

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT**

**Robert Owen Lehman Found., Inc. v. Israelitische Kultusgemeinde
Wien**

Robert Owen Lehman Found., Inc., 2026 NY Slip Op 04053 (Supreme Court of the State of New York
Appellate Division Fourth Judicial Department 2026) · No. 169 CA 25-00277 · Decided June 26, 2026

SUMMARY

The New York Appellate Division, Fourth Department, affirmed a judgment declaring that the Susan Zirkl Memorial Foundation Trust and its trustee were the rightful owners of a 1917 Egon Schiele portrait. The court held that the trial court's ownership determination was supported by a fair interpretation of the evidence and declined to rely on the alternative laches holding.

OPINION

PER CURIAM.

Robert Owen Lehman Found., Inc. v Israelitische Kultusgemeinde Wien - 2026 NY Slip Op 04053 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Robert Owen Lehman Found., Inc. v Israelitische Kultusgemeinde Wien 2026 NY Slip Op 04053 June 26, 2026 Appellate Division, Fourth Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. ROBERT OWEN LEHMAN FOUNDATION, INC., PLAINTIFF-RESPONDENT, v ISRAELITISCHE KULTUSGEMEINDE WIEN, DEFENDANT, NAVA BAR, ROBERT RIEGER TRUST, AND JACOB BARAK, AS TRUSTEE OF THE ROBERT RIEGER TRUST, DEFENDANTS-APPELLANTS, SUSAN ZIRKL MEMORIAL FOUNDATION TRUST AND MICHAEL D. LISSNER, AS TRUSTEE OF THE SUSAN ZIRKL MEMORIAL FOUNDATION TRUST, DEFENDANTS-RESPONDENTS. ----- NAVA BAR, ROBERT RIEGER TRUST AND JACOB BARAK, AS TRUSTEE OF THE ROBERT RIEGER TRUST, THIRD-PARTY PLAINTIFFS-APPELLANTS, ROBERT OWEN LEHMAN, THIRD-PARTY DEFENDANT-RESPONDENT.

Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department Decided on June 26, 2026 169 CA 25-00277 Present: Bannister, J.P., Montour, Greenwood, Nowak, And

Hannah, JJ. DUNNINGTON BARTHOLOW & MILLER LLP, NEW YORK CITY (CLAUDIA G. JAFFE OF COUNSEL), FOR DEFENDANTS-APPELLANTS AND THIRD-PARTY PLAINTIFFS-APPELLANTS. BAKER & HOSTETLER LLP, NEW YORK CITY (OREN J. WARSHAVSKY OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from a judgment (denominated order) of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered August 23, 2024. The judgment, among other things, declared that defendants Susan Zirkl Memorial Foundation Trust and Michael D. Lissner, as Trustee of the Susan Zirkl Memorial Foundation Trust, are the rightful owners of the subject artwork. [*1] It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Memorandum: In this litigation concerning the ownership of a portrait made in 1917 by Austrian artist Egon Schiele of his wife, defendants-third-party plaintiffs Nava Bar, Robert Rieger Trust, and Jacob Barak, as Trustee of the Robert Rieger Trust (collectively, Rieger defendants) appeal from a judgment, entered following a nonjury trial, that, inter alia, declared that defendants Susan Zirkl Memorial Foundation Trust and Michael D. Lissner, as Trustee of the Susan Zirkl Memorial Foundation Trust (collectively, Maylander defendants) are the rightful owners of the artwork.

We affirm. Viewing the record in the light most favorable to sustain the judgment and giving due deference to Supreme Court's credibility determinations (see *Dennis v Cerrone*, 229 AD3d 1116, 1119 [4th Dept 2024]), we conclude that, contrary to the Rieger defendants' contention, there is a fair interpretation of the evidence supporting the court's determination that the Maylander defendants are the rightful owners of the artwork (see generally *Matter of Roth v S & H Grossinger*, 284 AD2d 746, 747-748 [3d Dept 2001]).

We note that we affirm the court's determination on the merits rather than on its alternative holding with respect to laches, and thus the Holocaust Expropriated Art Recovery Act of 2025 (Pub L 119-82, 140 US [*2] Stat 752 [119th Cong, 2d Sess, Jan. 3, 2026]) does not affect our analysis.

We have reviewed the Rieger defendants' remaining contentions and conclude that none warrants reversal or modification of the judgment. Entered: June 26, 2026 Ann Dillon Flynn Clerk of the Court
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