

Settlement In de Kooning Suit

"From the studio of Willem de Kooning" is how a series of sculptures at the heart of a lawsuit between the estate of the Abstract Expressionist artist and the sculptor Philip Pavia will be known, per a settlement agreed to last Thursday in a Manhattan court.

Mr. Pavia, who has a house on Squaw Road in East Hampton, will also receive an undisclosed sum of money. He had been seeking a total of \$3 million.

The money, he argued in the suit he filed three years ago, was due him for enlarging a series of sculptures he calls "Leda and the Swan." Mr. Pavia did so, he said, at the behest of Mr. de Kooning and his wife, the late Elaine de Kooning. The original clay models, Mr. Pavia said, were made by Mr. de Kooning.

Not His Work

Mr. de Kooning's lawyers maintained that those sculptures were actually the work of Lisa de Kooning, Mr. de Kooning's daughter, and said Mr. Pavia's claims were without merit.

The dispute started after one of the sculptures came up for sale at Christie's; the sale was nullified after attorneys for Mr. de Kooning claimed it was not an original de Kooning.

Earlier this year, Supreme Court Justice Karla Moskowitz ordered that Mrs. de Kooning's estate be added as a party to the suit, as "she

unquestionably played a dominant role in her capacity as de Kooning's agent in his dealings with Pavia and others in the art world."

Pavia Is Pleased

The 89-year-old Mr. de Kooning, who suffers from Alzheimer's disease, was declared mentally incompetent shortly after his wife died in 1989; his estate has since been administered by conservators. He was to have been fingerprinted at his Springs studio in July to determine the authenticity of the sculptures, which Mr. Pavia's side says are covered with the artist's prints.

The fingerprinting was called off the day before it was to have taken place, when talks began on the settlement ratified by Justice Moskowitz last week.

"I'm very happy, it's okay," said Mr. Pavia, reached this week at his apartment in Manhattan. "I think if I stayed in longer and fought, I would have won. But I don't want three more years of work."

Roughly 40 sculptures are involved. Under the settlement, Mr. Pavia will have to return the "majority" of them, said Gale P. Elston of Manhattan, his attorney. She declined to be more specific.

"From The Studio"

That Mr. de Kooning was the creator of one of the sculptures, a small plaque, was never disputed. The rest, however, will be referred to

henceforth as "from the studio of Willem de Kooning," a term that dates from Renaissance times, when master artists supervised schools of disciples. It is almost unheard of today.

The phrase fits, said John Silberman, a Manhattan attorney representing Mr. de Kooning's estate, because "they did literally and physically come from the studio that is Mr. de Kooning's." The estate still maintains "absolutely" that the sculptures are by Lisa de Kooning. "We certainly are not saying that Mr. de Kooning made them," the lawyer said.

It was also agreed, both lawyers said, that Mr. Pavia would execute any future enlargements or castings commissioned by the estate. "Which," Mr. Silberman said, "[the conservators] have no intention of doing." That part of the agreement, he said, was only to allow Mr. Pavia to "save face."

Out-Of-Pocket, Plus ?

Mr. Pavia, who had traveled to Italy to do the enlargements, said he was to be reimbursed for his out-of-pocket costs in enlarging the sculptures, among other expenses, though he wouldn't say to what extent. "I think eventually it will come out," he said.

Already this week, rumors were swirling; the net sum was said to be in the neighborhood of \$200,000.

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