

Table of cases

Argentina

Blue Ridge Investments, LLC v Republic of Argentina 12-4139-cv (2d Cir 2013), Court of Appeals for the Second Circuit.....	215
---	-----

Australia

Aerospatiale Holdings Australia Pty Ltd and Eurocopter International Pacific Ltd v Elspan International Pty Ltd. et al., Supreme Court of NSW, Common Law Division, 14 August 1992, (1992) 28 NSWLR 321	217
John Pfeiffer Pty Ltd v Rogerson (2000) 172 ALR 625	96
McKain v RW Miller & Co (SA) Pty Ltd (1991) 174 CLR 1	96

Canada

Case of the Vessel Marquis de Somereuils 1812: Stewart's Vice-Admiralty Reports for Nova Scotia 1803–1813, 482.....	117
Hunt v T&N plc [1993] 4 SCR 289.....	311
R v Heller (1983) 27b Alta LR 2d 346 (Prov Ct); (1984) 30 Alta LR 2d 130 QB ...	128
Tolofson v Jensen (1994) 120 DLR 4th 289.....	96

Denmark

Arnarnagnaean Institute v Ministry of Education 1966 UfR 22; 1971 UfR 299	313
--	-----

European Court of Human Rights

Beyeler v Italy (Application no 33202/96), 2002 ECHR 462, 28 May 2002	306
Kozacioglu v Turkey [GC] (Application no 2334/03), 19 February 2009	1
Nordstrom-Janzon and Nordstrom Lehtinen v The Netherlands (Application no 28101/95), 27 November 1996	203
Sud Fondi Srl c Italia (Application no 75909/01), 20 January 2009	306
Suda v Czech Republic (Application no 1643/06), 28 October 2010	202
Suovaniemi and Others v Finland (Application no 31737/96), 23 February 1999.....	203

European Court of Justice

Case 120/78 Cassis de Dijon [1979] ECR 649	139, 140
Case 48/71 EC Commission v Italy [1972] ECR 527	7, 137
Case 7/68 EC Commission v Italy [1969] CMLR 1	7, 137–138
Case 7/78 R v Thompson [1978] ECR 2247, [1979] 1 CMLR 47	138
Case 72/83 Campus Oil [1984] ECR 2727	138
Case 8-74 Procureur du Roi v Benoît and Gustave Dassonville [1974] ECR 837	138
Case C- 281/02 Owusu v Jackson [2005] ECR I-1383	174, 187
Case C-120/95 Decker [1998] ECR I-1831	138
Case C-185/07 Allianz SpA and Generali Assicurazioni Generali SpA, formerly Riunione Adriatica di Sicurtà SpA v West Tankers Inc, The Front Comor [2009] ECR I-663 (Grand Chamber)	206
Kalfelis v Schroder C-189/87 [1988] ECR 5565	172
Rudolf Gabriel C-96/00 [2002] ECR I-6367	172

France

Federal Republic of Nigeria v Alain de Montbrison, Cour de Cassation, judgment of 20 September 2006	125
Frias v Pinchon 1886 Clunet 593	40, 225, 330
La Chartreuse v Cavagna, Cour de Cassation, 18 December 2003, (2004) ASA Bull 796.....	204
X v Banque Privée Edmond de Rothschild Arrêt no 983 du 26 septembre 2012 (11-26.022), Cour de Cassation, Première chambre civile	203
Rouen Municipal Council decision, session of 19 October 2007; Administrative Tribunal of Rouen (judgment of 27 December 2007); Administrative Court of Appeal in Douai (judgment of 24 July 2008).....	79

