

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

**IN RE *BORD DE MER*, AN 1865 PASTEL-
ON-PAPER PAINTING BY CLAUDE MONET**

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CASE NO. 24-cv-1008

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SECT.

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JUDGE

UNITED STATES OF AMERICA

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MAG.

VS.

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ANNE WEBBER, in her capacity as attorney-in-fact for Françoise Parlagi and Helen Lowe; BRIDGET VITA; BROOKLYN SCHLAMP, in her capacity as independent executrix of the estate of KEVIN SCHLAMP; and M.S. RAU, LLC

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INTERPLEADER COMPLAINT

NOW INTO COURT, through the undersigned Assistant United States Attorneys, comes plaintiff-in-interpleader, the United States of America, and respectfully submits to the Court its interpleader complaint under FED. R. CIV. P. 22(a)(1).

Parties, Jurisdiction, and Venue

1.

Plaintiff is the United States of America proceeding in its sovereign capacity under 28 U.S.C. § 1345.

2.

Made defendant is Anne Webber, an individual domiciled in London, England, who is named in her capacity as attorney-in-fact for Françoise Parlagi and Helen Lowe, the grandchildren and only living heirs of Adalbert and Hilda Parlagi.

3.

Made defendant is Bridget Vita, an individual domiciled at 2044 Louise St., Sulphur, Louisiana 70663.

4.

Made defendant is Brooklyn Schlamp, an individual domiciled at 16309 SE 7th Street, Bellevue, WA 98008, who is named in her capacity as independent executrix for the estate of decedent, Kevin Schlamp.

5.

Made defendant is M.S. Rau, LLC (Rau), a Louisiana limited liability company domiciled and doing business in the Eastern District of Louisiana at 636 Royal St., New Orleans, Louisiana 70130.

6.

The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345.

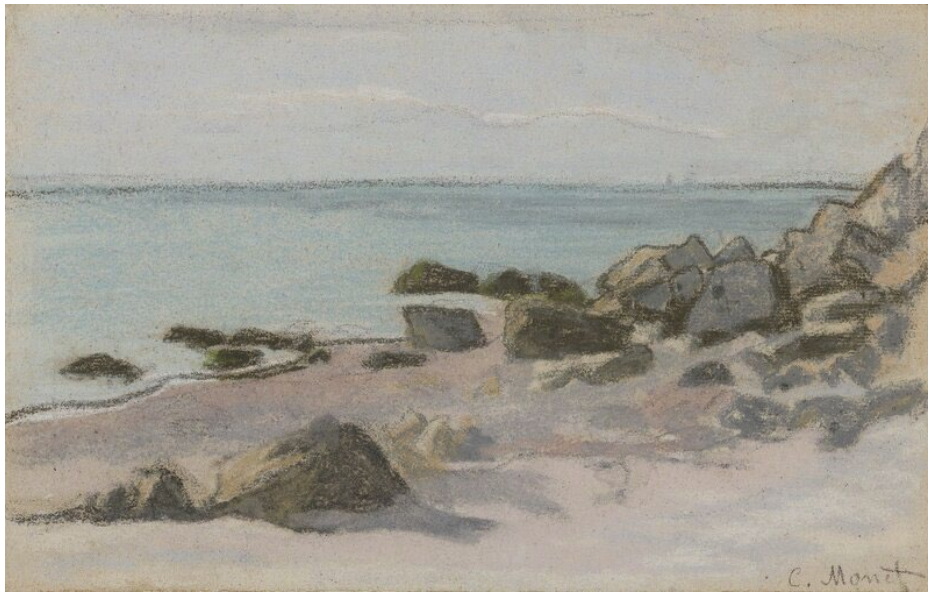
7.

Venue is proper in this district under 28 U.S.C. § 1391(b).

Facts

8.

This interpleader concerns the proper legal ownership of Claude Monet's *Bord de Mer*, an 1865 pastel-on-paper painting measuring 7 by 11 in. (hereinafter "painting"), displayed below:



9.

The painting is currently in the custody of the New Orleans Field Office of the Federal Bureau of Investigation (FBI).

10.

Adalbert and Hilda Parlagi lawfully acquired the painting in April 1936. They kept the painting at their domicile in Vienna, Austria.

11.

The Parlagis left Vienna for Switzerland, then eventually London, with their two children shortly after Germany's annexation of Austria in the Anschluss of March 1938.

12.

The Parlagis stored the painting, along with the rest of the contents of their Vienna apartment, in the warehouse of a Vienna shipping company with the intention of shipping it to themselves, or otherwise retrieving it, at a later date.

