01/27/2009	<u>118</u>	ORDER; that on December 30, 2008, Courtroom View Network ("CVN") requested permission to record and provide audio-visual coverage of the trial in this action, scheduled to begin on February 2, 2009. By Order on the same day, the Court directed the parties to submit letters stating their views on this request by no later than January 15, 2009 and also notified CVN that it should submit its reply, if any, by January 21, 2009. The parties on both sides and CVN made submissions accordingly. Having considered the submissions, the Court has determined that in the particular circumstances of this case, such coverage would not be appropriate. Accordingly, CVN's request is denied. An opinion setting forth the reasons for this determination will issue promptly. (Signed by Judge Jed S. Rakoff on 1/27/09) (pl) (Entered: 01/27/2009)
01/26/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney David Smitham to MANUALLY RE-FILE Document No. <u>115</u> Motion to Appear Pro Hac Vice. This document is not filed via ECF. (jar) (Entered: 01/27/2009)
01/26/2009	<u>117</u>	PROPOSED JURY INSTRUCTIONS. Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 01/26/2009)
01/26/2009	<u>116</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>103</u> MOTION in Limine /Notice of Motion in Limine by The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Preclude Evidence at Trial, dated Jan. 1, 2009.. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 01/26/2009)
01/26/2009	<u>115</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - FIRST MOTION for Leave to Appear pro hac vice for <i>John Hamilton</i> . Document filed by Julius H. Schoeps.(Smitham, David) Modified on 1/27/2009 (jar). (Entered: 01/26/2009)
01/26/2009	<u>114</u>	PROPOSED JURY INSTRUCTIONS. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/26/2009)
01/26/2009	<u>113</u>	DECLARATION of Jordana E. Lambert in Support of Defendants' Memorandum in Opposition to Plaintiffs' Motion to Exclude Evidence at Trial, dated January 26, 2009 in Opposition re: <u>110</u> FIRST MOTION in Limine (<i>Re-Filed</i>).. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibit)(Davis, Evan) (Entered: 01/26/2009)
01/26/2009	<u>112</u>	MEMORANDUM OF LAW in Opposition re: <u>110</u> FIRST MOTION in Limine (<i>Re-Filed</i>).. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/26/2009)
01/22/2009	<u>111</u>	FIRST MEMORANDUM OF LAW in Support re: <u>110</u> FIRST MOTION in Limine (<i>Re-Filed</i>).. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 01/22/2009)
01/22/2009	<u>110</u>	FIRST MOTION in Limine (<i>Re-Filed</i>). Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 01/22/2009)
01/22/2009	<u>109</u>	CERTIFICATE OF SERVICE of Richard V. Conza, dated January 21, 2009 re <u>103</u> , <u>104</u> , <u>105</u> . Service was made by Federal Express and email. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/22/2009)

01/21/2009	<u>108</u>	ORDER: the Court directs the Clerk of the Court to amend the caption of this case to read as further set forth in this Order. In order to give the parties further guidance in their preparations for the trial of this case that begins on February 2, 2009, the Court also takes this opportunity to rule that New York law rather than Swiss law applies to issues raised by the parties as to whether the sale of Boy Leading a Horse to William Paley was a bona fide sale and the like. The reasons for this determination will be set forth in the Court's forthcoming opinion further explaining its ruling denying the Museums' motion for summary judgment, see Order dated December 30, 2008. SO ORDERED. (Signed by Judge Jed S. Rakoff on 1/20/2009) (tve) (Entered: 01/21/2009)
01/20/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney David Smitham to RE-FILE Document <u>107</u> Notice (Other). Use the event type Limine found under the event list Motions. First file the Motion in Limine then filed the Memorandum of Law in Support and link it to the correctly filed Motion in Limine. (jar) (Entered: 01/21/2009)
01/20/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney David Smitham to RE-FILE Document <u>106</u> FIRST MOTION in Limine. Use the event type Memorandum of Law in Support found under the event list Replies, Oppositions, Supporting Documents. (jar) (Entered: 01/21/2009)
01/20/2009	<u>107</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU (Motion in Limine) - NOTICE of of Motion in Limine re: <u>106</u> FIRST MOTION in Limine. Document filed by Julius H. Schoeps. (Smitham, David) Modified on 1/21/2009 (jar). (Entered: 01/20/2009)
01/20/2009	<u>106</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU (Memorandum of Law) - FIRST MOTION in Limine. Document filed by Julius H. Schoeps.(Smitham, David) Modified on 1/21/2009 (jar). (Entered: 01/20/2009)
01/19/2009	<u>105</u>	DECLARATION of Evan A. Davis in Support re: <u>103</u> MOTION in Limine / <i>Notice of Motion in Limine by The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Preclude Evidence at Trial, dated Jan. 1, 2009...</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibit 1-a, # <u>2</u> Exhibit 1-b, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15)(Davis, Evan) (Entered: 01/19/2009)
