

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Patrick Cariou

Plaintiff,

U.S.C.A. # 11-1197

U.S.D.C. # 08-CIV-11327

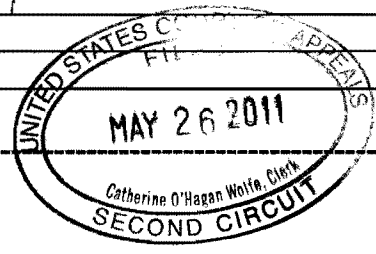
Richard Prince, Gagosian Gallery, Inc.,
Lawrence Gagosian, and Rizzoli
International Publications, Inc., Defendants.

JUDGE: Honorable Deborah Batts

DATE: 5-26-11

First SUPPLEMENTAL INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): Megan Briskman
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

- | DOCUMENT DESCRIPTION | DOC # |
|--|-------|
| 1. SUPPLEMENTAL CLERK'S CERTIFICATE | |
| 2. Composite Exhibit A to Affidavit of Defendant Richard Prince | 53 |
| 3. Exhibits (Attached to Declaration of Daniel J. Brucks) - "Yes, Besta" - Cariou and... | 55 |
| 4. <u>8</u> | |
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U.S. COURT OF APPEALS
SECOND CIRCUIT
MAY 26 2011

CV

CV

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Date: 5-26-11

Patrick Carion

Plaintiff,

USCA NO. 11-1197

-v-

Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian,
and Rizzoli International Publications, Inc.,

SDNY NO. 08-CV-11327

JUDGE: Deborah Batts

Defendants

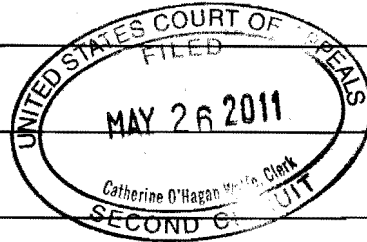
Extract of Docket Entries

DATE

DOCUMENTS DESCRIPTION

5/17/10 Composite Exhibit A

5/25/10 Exhibits (Attached to Bracks Declaration) - "Yes, Restd" & "and zone"



Ruby J. Krajick, Clerk

By [Signature]
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Patrick Carion

Plaintiff,

-v-

Richard Prince, Gagosian Gallery, Inc.,
Lawrence Gagosian, and Rizzoli International
Publications, Inc.,

Defendants.

U.S.C.A. # 11-1197

U.S.D.C. # 08-CV-11327

JUDGE: Deborah Batts

DATE: 5-26-11

First SUPPLEMENTAL CLERK'S CERTIFICATE



I, Ruby J. Krajick, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified extract of the docket entries and the original filed papers numbered 1 through 87, inclusive, constitute the Supplemental record on appeal in the above entitled proceedings.

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 26th Day of May In this year of our Lord, Two Thousand and Eleven, and the Independence of the United States this 235th year.

Ruby J. Krajick, Clerk

By [Signature]
Deputy Clerk

APPEAL, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-11327-DAB**

Cariou v. Prince et al
Assigned to: Judge Deborah A. Batts
Cause: 28:1338 Copyright Infringement

Date Filed: 12/30/2008
Jury Demand: Both
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Patrick Cariou

represented by **Daniel J. Brooks**
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V.

Defendant

Richard Prince

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**RUBY J. KRAJICK
CLERK OF COURT**

BY


Deputy Clerk

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
2011 MAY 26 AM 11:48

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represented by **Hollis Anne Bart**
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Defendant**Lawrence Gagosian**

represented by **Hollis Anne Bart**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dara Gilwit Hammerman
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Rizzoli International Publications, Inc.
TERMINATED: 02/05/2010

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Cross Claimant

Rizzoli International Publications, Inc.
TERMINATED: 02/05/2010

represented by **Jesse Alan Epstein**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Richard Prince
TERMINATED: 03/19/2010

represented by **Steven Michael Hayes**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant**Gagosian Gallery, Inc.**

represented by **Hollis Anne Bart**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dara Gilwit Hammerman
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ATTORNEY TO BE NOTICED

