

# Palevsky vs. MoCA: Battle continues

## Founding trustee suffers setback in legal battle with museum

By Hunter Drohojowska

**M**useum of Contemporary Art founding trustee Max Palevsky has suffered a setback in his legal battle with the museum.

Palevsky claims the museum renegeed on a promise to give him architectural control of its building in exchange for a gift of \$1 million, and sued last March for the return of \$500,000 paid, and to avoid paying the other \$500,000.

But L.A. Superior Court Judge Irving A. Shimer has asked Palevsky to amend his complaint within 30 days and declined to consider a judgment until seeing a more specific draft.

Palevsky verbally promised the money in 1980 to William Norris, MoCA's founding president, and Eli Broad, board chairman, and then sent



**Max Palevsky** has been asked by a superior court judge to amend his complaint.

Broad a letter stating that his \$1 million commitment depended on the selection of an architect of "interna-

tional quality." He added: "I will feel no obligation to the museum if, at some future time, the architectural decision is made on other grounds by other people."

Palevsky was made a trustee and named chairman of the architectural committee comprised of trustees, artists and architects. They selected Japanese architect Arata Isozaki by a 3-1 vote with Palevsky dissenting but bowing to the others. In 1982, Palevsky claimed Isozaki was not working closely enough with the architectural committee, not spending enough time in Los Angeles, and was thus violating his contract with the museum. The architectural committee voted unanimously to fire Isozaki. Amid the waves of negative publicity charging the museum with meddling in the architect's design, MoCA's executive committee recommended retaining Isozaki, formed a building committee and named trustee Fred Nicholas as facilitator/coordinator. Palevsky became co-chairman, but other members

of his original committee were not involved.

In 1982, the board voted 15-3 to approve Isozaki's design, which is now being constructed on Bunker Hill. Palevsky claims that the restructuring of the committee severed his control of the architecture. He resigned from the board of trustees last July.

MoCA's attorney, Malcolm Wheeler, of Hughes Hubbard and Reed — which also represents museum funder Atlantic Richfield Co. — explained Palevsky "was promised the right to participate in the selection of an architect of international quality. Then in the letter (to Broad) and the complaint, he admits he was the one who designed the process by which Isozaki was chosen and approved the choice . . . so there was no breach."

One of Palevsky's three attorneys, Nancy Scheurwater, of Latham and Watkins — which successfully represented Norton Simon when he was sued by the Pasadena Art Museum — claimed "disbanding the architectural committee changed the process by which decisions were made, and that breached the agreement. From 1982 on, Palevsky had little or no involvement at a time when there were still important design and architectural decisions to be made."