Germany

Allgemeine Versicherungsgesellschaft v E.K., BGH, 22 June 1972 0 II ZR 113/70; BGHZ 59	332
Arabic Republic of Egypt v Antiques Dealer, Higher Regional Court of Berlin, judgment of 16 October 2006, 10 U 286/05, NJW 2007 705	332
Land Reform I case, Federal Constitutional Court, judgment of 23 April 1991, 1 BvR 1170/90, 1174/90, 1145/90, NJW 1991 1597.....	332
Peter Sachs v Stiftung Deutsches Historisches Museum Landgericht, Berlin, 10 February 2009, 19 O 116/08; Berlin Higher Regional Court 28 January 2010, 8 U 56/09; BGH 16 March 2012, v. ZR 279/10.....	269–271, 274, 286
University of Leipzig v Germany represented by the Federal Office that deals with Restitution Affairs and Unsolved Property Questions Berlin Administrative Court 26 May 2011, VG 29 K 126.09	272, 284–285
Upper Regional Court (Oberlandesgericht) Hamm, Rechtsprechung zum Wiedergutmachungsrecht 1954, 41 BverwG VIZ 2000, 94.....	279

Hong Kong

- FG Hemisphere Associates LLC v Democratic Republic of Congo [2009] 1
 HKLRD 410 (Court of First Instance); [2010] 2 HKLRD 66 (CA); FACV 5-7/
 2010 (Ct of Fin al Appeal).....214

Italy

- Atleta di Fano case, Tribunal of Sciacca, 9 January 1963, *Foro Italiano*, 1963, I,
 1317; Tribunal of Pesaro, Order of 12 June 2009, No 2042/07 RGNR; Tribunal
 of Pesaro, Order of 10 February 2010, No 2042/07 RGNR; Court of Cassation,
 18 January 2011, No 6558; Third Criminal Chamber of the Supreme Court 3
 May 2012.....75, 293
- Republic of Ecuador v Danusso Civil and District Court of Turin, First Civil Section
 4410/79; Court of Appeal of Turin Second Civil Section 593/82; 18 *Rev dir int
 priv proc* 625 (1982)240, 305, 313–314
- Stato Francese v Ministero Italiano per I beni culturali e ambientali e De Contessini
 Livio, Decision of the Tribunal of Rome on 27 June 1987; Court of Appeal in
 Rome on 6 July 1992; Court of Cassation (Sez I) 24 November 1995, No
 12166240, 290

The Netherlands

- Batz-sur-Mer Madonna with Child Re Raad v OvJ, Hoge Raad (Criminal Division)
 18 January 1983, NJ (1983) 1402, Nr 445313
- Bredius case, Hoge Raad, 16 Maart 1990, NJ (1991) 57584

Switzerland

- India v Credit Agricole Indosuez (Switzerland) SA, Swiss Federal Supreme Court,
 8 April 2005, BGE 131 III 418292
- N de N c/N et al., Swiss Federal Supreme Court, 28 May 1998 SJ 1999 I 1314
- Türkische Republik v Kanton Basel-Stadt, Basel Trial Court judgment 16 August
 1993; Basel Court of Appeal, 18 August 1995; Swiss Supreme Court, 22 May
 1996.....314

United Kingdom

- Air Foyle Ltd v Center Capital Ltd [2004] ILPr 15230
- Attorney-General of New Zealand v Ortiz [1982] 3 All ER 432; [1983] 2 All ER 93
 (HL)40, 65, 66, 162, 292, 305, 307–311, 315, 316, 335
- Bakwin and Erie International Trading Co Inc v Sotheby's, 22 November 2005
 (unreported)(QBD).....199–200
- Blair v Curran [1939] 62 CLR 464210
- Bumper Development Corporation v Commissioner of Police for the Metropolis
 [1991] 1 WLR 1362; [1991] 4 All ER 638 (CA)95, 194, 228, 305, 312

