

U.S. Supreme Court Agrees to Decide Procedural Issue in Case Regarding Nazi Stolen Pissarro Work

The federal courts of appeal are split over whether state or federal law governs claims brought under the Foreign Sovereign Immunities Act, which waives sovereign immunity for foreign entities in certain cases. Sometimes, this is an outcome-determinative question.

In the case of *Cassirer v. Thyssen-Bornemisza Collection Foundation*, the heirs of a Holocaust survivor are seeking to recover a painting by French impressionist Camille Pissarro that was stolen by the Nazis in 1939. The 1897 painting is currently on display in the Thyssen-Bornemisza Museum, a Spanish state museum in Madrid. The U.S. Court of Appeals for the Ninth Circuit ruled against the heirs, saying that federal law called for the application of Spanish law, which allows the holder of stolen property to obtain title through the doctrine of adverse possession. The heirs claim California law, which never allows the holder of stolen property to obtain good title, applies.

Last week, the U.S. Supreme Court agreed to resolve the question. The pleadings are available on SCOTUSBlog [here](#); more coverage of this interesting issue will follow.