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Lawsuit against art historian over fake Rothko settled out of court

The case against Oliver Wick was brought by the casino billionaire Frank Fertitta

by [LAURA GILBERT](#) | 11 April 2017



The curator Oliver Wick at the opening of the June 2004 exhibition Mark Rothko, Walls of Light at the Guggenheim Bilbao (Image: RAFA RIVAS/AFP/Getty Images)

The Las Vegas billionaire casino magnate Frank Fertitta has settled his claims against the Swiss art historian Oliver Wick in one of the ten lawsuits brought against the now-defunct Knoedler gallery for knowingly selling fakes. The terms of the settlement, filed in Manhattan federal court on Tuesday, 11 April, were not disclosed.

Fertitta bought a fake Mark Rothko from Knoedler in 2008 for \$7.2m. According to the collector's complaint, Fertitta said he agreed to buy the painting in part because Wick, then a curator at the Beyeler Foundation in Basel, had confirmed that "all is perfectly fine, otherwise I would not want to be involved with it. For this I stand with my name as a Rothko scholar". For his role in the sale, Wick was paid \$150,000 by Fertitta and \$300,000 by Knoedler.

The painting was one of 40 fakes the Long Island art dealer Glafira Rosales brought to Knoedler, which sold more than 30 of them for nearly \$70m. Knoedler and its former director Ann Freedman have denied any wrongdoing. Fertitta [had already settled](#) with the gallery and Freedman, although a further claim of breach of contract remains against the Swiss attorney Urs Kraft, who was another intermediary in the sale.

Fertitta, [who discovered his work was a fake after reading The Art Newspaper](#), also filed suit against Wick in Switzerland in 2014, but the court dismissed those claims, saying that "no evidence was submitted showing that the defendant was aware of the painting being a fake". "Wick was cleared of any wrongdoing and we won our legal fees. When the Swiss order was upheld on appeal, the New York case had no future and was destined to be dismissed," said his lawyer David Baum of Dentons. "We are very pleased with the result."

Wick's name winds in and out of the Knoedler saga. In 2002, as a curator at the Beyeler, he showed a Rothko that Knoedler later sold to the Hilti Foundation in Liechtenstein for \$5.5m, and in 2005, another Rothko that Eleanore and Domenico De Sole had purchased for \$8.3m the year before. When the Beyeler was exhibiting a painting purportedly by Barnett Newman on loan from Knoedler in June 2008, Wick forwarded Freedman a letter from three experts on the artist's work, telling the museum they thought it was a fake. The Beyeler took that painting down from display.

Seven of the ten Knoedler lawsuits have so far been settled. The Hilti Foundation has settled with Freedman but its lawsuit against Knoedler is still active. A claim brought against both Knoedler and Freedman by Frances Hamilton White, over a Jackson Pollock she and her then-husband bought in 2000 for \$3.1m, is ongoing.