

The New York Times

Knoedler Forgery Lawsuit Names Art Historian as Defendant

By Patricia Cohen
April 2, 2014

A respected Swiss art historian and curator has been drawn into the legal tangle surrounding the sale of dozens of high-priced forgeries by the shuttered New York art gallery Knoedler & Company.

In a lawsuit filed Tuesday in United States District Court in Manhattan, Frank J. Fertitta III, a major Las Vegas casino operator, reveals he paid \$7.2 million for a painting sold as a Mark Rothko but subsequently identified as one of dozens of forgeries created in a Queens garage by a Chinese immigrant.

The suit names familiar characters in the ongoing drama such as Knoedler's owner, Michael Hammer, its former director, Ann Freedman, and Glafira Rosales, the Long Island dealer who supplied the fakes. She has pleaded guilty to fraud charges.

But it also places some of the blame on a Rothko expert who the gallery commissioned to help sell the painting. The suit accuses Oliver Wick, currently a curator at the Swiss museum Kunsthaus Zurich, of having knowingly participated in the fraud "either intentionally or with willful blindness or reckless disregard for the truth." Because Mr. Fertitta's painting was sold through a number of intermediaries, he only recently discovered its provenance and minimal value, the suit says.



This work was sold as "Untitled."

According to the suit, Mr. Wick offered the painting on behalf of Knoedler to Eykyn Maclean, a private New York gallery that was acting for Mr. Fertitta, the chief executive of Stations Casinos in Las Vegas and a co-owner of Ultimate Fighting Championship.

At the time of the 2008 sale, Mr. Wick was a curator at the Beyeler Foundation in Basel, Switzerland, which had displayed the Rosales Rothko as part of a larger exhibition.

Mr. Wick, who was paid a \$300,000 consulting fee by Knoedler, according to court documents, sent an email to the Eykyn Maclean gallery prior to the sale that stated: "I confirm that this work has been submitted to the team, all is perfectly fine, otherwise I would not want to be involved with it." Mr. Wick could not be immediately reached for comment.

The Eykyn Maclean gallery is listed as a co-plaintiff in the lawsuit.

Mr. Fertitta subsequently sold the painting to another buyer, but recently repurchased it for \$8.5 million after learning it was a fake, the lawsuit says.



Mr. Hammer and Ms. Freedman have repeatedly said they had no reason to suspect any of the works provided by Ms. Rosales were forgeries and that they had enlisted experts to establish the authenticity of the works. But customers began bringing lawsuits against Knoedler in 2011.

Federal Investigators have said Knoedler sold 40 Rosales counterfeits, while another Manhattan dealer, Julian Weissman, sold 23.