

# Parties Settle in Legal Fight Over Robert Indiana's Legacy

The artist's estate, a company that licensed the sale of some of his works and a former caretaker had been fighting in court since the time of the artist's death in 2018.



By Graham Bowley

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After three years of courtroom hostilities, the estate of the artist Robert Indiana and the artist's former business partner said Friday that they had agreed to settle the legal disputes that cost the estate millions of dollars and clouded the market for a man known for such works as the sculpture, "LOVE."

In a filing in United States District Court in Manhattan, Morgan Art Foundation, the business partner, James W. Brannan, the personal representative for Indiana's estate and Jamie L. Thomas, Indiana's former caretaker, said they were dropping the claims and counterclaims that began around the time of Indiana's death in Maine in May 2018 at age 89.

The terms of the settlement were not disclosed.

The legal back-and-forth drained assets that would otherwise have gone to a project designated by the artist in his will, an endeavor to convert his old home on the remote island of Vinalhaven, more than an hour's ferry ride off the Maine coast, into a museum to memorialize his artistic legacy.

Larry Sterrs, chairman of the Star of Hope Foundation, a nonprofit that Indiana created in his will to shepherd the conversion, said he was happy to be a part of the conversation that had facilitated the final settlement.

"The Star of Hope looks forward to our partnership in the market with Morgan and accelerating work on our mission," he said in a statement.

The protracted legal fight began around the time of Indiana's death with a legal filing by the Morgan Art Foundation. The for-profit company holds the rights to produce versions of several of Indiana's best-known works, including "LOVE." In court papers, the company accused Thomas and a New York art publisher of isolating the artist in the final years of his life while they created unauthorized or adulterated versions of his work.

Among these works, it said, was BRAT, a huge sculpture and homage to bratwurst that was commissioned by a Wisconsin sausage maker. To further question Indiana's role in the late artwork, Morgan came forward with a video that had been posted on social media in 2013 by one of the publisher's studio assistants at the time and depicted an automatic signature machine signing Indiana prints.

Thomas and the publisher denied the accusations, and the publisher said the machine had Indiana's blessing.

In counter claims, the estate accused the Morgan company in court papers of cheating Indiana out of the royalties he was due under the licensing agreement, which it denied.

The uncertainty caused by the litigation affected the Indiana market. Morgan said the settlement would end that uncertainty by forging a partnership between the Morgan company and the Star of Hope foundation.

"This settlement is an excellent outcome for all involved," said Luke Nikas, the lawyer for Morgan, in a statement.

Lawyers for Thomas were among the signatories to the filing in district court. But the settlement does not include the New York art publisher, Michael McKenzie, who said in an interview that he was surprised that the artist's estate, that had fought Morgan so bitterly, should now be prepared to settle on an agreement that would allow the company to partner with the foundation.

McKenzie, who since 2008 has had a contract with Indiana to produce and sell works based on his sculpture “HOPE,” continues to be locked in separate legal disputes with both Indiana’s estate and the Morgan company.

He remains open to an agreement with both parties, but said he could also challenge the settlement announced Friday. “I can take this apart,” McKenzie said.

Brannan, the personal representative for Indiana’s estate, said in a statement, “The future is bright for the market and legacy of Robert Indiana, and the estate is pleased to have helped create this success.”

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