

Appeals court rules against Clayton gallery owner in stolen painting case

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SAN FRANCISCO • A Norman Rockwell painting stolen from a Clayton art gallery in 1973 will remain with its current owner, after a federal appeals court on Tuesday refused to overturn a lower court ruling.

A federal judge in Nevada had ruled in April of 2010 that the painting, "Russian Schoolroom," is owned by New York art dealer Judy Goffman Cutler, who bought it in 1988 for \$70,400.

The painting had been sold by the Clayton Art Gallery for \$25,000, under the condition that the new owner allow it to be displayed for the duration of a Rockwell exhibition.

It was stolen two nights later. The gallery gave the buyer a refund and got \$20,000 from their insurance company.

The painting disappeared until 1988, when Cutler bought it at auction in New Orleans.

Cutler re-sold it in September 1989 to filmmaker Steven Spielberg for \$200,000.

After the sale to Spielberg became public in 2007, Solomon sued Spielberg to regain custody of it, claiming that he was never informed about the 1988 sale.

Cutler then swapped another Rockwell for Spielberg's painting, to take his place in the suit, her lawyers said.

Despite Solomon's claims, U.S. District Judge Roger Hunt's 2010 ruling says that Solomon knew that the painting was being sold and even agreed to split some of the proceeds.

"This is a great victory for Judy Cutler and for all art dealers. Both the trial and appellate courts understood that Judy acted professionally in her purchase and sale of Russian Schoolroom, which is very gratifying," said St. Louis lawyer Gene Brockland, one of the lawyers representing Cutler.

A Solomon lawyer did not immediately respond to a phone call and email seeking comment.