

<http://www.courthousenews.com/2013/07/05/59113.htm>

Courthouse News, Friday, July 5, 2013

MANHATTAN (CN) - A dealer of Edgar Degas bronzes claims in court that the founder of a hunger charity absconded with works meant to be raffled off to benefit Haitian earthquake victims.

The Degas Sculpture Project Ltd., a New Jersey-based fine art dealer, sued Global Village Champions Foundation, a Florida-based charity doing business as Mentch Investments, its founder Yank Barry and its president James Shelly, in Federal Court.

Barry says he was lead singer for The Kingsmen, the band behind the hit song "Louie, Louie," from 1968 to 1970, according to the Sarasota Herald-Tribune.

Now the president of VitaPro, a purveyor of soy-based meat alternatives, he told the Herald-Tribune that his anti-hunger initiatives earned him back-to-back nominations for the Nobel Peace Prize, in 2012 and 2013.

The 18-page federal complaint abbreviates the plaintiff corporation as DSP and defendant foundation as GVCF.

It savages Global Village and its officers.

"Defendant GVCF is, ostensibly, a nonprofit charitable foundation with the stated admirable purpose of eradicating world hunger," the complaint states. "In the circumstances described herein, however, GVCF is in actuality an instrumentality of fraud utilized for the personal benefit of its founder, directors and officers."

In the complaint, DSP describes at length how it acquired the Degas works.

"As a result of DSP's multi-year research of an apparently 'new' bronze edition of Edgar Degas' famed sculpture, *La Petite Danseuse de Quatorze Ans* ('The Little Dancer, Age Fourteen'), plaintiff, through its principals, discovered and purchased certain rights to a set of seventy-five previously unknown plaster casts made from Degas' original wax sculptures," the complaint states.

"In conjunction with the Valsuani Foundry in Chevreuse, France, plaintiff then arranged to have sets of bronze sculptures cast from these plasters for purposes of exhibition and carefully limited sale.

"These bronzes, master works of art, are commonly referred to as the 'Valsuani Edition.'

"The historic and cultural significance of bringing the Degas plasters to light and the commercial value of arranging for the bronze editions to be cast from the plasters cannot be overestimated.

"To protect the integrity, historical significance, public accessibility and commercial aspects of the discovery, plaintiff carefully restricted the timing, content and dissemination of information related to the Valsuani Edition bronzes and, similarly, set stringent conditions for sale of the same to any prospective purchaser.

"By way of example only, plaintiff restricted the private sale of Valsuani Edition bronzes to collectors who would commit to donate the sets to reputable museums, to exhibit them or, minimally, hold them from resale for a period of years."

Barry told Courthouse News in a telephone interview that art publications have questioned the authenticity of DSP's bronzes.

The Art Newspaper covered the controversy in a series of articles dating back to a March 9, 2010 story, "[The silence of the Degas scholars](#)."

Two years after that story, the Art Newspaper reported that the scholars, silent no more, had announced a [boycott](#) against the Degas bronzes.

ARTnews reported on the issue in a June feature, "[The Degas Debate: Analyzing the Controversial Plasters](#)."

Barry acknowledged that the press has not always been kind to him, either.

Citing a Canadian CTV News blog, ARTnews reported that it could not confirm that he ever sang for the Kingsmen, but that he did serve seven months of a six-year prison term for extorting a record company executive of \$82,000 with the threat of a mob hit. It [reported](#) that Barry's subsequent bribery conviction in Texas was overturned on appeal.

Barry said of the Texas case that he was "bushwhacked" by George W. Bush, and that he is writing a book about his legal travails in Texas.

He said that CTV News retracted the original story, which no longer appears on its website.

He said he gave the ARTnews story a pass, but that he sued the National Post for an article that stated, among other things, that he sang for a Kingsmen "cover band" and cast doubt upon what the paper called his "alleged good deeds."

Barry told Courthouse News: "I'm at a point in my life where, on the record, don't fuck with me."

Barry said in the Courthouse News interview, which was recorded, with his permission: "I have fed, documented, almost 1 billion meals around the world. We have just shipped meals to India, over 2 million meals. I just shipped a million meals to Alberta, Canada, where they had the floods. Muhammad Ali and I toured the world for 17 years feeding children all around the world."

Global Village's press materials list Ali as a co-founder of the nonprofit. Ali is not a party to the complaint.

The timeline of the complaint dates back two years before the ARTnews stories.

According to the complaint, Barry first expressed interest in acquiring, brokering and selling the Valsuani Edition statues in 2008, introducing himself as representing Mentch Investments.

DSP claims that the parties ironed out a contract on Nov. 15, 2008 to purchase at least two sets of 73 bronzes with an option to buy up to eight additional sets at a confidential price within a year.

Two more contracts followed: a Feb. 12, 2009 confidentiality agreement and a Nov. 6, 2009 purchase of 10 sets of Valsuani Edition bronzes, according to the complaint.

"Throughout this time frame, defendant Barry continuously and systematically represented to plaintiff that he would: (i) fund the sales of the sets he had committed to purchase; (ii) deliver notable and qualified third-party purchasers; (iii) provide placement opportunities for the works that would enhance their accessibility to the public, reputation and marketability (i.e. with prominent collectors or celebrities)," the complaint states.

Instead, Barry proposed raffling off all 73 bronzes plus the celebrated Little Dancer to those who offered a minimum contribution to the charity, DSP says in the complaint.

"Plaintiff originally declined the invitation to sell a set and Little Dancer to GVCF under these circumstances because the proposed scheme seemed to be unlikely to succeed and because plaintiff would lack control over any resulting publicity and the sensitive secondary market," the complaint states. "Plaintiff was also concerned that the raffle idea, despite the underlying charitable cause, could serve to diminish the reputation of the works."

DSP claims that Barry responded by falsely stating that he had acquired a complete set of bronzes from nonparty Leonardo Benatov, the proprietor of the Valsuani Foundry.

"Specifically, Barry represented to plaintiff that he would use his 'own' set for the GVCF raffle which could 'ruin' plaintiff's vested interest in the secondary market unless plaintiff reconsidered," the complaint states.

DSP claims that it "relented and agreed," in exchange for editorial control over the promotion of the raffle and a promise that the money would go to Haitian earthquake relief.

But the defendants "simply always intended to acquire these works for their personal benefit, under the guise and protection of the charitable shell and with as few dollars exchanged as possible," according to the complaint.

"Defendant Barry in particular has simply absconded these works [sic], abandoned the raffle or any other purpose related to GVCF's stated charitable purposes and has even resold or offered these items for resale and/or for services performed by others for his personal financial gain.

"In total, defendants have paid plaintiff \$1,000,000 against a confidential purchase price vastly exceeding that figure for delivery of rare and important works of art appraised at a total value exceeding \$30,000,000," the complaint states.

DSP demands damages for breach of contract, tortious interference, conversion, conspiracy and fraud.

It is represented by Joseph LaSala, with McElroy, Deutsch, Mulvaney & Carpenter.

Barry declined to comment on the specific allegations of the lawsuit, saying he had not been served with the complaint.

LaSala did not respond to requests for comment.

Jljlklk;l  
Llaalka;la

Alja;ll;al