Cammell v Sewell [1860] 8 WR 639	93, 227, 230
City of Gotha and the Federal Republic of Germany v Sotheby's and Cobert Finance SA transcript, unreported case no 1997/G/185, 9 September 1998, QBD.....	93, 105, 227, 244–245, 262
Comings v Heard (1869) LRQB 4 669	189
Edgerly v Bush (1880) 81NY199	244
Ferrexpo v Gilson [2012] EWHC 721	174
Fiona Trust v Privalov [2007] 1 Lloyd's Rep 391 (CA).....	205
Government of the Islamic Republic of Iran v The Barakat Galleries Ltd [2007] EWHC 705 (QB); [2009] 1 QB 22 (CA)	88, 100, 245, 295–296, 309–310, 316–318, 327–328
Halsey v Milton Keynes General NHS Trust [2004] 1 WLR 3002 (CA)	53, 151–152
Her Majesty's Attorney-General v Trustees of the British Museum [2005] EWHC 1089 (Ch).....	15, 265
Huntington v Attrill [1893] AC 150	292
Johnson v Gore Wood [2002] 2 AC 1	190
King of Italy v Marquis Cosimo de Medici Tornaquincy 34 TLR 623 (Ch 1918).....	292
Kingdom of Spain v Christie's 1986 WLR 1120.....	20, 334
Konkola Copper Mines v Coromin [2005] EWHC 898	174
Kuwait Airways Corporation v Iraqi Airways Co [2002] 2 AC 883	103
Lanes Group Plc v Galliford Try Infrastructure Ltd [2011] EWHC 1679 (TCC)	190
Lord Advocate v University of Aberdeen & Budge 1963 SC 533	40, 86, 289
Love v Baker (1665) 1 Ch Cas 67	206
Maharanees Seethadevi Gaekwar of Baroda v Wildenstein [1972] 2 QB 283	81
Marcq v Christie Manson and Wood Ltd, t/a Christie's [2002] EWHC 2148, [2003] EWCA Civ 731, [2004] QB 286 (CA).....	100
Midgulf International Ltd v Groupe Chimiche Tunisien [2010] EWCA Civ 66.....	205
Premium Nafta Products Ltd v Fili Shipping 2007 UKHL 40.....	205
Princess Paley Olga v Weisz [1929] 1 KB 718 (CA).....	33, 103, 318
R v Ghosh [1982] QB 1053	303
R v Tokeley-Parry [1999] Crim LR 578.....	300–302
Re Anziani Herbert v Christopherson [1930] 1 Ch 407.....	93
Reichhold Norway ASA v Goldman Sachs International [2000] 1 WLR 173 (CA)	186
RTZ v Connolly [1998] AC 854.....	184
Sovarex SA v Romero Alvarez SA [2011] EWHC 1661 (Comm)	209–210
Spiliada Maritime Co v Cansulex [1987] AC 460	82, 184, 310
Todd v Armour (1882) 9R 901	230
Ust-Kamenogorsk Hydropower Plant JSC (Appellant) v AES Ust-Kamenogorsk Hydropower Plant LLP (Respondent) [2013] UKSC 35	206
West Tankers Inc v Allianz Spa & Another [2011] EWHC 829 (Comm).....	206, 210
Winkworth v Christie Manson and Woods Ltd [1980] Ch 496.....	40, 93, 95, 227, 229–230, 232–233, 235–236, 239, 244–245
Yukos Capital SarL v OJSC Rosneft Oil Company [2011] EWHC 1461 (Comm)	210