01/19/2009	<u>104</u>	MEMORANDUM OF LAW in Support re: <u>103</u> MOTION in Limine / <i>Notice of Motion in Limine by The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Preclude Evidence at Trial, dated Jan. 1, 2009...</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/19/2009)
01/19/2009	<u>103</u>	MOTION in Limine / <i>Notice of Motion in Limine by The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Preclude Evidence at Trial, dated Jan. 1, 2009..</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/19/2009)
01/14/2009		CASHIERS OFFICE REMARK on <u>78</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 12/16/2008, Receipt Number 672745. (jd) (Entered: 01/14/2009)
01/13/2009	<u>102</u>	RULE 26 DISCLOSURE.Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 01/13/2009)
01/13/2009	<u>101</u>	CERTIFICATE OF SERVICE of Richard V. Conza re <u>97</u> on January 12, 2009. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/13/2009)
01/13/2009	<u>100</u>	CERTIFICATE OF SERVICE of Richard V. Conza re <u>96</u> on January 12, 2009. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/13/2009)
01/13/2009	<u>99</u>	CERTIFICATE OF SERVICE of Richard V. Conza re <u>95</u> on January 12, 2009. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/13/2009)

01/12/2009	<u>97</u>	RULE 26 DISCLOSURE.Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/12/2009)
01/12/2009	<u>96</u>	WITNESS LIST. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/12/2009)
01/12/2009	<u>95</u>	Exhibit List / <i>The Museums' Rule 26(a)(3) Exhibit List, dated January 12, 2009.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/12/2009)
01/12/2009	<u>94</u>	NOTICE OF APPEARANCE by Sandra M. Lipsman on behalf of the Museum of Modern Art, The Solomon R. Guggenheim Foundation (Lipsman, Sandra) (Entered: 01/12/2009)
01/12/2009	<u>93</u>	NOTICE OF APPEARANCE by Peter R. Jerdee on behalf of the Museum of Modern Art, The Solomon R. Guggenheim Foundation (Jerdee, Peter) (Entered: 01/12/2009)
01/12/2009	<u>92</u>	NOTICE OF APPEARANCE by Pamela H. Jarvis on behalf of the Museum of Modern Art, The Solomon R. Guggenheim Foundation (Jarvis, Pamela) (Entered: 01/12/2009)
01/12/2009	<u>91</u>	NOTICE OF APPEARANCE by Gregory P. Joseph on behalf of the Museum of Modern Art, The Solomon R. Guggenheim Foundation (Joseph, Gregory) (Entered: 01/12/2009)
01/09/2009	98	TRANSCRIPT of proceedings held on 12/18/08 before Judge Jed S. Rakoff. (ama) (Entered: 01/13/2009)
01/08/2009	<u>90</u>	CERTIFICATE OF SERVICE of Richard V. Conza re <u>86</u> and <u>87</u> on January 6, 2009. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/08/2009)
01/08/2009	<u>89</u>	ORDER For the reasons set forth in this order, the Museums motion is denied in its entirety. The Clerk of the Court is ordered to close entry number 86 on the docket for this case. (Signed by Judge Jed S. Rakoff on 1/6/09) (mme) (Entered: 01/08/2009)
01/07/2009	<u>88</u>	NOTICE OF APPEARANCE by David George Smitham on behalf of Julius H. Schoeps (Smitham, David) (Entered: 01/07/2009)
01/06/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/6/2009. (mro) (Entered: 01/09/2009)
01/06/2009	<u>87</u>	MEMORANDUM OF LAW in Support re: <u>86</u> MOTION for Reconsideration / <i>Notice of Motion for Reconsideration of the Court's Order of December 30, 2008, dated January 6, 2009.</i> . Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/06/2009)
01/06/2009	<u>86</u>	MOTION for Reconsideration / <i>Notice of Motion for Reconsideration of the Court's Order of December 30, 2008, dated January 6, 2009.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 01/06/2009)
01/05/2009	<u>85</u>	CERTIFICATE OF SERVICE of Richard V. Conza re <u>82</u> and <u>83</u> on December 24, 2008. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 01/05/2009)
12/31/2008	<u>84</u>	ORDER: Accordingly, the Court concludes that genuine issues of material fact remain that preclude granting plaintiffs' motion at this stage and the motion is therefore denied. The Court is considering repositioning the parties and recasting the caption of the case so that Julius Schoeps, Edelgard von Lavergne-Peguilhen, and Florence Kesselstatt are treated as Plaintiffs and the Museum of Modern Art and the Solomon R. Guggenheim Foundation as Defendants. If any party objects to this, such party should fax the Court a letter, not to exceed three single-spaced pages, by January 9, 2009, explaining the grounds for the objection. Finally, the Court received today a letter from an entity named Courtroom View Network seeking to record and provide audiovisual coverage of the trial in this case. Before determining whether to grant or deny the application, the Court wishes to have the views of the parties, in the form of a letter from each party, not to exceed two single-spaced pages, which

		should be faxed to the Court and to counsel for Courtroom View Network, by January 15, 2009. Courtroom View Network may respond to any such letter by its own letter, not to exceed three single-spaced pages, which should be faxed to the Court and to counsel of record by January 21, 2009. (Signed by Judge Jed S. Rakoff on 12/30/2008) (jpo) Modified on 2/18/2009 (jpo). (Entered: 12/31/2008)
