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The Western Prelacy Scores Early Victory against the Getty Museum in Lawsuit Involving Armenian Genocide-Era Looted Art

On November 3, 2011, the Superior Court in Los Angeles handed Plaintiff, the Western Prelacy of the Armenian Apostolic Church of America, as the U.S. representative and assignee of the Catholicosate of the Great House of Cilicia, an early and well-fought victory in an action seeking the return of the culturally significant and symbolic Canon Tables of the Zeyt'un Gospels, which were commissioned by Catholicos Constantine I and created by the finest Armenian medieval illuminator T'oros Roslin in 1256. Nearly a year and a half after the complaint was filed, the court denied in its entirety the Getty Museum defendants' demurrer, which sought to dismiss the action.

The lawsuit, originally filed by the Western Prelacy in June 2010, BC 438824, named as defendants the J. Paul Getty Museum and the J. Paul Getty Trust. The complaint accuses defendants of purchasing art which was stolen from the rightful owner, the Catholicosate of Cilicia, during the gravest days of the Armenian Genocide, 1915-1923. The Canon Tables were purchased by the Getty in 1994.

The Zeyt'un Gospels is said to have supernatural powers of protection. On the eve of the Genocide, it was paraded through the streets of Zeyt'un in an attempt to create a spiritual firewall around the city to protect its citizens from harm. Unbeknownst to the Catholicosate of Cilicia, during the tragedy of the Genocide, the most beautiful pages from the Gospels were surgically cut away from the manuscript and ended up in the United States. The Zeyt'un Gospels minus the Canon Tables are currently located at the Matenadaran, the Museum of Ancient Manuscripts in Yerevan, Armenia. The Western Prelacy wants the Canon Tables returned and reunited with the rest of the manuscript.

In addition to asserting that the Western Prelacy's claims were time-barred under California law, the Getty defendants also asked the court to strike down as unconstitutional a recent amendment to the California Code of Civil Procedure, Section 338(c)(3), which provides that a claim against a museum, gallery, auctioneer or dealer for the recovery of looted art must be brought within six years of the plaintiff's actual discovery of: (1) the identity of the work of fine art; (2) the whereabouts of the art; and (3) information showing claimant has a claim for a possessory interest in the art. All actions under Section 338(c)(3) must be brought before December 31, 2017. The judge, Honorable Abraham Khan, rejected defendants' assertions that early dismissal was appropriate based upon statutes of limitations and declined to entertain defendants' constitutional arguments based upon due process and violations of the first amendment.

This is what is hoped to be the first of many victories for the Western Prelacy and for Armenians in a long overdue movement to repatriate Genocide-era looted property to its rightful owners.

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