United States

- Alsdorf v Bennigson, No 04 C 5953, 2004 WL 2806301 (ND Ill 2004); No B168200; 2004 WL 803616 (Cal Ct App 2004); S124828; 2004 Cal Lexis 6903 (Cal 2004); S124828; 2005 Cal Lexis 13370 (Cal 2005)163, 217
- Altmann v Republic of Austria, 142 F Supp 2d 1187 (C D Cal 1999); 317 F3d 954 (9th Circuit 2002); 327 F3d 1246 (9th Circuit 2003); 123 S Ct 2129 (2003); 539 US 987 (2003); 335 F Supp 2d 1066 (C D Cal 2004).....90, 182–183, 185, 192, 214, 258
- Asahi Metal Industry Co. v Superior Court of California, 480 US 102 (1987)181
- Austria v Altmann, 541 US 677 (2004).....26, 50, 101, 183, 259
- Autocephalous Greek-Orthodox Church v Goldberg & Feldman Fine Arts, Inc, 717 F Supp 1374 SD Ind 1989); 917 F2d 278 (7th Circuit 1990); 112 S Ct 377 (1992)28, 98–99, 178, 239
- Bakalar v Vavra and Fischer, 619 F3d 136 (2d Circuit 2010); 819 FSupp 2d 293 (SDNY 2011); 500FApp'x 6, 8 (2d Cir 2012); No 12-1160, 2013 WL1993864 (US 2013)89, 238, 266
- Bakoss v Certain Underwriters at Lloyd's of London Issuing Certificate No 0510135, 707 F3d 140 (2d Circuit 2013)151
- Bennigson v Alsdorf, (Cal Supr Ct 16 June 2003) (unreported), aff 'd, No B168200.....163, 164, 216–217
- Byblos Bank Europe, SA v Sekerbank Turn Anonym Syrket, 885 NE2d 191 (2008)190
- Cassirer v Kingdom of Spain, 461 F Supp 2d 1157(C D Cal 2006)..... 104, 182, 185
- Charrier v Bell, 498 So 2d 753 (1986)78
- Chasidei Chabad v Russian Federation 466 F Supp 2d 6 (2006); 528 F3d 934 (DC Circuit 2008)102, 105, 182, 187, 188
- Chromalloy Aeroservices Inc v ARE 939 F Supp 907 (DDC 1996)207
- Corporación Mexicana de Mantenimiento Integral v Pemex-Exploración y Producción No 10 Civ 206 (AKH), 2013 WL 4517225 (SDNY 27 August 2013)209
- Crow Creek Sioux Tribe v Brownlee, 331 F3d 912 (17 June 2003) 178–179
- Detroit Institute of Arts v Ullin, ED Michigan (31 March 2007) ...149, 246, 274–275
- DeWeerth v Baldinger 836 F2d 103 (2d Circuit 1987); 108 S Ct 2823 (1988); 486 US 1056 (1988); 804 F Supp 539 (SDNY 1992); 38 F3d 1266 (2d Circuit NY 1994); 115 S Ct 512 (1994)187, 241
- Dunbar v Seger-Tomschitz, 615 F3d 574 (5th Circuit 2010)230, 275
- Goodman v Searle, Complaint (ND Ill 17 July 1996) (No 96 – 6459)101
- Grosz v The Museum of Modern Art, 772 F Supp 2d 473 (SDNY 2010); 403 Fed Appx 575 (2d Circuit 2010); 132 S Ct 102; 181 L Ed 2d 30 (2011)28, 98, 246, 275
- Gulf Oil Corp'n v Gilbert, 330 US 501 (1946)184–185
- Helicopteros Nacionales de Colombia v Hall, 466 US 408 (1984)180
- In re Holocaust Victim Assets Litigation I, 105 F Supp 2d 154275
- In re: Robert M Mardirosian, No BD-2007-012199–200
- International Shoe v Washington, 326 US 310, 316 (1945)180, 184