12/24/2008	<u>83</u>	SUPPLEMENTAL REPLY MEMORANDUM OF LAW in Support re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> . Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 12/24/2008)
12/24/2008	<u>82</u>	DECLARATION of Jordana E. Lambert in Support of Plaintiffs' Motion for Summary Judgment, dated December 24, 2008 in Support re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> . Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Davis, Evan) (Entered: 12/24/2008)
12/24/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>81</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme) (Entered: 12/24/2008)
12/24/2008	<u>81</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>78</u> Motion for Thomas J. Hamilton to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 12/23/08) (mme) (Entered: 12/24/2008)
12/22/2008	<u>80</u>	DECLARATION of john byrne in Opposition re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> . Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 12/22/2008)
12/22/2008	<u>79</u>	RESPONSE in Opposition re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008. Second Memo of Law in Opposition to Motion for Summary Judgment.</i> Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 12/22/2008)
12/18/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Oral Argument held on 12/18/2008 on plaintiff's motion for summary judgment. The Court reserved decision on the motion. (mro) (Entered: 12/19/2008)
12/16/2008	<u>78</u>	MOTION for Thomas J. Hamilton to Appear Pro Hac Vice. Document filed by Edelgard von Lavergne-Peguilhen, Florence Kesselstatt, Julius H. Schoeps.(dle) (Entered: 12/19/2008)
12/04/2008	<u>77</u>	NOTICE of Filing re: <u>76</u> Declaration in Opposition to Motion,. Document filed by Julius H. Schoeps. (Plant, Matthew) (Entered: 12/04/2008)
12/04/2008	<u>76</u>	DECLARATION of John J. Byrne in Opposition re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> . Document filed by Julius H. Schoeps. (Attachments: # <u>1</u> Exhibit 1)(Plant, Matthew) (Entered: 12/04/2008)
12/04/2008	<u>75</u>	COUNTER STATEMENT TO <u>56</u> Rule 56.1 Statement. Document filed by Julius H. Schoeps. (Plant, Matthew) (Entered: 12/04/2008)
12/04/2008	<u>74</u>	COUNTER STATEMENT TO <u>56</u> Rule 56.1 Statement. Document filed by Julius H. Schoeps. (Plant, Matthew) (Entered: 12/04/2008)
12/04/2008	<u>73</u>	CERTIFICATE OF SERVICE of Richard V. Conza of <u>71</u> and <u>72</u> on December 3, 2008. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 12/04/2008)

12/03/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 12/3/2008. (mro) (Entered: 12/12/2008)
12/03/2008	<u>72</u>	REPLY MEMORANDUM OF LAW in Support re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> . Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 12/03/2008)
12/03/2008	<u>71</u>	DECLARATION of Evan A. Davis in Support re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> . Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (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)(Davis, Evan) (Entered: 12/03/2008)
11/25/2008	<u>70</u>	ORDER: it is therefore hereby ORDERED that the Defendant defendant and Counterclaim–Plaintiffs shall be permitted to make a paper filing of the Declaration of John J. Byrne, Jr. in Opposition to Plaintiffs and Counterclaim–Defendants' Motion for Summary Judgment, including all accompanying paper exhibits and a DVD, and the Clerk of the Court is hereby directed to entered such paper filing onto the docket in the above captioned matter. So Ordered (Signed by Judge Jed S. Rakoff on 11/25/08) (js) (Entered: 11/26/2008)
11/25/2008	<u>69</u>	ORDER: On November 20, 2008, the Court held a telephonic conference with the parties in this case, during which the following revised schedule was agreed to by the parties and approved by the Court: Defendant's opposition papers to plaintiffs' motion for summary judgment shall be filed by November 24, 2008. Plaintiffs' reply papers shall be filed by December 3, 2008. Oral argument on plaintiffs' motion for summary judgment shall be held December 18, 2008 at 3:00 p.m. The trial date is adjourned to 9:00 a.m. on February 2, 2009, but no further adjournments will be granted. (Replies due by 12/3/2008. Responses due by 11/24/2008, Oral Argument set for 12/18/2008 at 03:00 PM before Judge Jed S. Rakoff. Status Conference set for 2/2/2009 at 09:00 AM before Judge Jed S. Rakoff.) (Signed by Judge Jed S. Rakoff on 11/24/08) (js) (Entered: 11/25/2008)
11/24/2008	<u>68</u>	COUNTER STATEMENT TO <u>56</u> Rule 56.1 Statement. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 11/24/2008)
11/24/2008	<u>67</u>	DECLARATION of John Byrne in Opposition re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> . Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 11/24/2008)
11/24/2008	<u>66</u>	FIRST REPLY MEMORANDUM OF LAW in Opposition re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> . Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 11/24/2008)
