

## Another Victory for Art

**G**uild associate member **Greg Victoroff, Esq.** recently scored another victory for art in the case, *D'Agostino v. MEM Enterprises, LLC*. After a year in state and federal courts and the day before trial was scheduled to begin, Attorney Victoroff extracted \$75,000 (more than twice the insurance policy coverage limits) for damage to his client's 19th Century oil painting.

The suit was brought by plaintiff James D'Agostino who hired by telephone the defendant, MEM Enterprises, LLC d.b.a. "The UPS Store," in New Orleans to pack and ship a valuable painting, *In the Apple Orchard*, by Frederick Morgan. The defendant negligently placed the painting in the back of its pickup truck, impaling it on a tire iron, which created a 2-3 inch gash in the center of the painting. Although the defendant's insurance company, Transportation Insurance Company (CNA), hired someone to repair the painting, it subsequently refused to offer the plaintiff any compensation for damage to the painting, saying that its repair had enhanced the value of the painting.

The plaintiff argued that the claim of enhanced value was ludicrous and defied all logic. Three expert art appraisers with experience appraising 19th Century oil paintings independently examined the repaired painting and concluded that its value had decreased between 50 and 75%.

Greg Victoroff, a principal in the law firm Rohde and Victoroff in Los Angeles, CA, specializes in entertainment and intellectual property law. He is a member of the Guild's Los Angeles Chapter.



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