Ipirtrade International SA v Federal Republic of Nigeria, 465 F Supp 824 (DDC 1978)	214
Jeanneret v Vichey, 541 F Supp 80 (SDNY 1982); 693 F2d 259 (2d Circuit 1982).....	187, 334
Laker Airways Ltd v Sabena, Belgian World Airlines, 731 F2d 909 (DC Circuit 1984) 926-27.....	187, 189
Leonard Malewicz v City of Amsterdam, 517 F Supp 2d 322 (2007); 362 F Supp 2d 298 (DDC 2005)	105, 182
Menzel v List, 267 NYS 2d 804, 809 (NY Sup Ct 1966); 279 NYS2d 608 (NY App Div 1967); 246 NE2d 742 (NY 1969)	105, 246–247, 276
Mirvish v Mott, 18 NY3d 510 (2012)	247–248
Museum of Fine Arts, Boston v Claudia Seger-Tomschitz, 623 F3d 1 (1st Circuit 2010)	275
Museum of Modern Art and Guggenheim Foundation v Schoeps, 603 F Supp 2d 273 (SDNY 2009)	274
O’Keeffe v Snyder, 83 NJ 478, 416 A2d 862 870 (NJ 1980)	246
Orkin v Taylor, 487 F3d 734 (9th Circuit 2007); 128 S Ct 491	96, 255
Perkins v Benguet Consolidated Mining Co., 342 US 437 (1952)	180
Peru v Johnson, 720 F Supp 810 (C D Cal 1989) sub nom Peru v Wendt, 933 F2d 1013 (9th Circuit 1991).....	322–323
Piper Aircraft Co v Reyno, 454 US 235 (1981).....	185
Princz v Federal Republic of Germany 26 F3d 116, 1176 (DC Circuit 1994)	258
Pueblo of San Ildefonso v Daniel Ridlon and Regents of the University of California, 103 F3d 936 (10th Circuit 1996)	178
Republic of Croatia v The Marquess of Northampton 1987 Settlement, 610 NYS2d 263 (NY App Div 1994); 84 NY2d 805 (NY 1994)	322
Republic of Lebanon v Sotheby’s, 561 NYS 2d 566 AD 1 Dept 1990	187
Republic of Turkey v The Metropolitan Museum of Art, 762 F Supp 44 (SDNY 1990).....	187, 323
Rosenberg v Seattle Art Museum, 70 F Supp 2d 1163 (D Wash 1999); 124 F Supp 2d 1207 (D Wash 2000)	262
Schlaifer Nance & Co v Estate of Andy Warhol, 764 F Supp 43, 46 (1991)	
Schultz v US, 540 US 1106 (2004)	153, 217
Seetransport Wiking Trader Schiffahrtsgesellschaft GmbH and Co Kommanditgesellschaft v Navimpex Centrala Navala and Uzinexportimport, 989 F2d 572 (2d Circuit 1993), 1994 XIX YbCA 812 Kunstsammlungen zu Weimar v Elicofon, 536 F Supp 829 (EDNY 1981); 678 F2d 1150 (2d Circuit 1982) 1151	205
Schoeps v Museum of Modern Art, 594 F Supp 2d 461 (SDNY 2009).....	42, 274
Shaffer v Heitner, 433 US 186, 201, 97 S Ct 2569, 53 L Ed 2d 683 (1977).....	169
Solomon R Guggenheim Foundation v Lubell, 77 NY 2d 311 (1991)	28, 73, 187, 239, 244, 246
Toledo Museum of Art v Ullin, 477 F Supp 2d 802 (ND Ohio 2006)	149, 274–275
Turkey v OKS Partners, 1994 US Dist LEXIS 17032 (D Mass 1994)	323
US v An Antique Platter of Gold, 991 F Supp 222 (SDNY 1997); [1999] USCA2 301; 184 F3d 131 (2d Circuit 1999).....	88, 305
US v An Arcaic Etruscan Pottery Ceremonial Vase Late 7th Century BC, No 1:96-cv-09437 (SDNY 1997)	87

