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Sotheby's embroiled in lawsuit over date of Mahmoud Mokhtar sculpture casting



Mahmoud Mokhtar, Au Bord Du Nil

By **Colin Gleadell**

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Sotheby's has become embroiled in a lawsuit with one of its most valued Middle Eastern clients. Just as last week's Middle Eastern art sales were close in London, a writ was served on the auctioneer by lawyers for Sheikh Sultan Sooud Al-Qassemi, founder of the Barjeel Art Foundation in Al-Qassemi is seeking repayment on a £725,000 sculpture he bought at Sotheby's last year by the modern Egyptian artist, Mahmoud Mokhtar, who believes was not cast during the artist's lifetime as Sotheby's had presented it.

Sotheby's had catalogued *Au Bord du Nil*, an impressive four-foot bronze figure of a woman carrying a water vessel on her head, as "cast in circa 19 artist died in 1934. A supporting catalogue note and separate condition report stated more specifically that it was a lifetime cast.

According to the writ, Al-Qassemi, a pioneering collector of Modern Middle Eastern Art, relied on Sotheby's expertise to make the purchase. After requested that Sotheby's confirm the date of casting with the foundry that made it, Susse Freres in Paris.

The report, however, stated that, based on a marking on the bronze, the work was likely cast in 1939, five years after the artist's death. Posthumous traditionally valued at a much lower price than a lifetime cast. In the writ, the value is estimated at "as little as £70,000".

Al-Qassemi's claim, though, is not for the difference in value but for the total £725,000 plus expenses, stating Sotheby's had been negligent and in contract by misrepresenting the sculpture in its catalogue.

At issue is not only the difference in value between a lifetime and a posthumous cast, but the degree of Sotheby's responsibility to correctly describe sale – in other words the justification of the buyers' premium charge – or whether the client should bear any responsibility in terms of conducting research (caveat emptor).

In contesting the charge Sotheby's will also argue that, in subsequent correspondence with the Foundry, there is some vagueness about the dating

"The Foundry has acknowledged that in the absence of records to the contrary any comments regarding the markings are necessarily speculative," said in an e-mailed statement last weekend. It will also argue that there is no 'bronze' stamp on the cast, which was required by law after 1935, suggest in fact a lifetime cast. "We never want a valued and respected client to be unhappy with our service, but in this case we simply could not resolve our dispute, despite our very best efforts."

Just how important a client Al-Qassemi is in this market was underlined last week when the Barjeel Foundation paid record prices for two of the top Bonhams Middle Eastern art sale. One was a 10-times estimate £275,000 for a 1960 wooden sculpture by the Lebanese artist Saloua Raouda Choucair received her first ever museum exhibition at Tate Modern in 2013, and the other, a double-estimate £221,000 for a 1953 painting by the founding Iraqi artist, Jewad Selim. At Sotheby's equivalent sale last week, the Foundation made not one bid.

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