

AUTHENTICATION IN ART

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London's Mayor Gallery files lawsuit against Agnes Martin catalogue raisonné

Authentication committee rejected 13 works owned by gallery clients,
effectively rendering them “worthless”, according to court papers

by [LAURA GILBERT](#) | 25 October 2016



Alexander Liberman, Agnes Martin with level and ladder, 1960 (Image: Alexander Liberman Photography Archive, Getty Research Institute, Los Angeles © J. Paul Getty Trust)

A new authentication dispute has cropped up around the work of the Canadian-born American abstract painter Agnes Martin, whose minimalist paintings are currently the focus of an exhibition at the Guggenheim Museum in New York (until 11 January). The Mayor Gallery of London filed a lawsuit in New York state court on 17 October against the company behind the Agnes Martin catalogue raisonné and the members of its authentication committee, including Arne Glimcher, the owner of Pace Gallery, which represents the artist's estate.

Mayor Gallery says that the authentication committee acted wrongly when it rejected 13 works submitted to it by the gallery's clients. Neither Sotheby's nor Christie's will accept a work by Martin for auction or private sale unless it has been or will be included in the catalogue raisonné, the complaint says, so "a refusal by defendants to include an artwork [is] recognised in the worldwide marketplace as a conclusive statement that the artwork is a fake", rendering it effectively "worthless".

Mayor has refunded or promised to return the combined \$7.2m the collectors paid and is seeking that amount in damages.

According to the complaint, four collectors purchased the works, all of which, it says, were signed by Martin. Among them is the former Goldman Sachs investment banker Jack Levy, who also bought five Abstract Expressionist fakes from the Knoedler gallery. Levy purchased Day & Night for \$2.9m in 2010, but when it was rejected by the authentication committee in 2014, Mayor bought the work back and resubmitted it, this time with new information about its exhibition history, photographs of the work with Martin and other previous owners in the foreground, and the results of radiocarbon testing, "all of which documented and established the authenticity" of the work, the complaint says. Again, it was rejected, this time with a cover letter from the committee's counsel, Aaron Richard Golub.

The other buyers are the New Jersey collectors Patricia and Frank Kolodny, who purchased a work on paper for \$240,000; Sybil Shainwald, who bought a work on paper for \$180,000; and Pierre de Labouchère, the former Japanese Tobacco International CEO who bought ten paintings for a total of \$3.6m. When their works were rejected without specific reasons, James Mayor, the gallery's owner, wrote to the committee asking why, so that he could try to convince it to reconsider. His requests were either ignored, the complaint says, or he was referred to the agreements signed by his clients, which contained a clause in which they agreed not to sue.

The authentication committee's lawyer is dismissive of the lawsuit: "When I read the complaint, I failed to see a legal claim. I'd never seen a legal complaint without a claim, until now. I compare it to an opera without music," Golub says. Melvyn Leventhal, who represents the gallery, declined to answer questions.