11/20/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/20/2008. (mro) (Entered: 11/25/2008)
11/18/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/18/2008. (mro) (Entered: 11/21/2008)
11/07/2008	<u>65</u>	ORDER: We hereby confirm that Mrs. Florence von Kesselstatt, born Aug – 23 – 1955, is an inpatient, in our hospital in Kempfenhausen, Germany, and therefore presently cannot obtain notarized documents requested by US authorities." This is plainly inadequate and not remotely what the Court had requested. Nevertheless, in an excess of caution and despite its considerable skepticism, the Court hereby grants the requested adjournment. Opposition papers are now due on November 18, 2008; plaintiffs' motion for summary judgment will be held on December 3, 2008 at 5:00 p.m. To maintain the firmly fixed trial date of January 12, 2009, the Court will make every effort to rule on the summary judgment motion from the bench (with written opinion to follow). No further extensions will be granted, and no further applications for extensions will be entertained. So Ordered. (Signed by Judge Jed S. Rakoff on

		11/7/08) (js) (Entered: 11/07/2008)
11/06/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/6/2008. (mro) (Entered: 11/17/2008)
11/05/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/5/2008. (mro) (Entered: 11/17/2008)
11/03/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/3/2008. (tro) (Entered: 11/07/2008)
10/29/2008	<u>64</u>	ORDER GRANTING PLAINTIFFS PERMISSION TO FILE MANUALLY: It is therefore hereby ORDERED that the Museums shall be permitted to make a paper filing of the Declaration Of Evan A. Davis In Support of Plaintiffs' Motion for Summary Judgment and all accompanying exhibits, and the Clerk of the Court is hereby directed to enter such paper filing onto the docket in the above captioned matter. (Signed by Judge Jed S. Rakoff on 10/27/2008) (jfe) (Entered: 10/29/2008)
10/28/2008	63	DECLARATION of Evan A. Davis in Support re: <u>52</u> MOTION for Summary Judgment/Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008. (w. Volumes II, III and IV) Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (see order dated 10/27 giving counsel permission to file manually)(djc) Modified on 10/29/2008 (djc). Modified on 11/5/2008 (djc). (Entered: 10/28/2008)
10/28/2008	62	CERTIFICATE OF SERVICE of declaration of Evan A. Davis in Support of Plaintiffs' motion for summary judgment, dated October 20, 2008 and including Exhibits 1 through 72; the Memorandum of Law in Support of the Museum of Modern Art and the Solomon R. Guggenheim Foundation's Motion for Summary Judgment, dated October 20, 2008; and the statement of Material Facts as to which there is no Genuine Issue Purs to Local Civil Rule 56.1, dated October 20, 2008 served on John J. Byrne, Jr, Esq. on 10/20/08. Service was made by Federal express and e-mail. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (djc) (Entered: 10/28/2008)
10/24/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 10/24/2008. (tro) (Entered: 10/28/2008)
10/22/2008	<u>61</u>	FIRST MOTION to Withdraw <i>Notice of Motion to Move For Summary Judgment</i> . Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 10/22/2008)
10/20/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Evan Davis to RE-FILE Document <u>60</u> Declaration in Support of Motion. ERROR(S): All exhibits must be filed with the document they support. Multiple entries of a document to accommodate exhibits are not accepted. See Section 5 and Section 15.4 of Electronic Case Filing Rules &Instructions. (jar) (Entered: 10/21/2008)
10/20/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Evan Davis to RE-FILE Document <u>59</u> Declaration in Support of Motion. ERROR(S): All exhibits must be filed with the document they support. Multiple entries of a document to accommodate exhibits are not accepted. See Section 5 and Section 15.4 of Electronic Case Filing Rules &Instructions. (jar) (Entered: 10/21/2008)
10/20/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Evan Davis to RE-FILE Document <u>57</u> Declaration in Support of Motion. ERROR(S): All exhibits must be filed with the document they support. Multiple entries of a document to accommodate exhibits are not accepted. See Section 5 and Section 15.4 of Electronic Case Filing Rules &Instructions. (jar) (Entered: 10/21/2008)
10/20/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney David George Smitham to RE-FILE Document <u>58</u> Notice (Other), Notice (Other). Use the event type Withdraw found under the event list Motions. (db) (Entered: 10/21/2008)

