
Hughes Hubbard & Reed

Hughes Hubbard Helps Jersey City Museum Win Battle Over Artwork Ownership

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One Battery Park Plaza • New York, New York 10004-1482 • +1 (212) 837-6000

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Hughes Hubbard & Reed fought City Hall on behalf of the Jersey City Museum—and won.

The firm represented the Jersey City Museum in a pro bono case against Jersey City, New Jersey over the ownership of the Museum's eclectic collection, which includes over 10,000 works by the likes of Cy Twombly, Andres Serrano, Leonard Baskin, Chakaia Booker and many local artists.

After a two-year battle, Jersey City abruptly conceded ownership of the collection to the Museum at the end of a three-day trial in May. On June 29, New Jersey Superior Court Judge Jeffrey Jablonski approved a consent judgment in which the city agreed that the "Museum owns the collection and holds the artwork in trust for the public."

"By consent, judgment is entered in favor of the Museum and against the City declaring that ownership of the entire collection under the supervision and care of the Museum belongs to the Museum," Judge Jablonski wrote.

The judgment marked a sharp reversal for Jersey City, which had repeatedly argued before trial that it owned the entire permanent collection. As recently as February 2015, just before the case was initially scheduled for trial, Jersey City's counsel sent Hughes Hubbard a letter formally demanding that the Museum return the city's art works.

The Museum, which is more than a century old, sued Jersey City in May 2013, seeking a declaratory judgment stating that the Museum owned the collection under its supervision. The Museum contended that it owned all of the artwork previously stored in the Jersey City Library that it acquired after formation of the Friends of the Jersey City Museum in 1980.

The Museum also sought to recover \$1.5 million in damages for the city's alleged breach of an implied contract

and concurrent agreement to provide funding to maintain operations of the museum. Although the Museum is a financially independent institution, it has received city funding since its inception. But in recent years, with the city facing a deficit, that funding has been cut.

The city opposed the claim for financial relief, arguing that it did not owe the Museum any funding because all of the art works belonged to the Museum.

Judge Jablonski agreed and found that, in any event, the city did not make a firm commitment to fund the Museum in perpetuity.

Eric Blumenfeld led the Hughes Hubbard team, which included Katie Gerlach and paralegal Max Lester. Jim Kobak is a board member of the Museum and helped direct the litigation.

Marion Grzesiak, the Museum's former executive director and current board member, praised Blumenfeld and his team in a letter saying, "I am so impressed with the super-human effort you made to get us to this point that thank you is hardly enough." She added Hughes Hubbard "made what seemed at times a life or death effort, and who got a decision I thought was not even possible!"

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Eric K. Blumenfeld



James B. Kobak, Jr.