US v Gerber, 999 F2d 1112 (7th Circuit 1993); 510 US 1071 (1994).....	87
US v Hollinshead, No 10970 (SD Cal 14 March 1973); 495 F2d 1154 (9th Circuit 1974).....	65, 187, 305, 321, 326
US v Mardirosian, 602 F3d 1 (2010).....	199, 200, 241
US v McClain, 545 F2d 658 (1978); 593 F2d 658 (1979); 444 US 918 (1979) 671	65, 305, 321–323, 326
US v Melnikas, 9292 F Supp 276 (SD Ohio 1996).....	87
US v One Oil Painting Entitled ‘Femme En Blanc’ by Pablo Picasso, 362 F Supp 2d 1175 (C D Cal 2005)	163, 216
US v Portrait of Wally, A Painting by Egon Schiele, No 99-CV-09940 (SDNY filed July 29, 2010); 105 F Supp 2d 288 (SDNY 2000); No 99 Civ 9940, 2000 WL 1890403 (SDNY December 28, 2000); No 99 Civ 9940 (MBM), 2002 WL 553532 (SDNY April 12, 2002)	50, 164, 178, 253
US v Pre-Columbian Artifacts and the Republic of Guatemala, 845 F Supp 544 (ND Ill 1993)	323
US v Quarrel, 310 F3d 664 (10th Circuit 2002)	87
US v Schultz, 333 F2d 393 (2d Circuit 2003); 178 F Supp 2d 445 (2002)	40, 298, 321–326, 328
Vineberg v Bissonnette, 529 F Supp 2d 300 (DRI 2007)	92, 272, 274
Von Saher v Norton Simon Museum of Art at Pasadena, 592 F3d 954 (9th Circuit 2010)	102, 276, 278
Wertheimer v Cirker’s Hayes Storage Warehouse, Inc., 752 NYS 2d 295 (Sup Ct 2002)	28
World-Wide Volkswagen Corp. v Woodson, 444 US 286 (1980)	162, 180
Yale University v Pierre Konowaloff (D Conn 20 March 2014)	32

International Law Cases

Application of the Convention on the Prevention and Punishment of the Crime of Genocide, (Bosnia and Herzegovina v Serbia and Montenegro), Judgment of 26 February 2007, ICJ Rep (2007)	121
Case concerning the Temple of Preha Vihear (Cambodia and Thailand), judgment of 15 June 1962, ICJ Reports (1962)	10
Certain Property (Liechtenstein v Germany), Preliminary Objections, Judgment of 10 February 2005, ICJ Rep (2005)	121
Factory at Chorzow (Ger v Pol) 1928 PCIJ, Series A, No 9 (July 26).....	68
Partial Award – Central Front, Eritrea’s Claims 2, 4, 6, 7, 8 and 22, 28 April 2004	118

Nuremberg

Nuremberg Decision 6 FRD 69 (1946–1947).....	258
--	-----

Arbitration Cases and Awards

Bakwin and Erie International Trading Co Inc v Sotheby’s (2005) 6 ArbLR 83.....	200
---	-----

BP Exploration Co (Libya) Ltd v Government of the Libyan Arab Republic, 10 October 1973 and 1 August 1974, 53 ILR (1979) 297	202
Fomento de Construcciones y Contratas SA v Colon Container Terminal SA, 14 May 2001, ATF 127 III 279, [2001] ASA Bulletin 544.....	219
ICC Interim Award, Case no 4695 of 1984, XI YbCA (1986) 149.....	202
Majken Hofmann, Anna Lokrantz, Maria Müller, Andreas Müller Hofmann und Lena Müller Hofmann v Republic of Austria (21 November 2005) < www.bsllaw.com/altmann/Zuckerandl/Klage/284724.doc >	50, 153–154, 191–192, 259
Maria v Altmann, Francis Gutmann, Trevor Mantle, George Bentley, and DDR. Nelly Auersperg v Republic of Austria (15 January 2006) < http://bsllaw.com/altmann/Klimt/award.pdf >	153, 191–192
Ministry of Defense of the Republic of Egypt v Chromalloy Aeroservices Inc., Cairo Court of Appeal, 5 December 1995, Rev Arb (1998) 723.....	207
Société Européenne d'Études et d'Entreprises (S.E.E.E.) v Yugoslavia, 2 July 1956, 86 (1959) JDI 1074	222
Texaco Overseas Petroleum Co (TOPCO) & California Asiatic Oil Co (Calasiatic) v Government of Libyan Arab Republic, Preliminary Award (27 November 1975) and Award on the Merits (17 January 1977), 17 ILM (1978) 1	202
World Duty Free v Kenya ICSID Case No ARB/00/7	335