13.

The German Gestapo seized the Parlagis' stored property, including the painting, in 1940 under the purported authority of the Law on the Seizure of Assets of Enemies of the People, R.G.Bl. I, 480. The Dorotheum auction house in Vienna auctioned the painting in a sale held June 17–20, 1941, where it was bought by the Adolf Weinmüller auction house of Vienna.

14.

The Parlagis and their heirs timely sought return of the painting and restitution from the Austrian and German post-war governments, but were not awarded any relief.

15.

More than 70 years after the Gestapo's seizure and sale of the Parlagis' property, the painting publicly appeared in 2016 on loan from the Galerie Helene Bailly in Paris, France to an impressionism exhibition in Ornans, France. Rau acquired the painting from Helene Bailly in 2017, then sold it to Bridget Vita and her now-deceased husband, Kevin Schlamp, in 2019.

16.

In the course of investigating the painting's provenance, the FBI took custody of it from Bridget Vita and Kevin Schlamp in June 2023. They each executed a voluntary waiver of rights related to the painting.

17.

The FBI's New Orleans Field Office has maintained custody of the painting ever since. The painting is currently stored in a foam-lined, sealed container placed within a safe in the FBI's fine-arts storage.

18.

The United States has determined that it will not seek to forfeit the painting to its own possession and ownership.

19.

Adalbert and Hilda Parlagi's marriage produced two children – Hedwig Elizabeth and Franz (a/k/a Francis) Richard. Hedwig married Peter Lowe and had one daughter, Helen Elizabeth Lowe, on Oct. 3, 1957. Francis married Paulette Prieur and also had one daughter, Françoise Hilda Helene Parlagi, on Sept. 15, 1959.

20.

Helen Lowe and Françoise Parlagi are the only living heirs of Adalbert and Hilda Parlagi. They have each executed a power of attorney in favor of Anne Webber of the Commission for Looted Art in Europe, giving Webber power to, *inter alia*: “[U]ndertake any act, exercise any right or obtain any information . . . in order to . . . locate and recover the missing works of art from the collection and/or reach a settlement in respect of the same.” The powers of attorney to Webber also authorize her to: “[E]nter[] into agreements and contracts with third parties on my behalf . . . , undertak[e] and complet[e] any negotiations related to the identification, location and recovery of and reach[] settlement of claims for such works of art, sign[] and/or execut[e] and/or deliver[] . . . all such documents as are necessary for the recovery/settlement of any claim, including . . . receipts and storage of the works of art, and any other related matters.”

Cause of Action

21.

The United States' current exercise of custody over the painting may expose it to multiple liabilities to the named defendants under FED. R. CIV. P. 22(a)(1). Specifically, Webber has asserted an entitlement to ownership and possession of the painting on behalf of her principals, the Parlagi heirs. Rau, Vita, and the estate of the late Kevin Schlamp may also assert claims of entitlement to ownership and possession of the painting, or for monetary reimbursement. Further, if the United States releases custody and control of the painting to one of these defendants in the absence of a Court order, the United States may incur multiple claims of liability and claims for money damages owed to the non-recipients. Finally, releasing custody and control of the painting to one of the named defendants would not definitively resolve the question of proper prospective legal ownership of the painting.

Prayer for Relief

22.

WHEREFORE, for these reasons, the United States prays that this interpleader complaint be deemed sufficient and that the Court enter an order:

- 1) Finding the remedy of interpleader proper under FED. R. CIV. P. 22(a); and
- 2) Authorizing the United States to maintain its current custody of the painting during the pendency of this interpleader until entry of final judgment governing its ultimate disposition.

Then, after appropriate proceedings, the United States further prays that the Court enter a final judgment:

- 1) Discharging the United States from any liability to any defendant regarding ownership, custody, control, or possession of the painting; and

2) Awarding full factual and legal ownership, custody, control, and possession of the painting to the proper claimant.

Respectfully submitted,

DUANE A. EVANS
UNITED STATES ATTORNEY

s/Peter M. Mansfield

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United States to request waivers of service under FED. R. CIV. P. 4(d)(1) on:

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London W1U 6HJ

Bridget Vita
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Sulphur, Louisiana 70663

Brooklyn Schlamp
16309 SE 7th Street
Bellevue, WA 98008

M.S. Rau, LLC
through its registered agent for service
William D. Rau
636 Royal Street
New Orleans, Louisiana 70130