10/20/2008	<u>60</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Evan A. Davis (continued exhibits 45a) in Support re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibit 45b, # <u>2</u> Exhibit 45c, # <u>3</u> Exhibit 45d, # <u>4</u> Exhibit 45e, # <u>5</u> Exhibit 45f, # <u>6</u> Exhibit 45g, # <u>7</u> Exhibit 45h, # <u>8</u> Exhibit 45i, # <u>9</u> Exhibit 46–A, # <u>10</u> Exhibit 46–b, # <u>11</u> Exhibit 47 part one, # <u>12</u> Exhibit 47 part two, # <u>13</u> Exhibit 47 part three, # <u>14</u> Exhibit 48, # <u>15</u> Exhibit 49 part one, # <u>16</u> Exhibit 49 part two, # <u>17</u> Exhibit 50, # <u>18</u> Exhibit 51, # <u>19</u> Exhibit 52, # <u>20</u> Exhibit 53, # <u>21</u> Exhibit 54, # <u>22</u> Exhibit 55, # <u>23</u> Exhibit 56 part one, # <u>24</u> Errata 56 part two, # <u>25</u> Exhibit 57, # <u>26</u> Exhibit 58, # <u>27</u> Exhibit 59, # <u>28</u> Exhibit 60, # <u>29</u> Exhibit 61, # <u>30</u> Exhibit 62, # <u>31</u> Exhibit 63, # <u>32</u> Exhibit 64, # <u>33</u> Exhibit 65, # <u>34</u> Exhibit 66, # <u>35</u> Exhibit 67, # <u>36</u> Exhibit 68 part one, # <u>37</u> Exhibit 68 part two, # <u>38</u> Exhibit 69, # <u>39</u> Exhibit 70, # <u>40</u> Exhibit 71, # <u>41</u> Exhibit 72 part one, # <u>42</u> Exhibit 72 part two)(Davis, Evan) Modified on 10/21/2008 (jar). (Entered: 10/20/2008)
10/20/2008	<u>59</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Evan A. Davis (continued exhibits–Exhibit 24 Part 1a) in Support re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibit 24– Part 1b, # <u>2</u> Exhibit 24– Part 2a, # <u>3</u> Exhibit 24– Part 2b, # <u>4</u> Exhibit 25, # <u>5</u> Exhibit 26, # <u>6</u> Exhibit 27, # <u>7</u> Exhibit 27–A, # <u>8</u> Exhibit 27–B, # <u>9</u> Exhibit 27–C, # <u>10</u> Exhibit 27–D, # <u>11</u> Exhibit 28, # <u>12</u> Exhibit 29, # <u>13</u> Exhibit 30, # <u>14</u> Exhibit 31–A, # <u>15</u> Exhibit 31–B, # <u>16</u> Exhibit 31–C, # <u>17</u> Exhibit 31–D, # <u>18</u> Exhibit 32– Part 1, # <u>19</u> Exhibit 32– Part 2, # <u>20</u> Exhibit 33, # <u>21</u> Exhibit 34, # <u>22</u> Exhibit 35, # <u>23</u> Exhibit 36, # <u>24</u> Exhibit 37, # <u>25</u> Exhibit 38a, # <u>26</u> Exhibit 38b, # <u>27</u> Exhibit 39–A, # <u>28</u> Exhibit 39–B, # <u>29</u> Exhibit 40 A (part one), # <u>30</u> Exhibit 40A (part two), # <u>31</u> Exhibit 40B (part one), # <u>32</u> Exhibit 40 B– (part two), # <u>33</u> Exhibit 41, # <u>34</u> Exhibit 42, # <u>35</u> Exhibit 43– Part 1, # <u>36</u> Exhibit 43–B, # <u>37</u> Exhibit 44–A, # <u>38</u> Exhibit 44–B)(Davis, Evan) Modified on 10/21/2008 (jar). (Entered: 10/20/2008)
10/20/2008	<u>58</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – NOTICE of Notice of Withdrawal of Notice of Motion for Summary Judgment re: <u>53</u> MOTION for Summary Judgment <i>Noticee of Motion pursuant to local rules.</i> Document filed by Julius H. Schoeps. (Smitham, David) Modified on 10/21/2008 (db). (Entered: 10/20/2008)
10/20/2008	<u>57</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Evan A. Davis in Support re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibit 1– Part 1, # <u>2</u> Exhibit 1– Part 2, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21– Part 1, # <u>23</u> Exhibit 21– Part 2, # <u>24</u> Exhibit 22, # <u>25</u> Exhibit 23)(Davis, Evan) Modified on 10/21/2008 (jar). (Entered: 10/20/2008)
10/20/2008	<u>56</u>	RULE 56.1 STATEMENT. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 10/20/2008)
10/20/2008	<u>55</u>	MEMORANDUM OF LAW in Support re: <u>52</u> MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 10/20/2008)
10/14/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 10/14/2008. (djc) (Entered: 10/22/2008)
10/08/2008	<u>54</u>	CERTIFICATE OF SERVICE of Richard V. Conza re <u>52</u> on October 7, 2008. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 10/08/2008)

10/07/2008	<u>53</u>	MOTION for Summary Judgment <i>Noticee of Motion pursuant to local rules.</i> Document filed by Julius H. Schoeps. Responses due by 11/5/2008 Return Date set for 11/19/2008 at 05:00 PM.(Smitham, David) (Entered: 10/07/2008)
10/07/2008	<u>52</u>	MOTION for Summary Judgment / <i>Notice of Motion by Plaintiffs The Museum of Modern Art and The Solomon R. Guggenheim Foundation to Move for Summary Judgment, dated October 7, 2008.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 10/07/2008)
09/09/2008	<u>51</u>	CONSENT ORDER that at the request of the Reunion des musees nationaux which is located in Paris, France and is organizing an exhibit entitled "Picasso and the Masters" from 10/6/08 through 2/2/09 in conjunction with the Musee, national Picasso, the Musee du Louvre, and the Musee d'Orsay, MoMa will loan Pablo Picasso's Boy Leading Horse (1906) for exhibition at Les Galeries nationales du Grand Palais for the Picasso Exhibit, and as further set forth in this document. (Signed by Judge Jed S. Rakoff on 9/8/08) (cd) (Entered: 09/09/2008)
08/08/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/8/2008. (pl) (Entered: 08/12/2008)
06/27/2008	<u>50</u>	CERTIFICATE OF SERVICE of Richard V. Conza of the Answer and Affirmative Defenses to the First Amended Counterclaim dated June 25, 2008 <u>49</u> on June 25, 2008. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 06/27/2008)
06/25/2008	<u>49</u>	ANSWER to Counterclaim. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 06/25/2008)
06/02/2008	<u>48</u>	FIRST MEMORANDUM OF LAW in Support re: <u>45</u> FIRST MOTION to Amend/Correct <u>41</u> Answer to Counterclaim,, Answer to Complaint, <u>40</u> Answer to Complaint, Counterclaim, <u>39</u> Answer to Complaint, Counterclaim <i>Motion to Amend Counterclaim. Motion to Amend Counterclaim.</i> Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 06/02/2008)
