

11-1197-cv

United States Court of Appeals
FOR THE SECOND CIRCUIT

RICHARD PRINCE,
GAGOSIAN GALLERY, INC.,
and LAWRENCE GAGOSIAN,
Defendant-Appellants,

v.

PATRICK CARIOU,
Plaintiff-Appellee.

On Appeal from the United States District Court
for the Southern District of New York

Declaration of Joshua I. Schiller

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**DECLARATION OF JONATHAN SCHILLER IN OPPOSITION TO COUNSEL
FOR AMICI CURIAE'S MOTION FOR EXTENSION OF DEADLINE TO FILE
AMICUS BRIEF**

I, **JOSHUA I. SCHILLER** declare:

1. I am an attorney from the law firm of BOIES, SCHILLER AND FLEXNER, LLP, and I make this Declaration in Opposition to counsel for Amici Curiae's Motion For Extension Of Deadline To File Amicus Brief.

2. Today, Dale Cendali, counsel for Amici Curiae supporting Plaintiff-Appellee Patrick Cariou, entered a motion requesting an extension of the due date to file an amicus brief on behalf of the American Society of Media Photographers, Inc. and the Picture Archive Council for America, Inc. Currently, their brief would be due tomorrow February 1, 2012, and counsel has asked for a 7 day extension which would allow Amici to file their brief on February 8, 2012 the same day that Defendants-Appellants are required to submit their reply brief in this appeal.

3. Unless Defendants-Appellants' request for an extension to file the reply brief is granted, should Amici counsel receive the requested extension the Defendants-Appellants will not have the opportunity to review their brief nor the opportunity to reply to their arguments. We believe that this would prejudice Defendants-Appellants ability to fairly and adequately address any issues presented by the Amici in support of Plaintiff-Appellee.

4. On behalf of Defendants-Appellants Richard Prince, Larry Gagosian and the Gagosian Gallery, I submit this Declaration stating that Defendants-Appellants oppose any extension on the due date for Amici Curiae briefs in support of Plaintiff-Appellee at this time.

5. As a professional courtesy, if Defendants-Appellants request for an extension for the reply brief until February 22, 2012 is granted, Defendants-Appellants would not oppose a 7 day extension for Amici counsel to submit their brief.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 31th day of January, 2012.

_____/s/_____
Joshua I. Schiller