06/02/2008	<u>47</u>	COUNTERCLAIM against the Museum of Modern Art, The Solomon R. Guggenheim Foundation.Document filed by Julius H. Schoeps. (Attachments: # <u>1</u> Supplement Counterclaim part2, # <u>2</u> Exhibit to Amended Counterclaim)(Smitham, David) (Entered: 06/02/2008)
06/02/2008	<u>46</u>	DECLARATION of John J. Byrne in Support re: <u>45</u> FIRST MOTION to Amend/Correct <u>41</u> Answer to Counterclaim,, Answer to Complaint, <u>40</u> Answer to Complaint, Counterclaim, <u>39</u> Answer to Complaint, Counterclaim <i>Motion to Amend Counterclaim..</i> Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 06/02/2008)
06/02/2008	<u>45</u>	FIRST MOTION to Amend/Correct <u>41</u> Answer to Counterclaim,, Answer to Complaint, <u>40</u> Answer to Complaint, Counterclaim, <u>39</u> Answer to Complaint, Counterclaim <i>Motion to Amend Counterclaim.</i> Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 06/02/2008)
05/22/2008	<u>44</u>	CERTIFICATE OF SERVICE of <u>43</u> on May 22, 2008. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 05/22/2008)
05/22/2008	<u>43</u>	ANSWER to Counterclaim. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(Davis, Evan) (Entered: 05/22/2008)
04/29/2008	<u>42</u>	PROTECTIVE ORDER: Regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Jed S. Rakoff on 4/24/2008) (jpo) (Entered: 04/30/2008)
04/28/2008	<u>41</u>	ANSWER to Counterclaim., ANSWER to Counterclaim., ANSWER to Complaint with JURY DEMAND., COUNTERCLAIM against Julius H. Schoeps. Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 04/28/2008)
04/28/2008	<u>40</u>	ANSWER to Complaint with JURY DEMAND., COUNTERCLAIM against all plaintiffs. Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 04/28/2008)

04/28/2008	<u>39</u>	ANSWER to Complaint with JURY DEMAND., COUNTERCLAIM against all plaintiffs. Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 04/28/2008)
04/14/2008	<u>38</u>	OPINION AND ORDER # 95960: For the foregoing reasons, the motion to dismiss is denied. The parties shall proceed with this litigation in accordance with the Case Management Plan previously ordered by the Court on January 4, 2008, as set forth herein. (Signed by Judge Jed S. Rakoff on 4/14/2008) (jpo) Modified on 4/15/2008 (rw). (Entered: 04/15/2008)
04/09/2008	<u>37</u>	CERTIFICATE OF SERVICE of Richard V. Conza. Dated April 9, 2008. re <u>35</u> . Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 04/09/2008)
04/08/2008	<u>36</u>	FIRST REPLY MEMORANDUM OF LAW in Opposition re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint</i> .. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 04/08/2008)
04/08/2008	<u>35</u>	REPLY re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint</i> ., <u>32</u> Memorandum of Law, / <i>Reply Memorandum of Law in Further Response to Order Dated March 25, 2008 Requesting Additional Information and in Further Opposition to Defendant Julius H. Schoeps's Motion to Dismiss the Complaint for Declaratory Relief, dated April 8, 2008.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 04/08/2008)
04/01/2008	<u>34</u>	MEMORANDUM OF LAW in Support re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint</i> .. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 04/01/2008)
04/01/2008	<u>33</u>	CERTIFICATE OF SERVICE of Memorandum of Law in Response to Order dated March 25, 2008 Requesting Additional Information and in Further Opposition to Defendant Julius H. Schoeps' Motion to Dismiss the Complaint for Declaratory Relief on April 1, 2008. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 04/01/2008)
04/01/2008	<u>32</u>	MEMORANDUM OF LAW re: <u>31</u> Order,,,, / <i>Memorandum of Law In Response To Order Dated March 25, 2008 Requesting Additional Information And In Further Opposition To Defendant Julius H. Schoeps' Motion To Dismiss The Complaint For Declaratory Relief.</i> Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibit A)(Davis, Evan) (Entered: 04/01/2008)
03/26/2008	<u>31</u>	ORDER the Court directs the parties to submit further briefing on the following questions: First: Is the capacity of Schoeps to be sued in the instant action governed by the law of New York or the law of Germany? If it is German law, what is the content of German law on that question? Second: Should the Court's analysis of Schoeps's capacity to be sued be affected by the fact that this suit is one for declaratory judgment? Plaintiffs and defendant are each directed to submit briefing on these questions in the from of their respective memoranda of law, not to exceed 15 double-spaced pages, to be filed by Tuesday, April 1, 2008. The parties may also submit memorandum responsive to their respective adversary's initial memorandum, in the form of answering memoranda of law, not exceed 15 doubled- spaced pages, to be filed by Tuesday, April 8, 2008. The Court will then decide the pending motion by April 21, 2008. In the meantime, discovery will continue in accordance with the Case Management Plain previously ordered by the Court. SO ORDERED (Signed by Judge Jed S. Rakoff on 3/25/2008) (jmi) (Entered: 03/27/2008)
03/18/2008	30	TRANSCRIPT of proceedings held on 3/05/2008 before Judge Jed S. Rakoff. (ama) (Entered: 03/18/2008)
03/05/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Oral Argument held on 3/5/2008 re: <u>11</u> FIRST MOTION to Dismiss Complaint (jw) (Entered: 03/26/2008)
03/03/2008	<u>29</u>	DECLARATION of JOHN J. BYRNE, JR. in Support. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 03/03/2008)

03/03/2008	<u>28</u>	MEMORANDUM OF LAW re: <u>23</u> Memorandum of Law in Opposition to Motion, <u>22</u> Declaration in Opposition to Motion,. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 03/03/2008)
02/29/2008	<u>27</u>	AFFIDAVIT OF SERVICE of Reply Memorandum & Reply Declaration served on Evan A. Davis, Esq. on February 29, 2008. Service was made by Mail. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 02/29/2008)
02/29/2008	<u>26</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of John J. Byrne, Jr. in Support re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint</i> .. Document filed by Julius H. Schoeps. (Smitham, David) Modified on 3/3/2008 (jar). (Entered: 02/29/2008)
02/29/2008	<u>25</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – REPLY MEMORANDUM OF LAW in Support re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint. for Declaratory Relief</i> . Document filed by Julius H. Schoeps. (Smitham, David) Modified on 3/3/2008 (jar). (Entered: 02/29/2008)
02/26/2008	<u>24</u>	CERTIFICATE OF SERVICE of Declaration of Evan Davis with Exhibits 1 through 20 and the Memorandum of Law in Opposition to Defendant Julius H. Schoeps' Motion to Dismiss the Complaint for Declaratory Relief served on John J. Byrne, Esq. on February 25, 2008. Service was made by Federal Express. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 02/26/2008)
02/25/2008	<u>23</u>	MEMORANDUM OF LAW in Opposition re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint. /Memorandum of Law in Opposition to Defendant Julius H. Schoeps' Motion to Dismiss the Complaint for Declaratory Relief, dated February 25, 2008</i> .. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Davis, Evan) (Entered: 02/25/2008)
02/25/2008	<u>22</u>	DECLARATION of Evan A. Davis in Opposition re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint</i> .. Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation. (Attachments: # <u>1</u> Exhibits 1–10, # <u>2</u> Exhibits 11–19, # <u>3</u> Exhibit 20)(Davis, Evan) (Entered: 02/25/2008)
02/15/2008	<u>21</u>	DECLARATION of John J. Byrne, Jr. in Support re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint</i> .. Document filed by Julius H. Schoeps. (Pikus, David) (Entered: 02/15/2008)
02/15/2008	<u>20</u>	MEMORANDUM OF LAW in Support re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint. For Declaratory Relief</i> . Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 02/15/2008)
02/15/2008	<u>19</u>	DECLARATION of John J. Byrnem Jr. in Support re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint</i> .. Document filed by Julius H. Schoeps. (Attachments: # <u>1</u> Exhibit Nos. 1 – 6 of 9 Total, # <u>2</u> Exhibit 7 of 9 Total, # <u>3</u> Exhibit 8 and 9 (End Exhibits))(Smitham, David) (Entered: 02/15/2008)
02/15/2008	<u>18</u>	FILING ERROR – DUPLICATED DOCKET ENTRY – NOTICE of to Dismiss Complaint for Declaratory Relief. Document filed by Julius H. Schoeps. (Smitham, David) Modified on 2/19/2008 (db). SEE <u>11</u> MOTION. (Entered: 02/15/2008)
02/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Smitham to RE-FILE Document <u>17</u> Affirmation in Support of Motion. ERROR(S): Exhibits must be added as attachments to document they are supporting. (jar) (Entered: 02/15/2008)
02/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Smitham to RE-FILE Document <u>16</u> Affirmation in Support of Motion. ERROR(S): Exhibits must be added as attachments to document they are supporting. (jar) (Entered: 02/15/2008)
02/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Smitham to RE-FILE Document <u>15</u> Affidavit in Support of Motion. ERROR(S): Exhibits must be added as attachments to document they are supporting. (jar) (Entered: 02/15/2008)

02/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Smitham to RE-FILE Document <u>14</u> Affirmation in Support of Motion. ERROR(S): Document linked to incorrect docket entry. Link to document <u>11</u> Motion to Dismiss. (jar) (Entered: 02/15/2008)
02/15/2008	<u>17</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – AFFIRMATION of John Byrne in Support re: <u>12</u> FIRST MOTION to Dismiss <i>Memo of Law</i> . (Exhibits). Document filed by Julius H. Schoeps. (Smitham, David) Modified on 2/15/2008 (jar). (Entered: 02/15/2008)
02/15/2008	<u>16</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – AFFIRMATION of John Byrne in Support re: <u>12</u> FIRST MOTION to Dismiss <i>Memo of Law</i> . (Exhibits). Document filed by Julius H. Schoeps. (Smitham, David) Modified on 2/15/2008 (jar). (Entered: 02/15/2008)
02/14/2008	<u>15</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – AFFIDAVIT of John Byrne in Support re: <u>12</u> FIRST MOTION to Dismiss <i>Memo of Law</i> . (Exhibits) Document filed by Julius H. Schoeps. (Smitham, David) Modified on 2/15/2008 (jar). (Entered: 02/14/2008)
02/14/2008	<u>14</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – AFFIRMATION of John Byrne in Support re: <u>12</u> FIRST MOTION to Dismiss <i>Memo of Law</i> . Document filed by Julius H. Schoeps. (Smitham, David) Modified on 2/15/2008 (jar). (Entered: 02/14/2008)
02/14/2008	<u>13</u>	FIRST MEMORANDUM OF LAW in Support re: <u>11</u> FIRST MOTION to Dismiss <i>the Complaint</i> .. Document filed by Julius H. Schoeps. (Smitham, David) (Entered: 02/14/2008)
02/14/2008	<u>12</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FIRST MOTION to Dismiss <i>Memo of Law</i> . (Memorandum in Support). Document filed by Julius H. Schoeps.(Smitham, David) Modified on 2/15/2008 (jar). (Entered: 02/14/2008)
02/14/2008	<u>11</u>	FIRST MOTION to Dismiss <i>the Complaint</i> . Document filed by Julius H. Schoeps.(Smitham, David) (Entered: 02/14/2008)
02/13/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Smitham to RE-FILE Document <u>8</u> FIRST MOTION to Dismiss <i>Notice, Declaration, Exhibits 1–6</i> . ERROR(S): (1) Motion to be filed Individually. (2) All Supporting Documents to be Filed Individually AND linked to corresponding Motion; Any and all Exhibits are to be attached to Motions and/or supporting documents, not filed individually. Declarations in Support of Motions found under the prompt Replies, Opposition and Supporting Documents. (db) (Entered: 02/13/2008)
02/13/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DOCUMENT TYPE ERROR. Note to Attorney David Smitham to RE-FILE Document <u>7</u> FIRST MOTION to Dismiss. Use the document type Memorandum of Law in Support of Motion found under the document list Replies, Oppositions and Supporting Documents. (db) (Entered: 02/13/2008)
02/11/2008	<u>10</u>	FILING ERROR – ELECTRONIC FILING FOR NON-ECF DOCUMENT – FIRST MOTION to Dismiss <i>Exhibit 8</i> . Document filed by Julius H. Schoeps. Responses due by 2/25/2008(Smitham, David) Modified on 2/13/2008 (db). (Entered: 02/11/2008)
02/11/2008	<u>9</u>	FILING ERROR – ELECTRONIC FILING FOR NON-ECF DOCUMENT – FIRST MOTION to Dismiss <i>Exhibit 7</i> . Document filed by Julius H. Schoeps. Responses due by 2/25/2008(Smitham, David) Modified on 2/13/2008 (db). (Entered: 02/11/2008)
02/11/2008	<u>8</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FIRST MOTION to Dismiss <i>Notice, Declaration, Exhibits 1–6</i> . Document filed by Julius H. Schoeps. Responses due by 2/25/2008(Smitham, David) Modified on 2/13/2008 (db). (Entered: 02/11/2008)
02/11/2008	<u>7</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – FIRST MOTION to Dismiss. Document filed by Julius H. Schoeps. Responses due by 2/25/2008(Smitham, David) Modified on 2/13/2008 (db). (Entered: 02/11/2008)

01/11/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Initial Pretrial Conference held on 1/4/08. (tro) (Entered: 01/11/2008)
01/11/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/3/08. (tro) (Entered: 01/11/2008)
01/04/2008	<u>6</u>	CIVIL CASE MANAGEMENT PLAN: This Case shall be Ready for Trial by 9/29/2008. The Case IS to be tried to a jury. Amended Pleadings due by 6/2/2008. Joinder of Parties due by 6/2/2008. Deposition due by 8/1/2008. All Discovery due by 8/15/2008. A Final Pretrial Conference is set for 9/29/2008 at 10:00 AM before Judge Jed S. Rakoff. (Signed by Judge Jed S. Rakoff on 1/4/08) (db) (Entered: 01/04/2008)
12/21/2007		Mailed notice to the attorney(s) of record. (laq) (Entered: 12/21/2007)
12/21/2007	<u>5</u>	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned is no longer assigned to the case. (laq) (Entered: 12/21/2007)
12/19/2007		Magistrate Judge Michael H. Dolinger is so designated. (laq) (Entered: 12/21/2007)
12/19/2007		CASE ACCEPTED AS SIMILAR. Create association to 1:06-cv-12934-JSR. Notice of Assignment to follow. (laq) (Entered: 12/21/2007)
12/18/2007	<u>4</u>	NOTICE OF COURT CONFERENCE: Conference set for 1/4/2008 at 10:30 AM in Courtroom 14B, 500 Pearl Street, New York, NY 10007 before Judge Jed S. Rakoff.) (Signed by Judge Jed S. Rakoff on 12/18/07) (kco) (Entered: 12/18/2007)
12/07/2007	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The Solomon R. Guggenheim Foundation.(mbe) (laq). (Entered: 12/10/2007)
12/07/2007	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by the Museum of Modern Art.(mbe) (laq). (Entered: 12/10/2007)
12/07/2007		Case Designated ECF. (mbe) (Entered: 12/10/2007)
12/07/2007		CASE REFERRED TO Judge Jed S. Rakoff as possibly related to 06-cv-12934. (mbe) (Entered: 12/10/2007)
12/07/2007		SUMMONS ISSUED as to Julius H. Schoeps. (mbe) (Entered: 12/10/2007)
12/07/2007	<u>1</u>	COMPLAINT against Julius H. Schoeps. (Filing Fee \$ 350.00, Receipt Number 635213)Document filed by the Museum of Modern Art, The Solomon R. Guggenheim Foundation.(mbe) (Additional attachment(s) added on 4/2/2008: # <u>1</u> exh `1, # <u>2</u> exh 2) (laq). (Entered: 12/10/2007)