Cross Defendant**Lawrence Gagosian**

represented by **Hollis Anne Bart**
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Dara Gilwit Hammerman
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ATTORNEY TO BE NOTICED

Cross Claimant

Richard Prince
TERMINATED: 03/19/2010

represented by **Steven Michael Hayes**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Rizzoli International Publications, Inc.
 TERMINATED: 02/05/2010

represented by **Jesse Alan Epstein**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/30/2008	<u>1</u>	COMPLAINT against Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian, Rizzoli International Publications, Inc. (Filing Fee \$ 350.00, Receipt Number 673608) Document filed by Patrick Cariou.(ama) (Entered: 01/05/2009)
12/30/2008		SUMMONS ISSUED as to Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian, Rizzoli International Publications, Inc. (ama) (Entered: 01/05/2009)
12/30/2008		Magistrate Judge Douglas F. Eaton is so designated. (ama) (Entered: 01/05/2009)
12/30/2008		Case Designated ECF. (ama) (Entered: 01/05/2009)
12/30/2008		Mailed notice to Register of Copyrights to report the filing of this action. (ama) (Entered: 01/05/2009)
01/14/2009	<u>2</u>	AFFIDAVIT OF SERVICE. Service was accepted by Chad Matice (Authorized Agent for Secretary of State of the State of New York). Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 01/14/2009)
01/14/2009	<u>3</u>	AFFIDAVIT OF SERVICE. Service was accepted by Chad Matice (Authorized Agent for Secretary of State of the State of New York). Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 01/14/2009)
01/14/2009	<u>4</u>	AFFIDAVIT OF SERVICE. Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 01/14/2009)
01/14/2009	<u>5</u>	AFFIDAVIT OF SERVICE. Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 01/14/2009)
01/14/2009	<u>6</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian, Rizzoli International Publications, Inc.. Document filed by Patrick Cariou. Related document: <u>1</u> Complaint filed by Patrick Cariou.(dlc) (Entered: 01/15/2009)
01/29/2009	<u>7</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between the parties that the time for defendants' to answer, move, or otherwise respond to the amended complaint is extended to and including 2/17/2009. (Signed by Judge Deborah A. Batts on 1/29/2009) (jpo) (Entered: 01/30/2009)
02/17/2009	<u>8</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between the parties that the time for defendant Rizzoli International Publications, Inc. to answer, move or otherwise respond to the amended complaint is extended to March 3, 2009. (Signed by Judge Deborah A. Batts on 2/17/2009) (jpo) (Entered: 02/18/2009)
02/17/2009	<u>9</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between the parties that the time for defendants Richard Prince, Gagosian Gallery, Inc., and Lawrence Gagosian, to answer, move or otherwise respond to the amended complaint is extended to March 3, 2009. (Signed by Judge Deborah A. Batts on 2/17/2009) (jpo) (Entered: 02/18/2009)
03/03/2009	<u>10</u>	NOTICE OF APPEARANCE by Steven Michael Hayes on behalf of Richard Prince (Hayes, Steven) (Entered: 03/03/2009)
03/03/2009	<u>11</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Richard Prince.(Hayes, Steven) (Entered: 03/03/2009)
03/03/2009	<u>12</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Richard Prince. Related document: <u>6</u> Amended Complaint filed by Patrick Cariou.(Hayes, Steven) (Entered: 03/03/2009)
03/03/2009	<u>13</u>	NOTICE OF APPEARANCE by Hollis Anne Bart on behalf of Gagosian Gallery, Inc., Lawrence Gagosian (Bart, Hollis) (Entered: 03/03/2009)
03/03/2009	<u>14</u>	ANSWER to Amended Complaint. Document filed by Gagosian Gallery, Inc., Lawrence Gagosian. Related document: <u>6</u> Amended Complaint filed by Patrick Cariou.(Bart, Hollis) (Entered: 03/03/2009)
03/04/2009	<u>15</u>	NOTICE OF APPEARANCE by Dara Gilwit Hammerman on behalf of Gagosian Gallery, Inc., Lawrence Gagosian (Hammerman, Dara) (Entered: 03/04/2009)
03/06/2009	<u>16</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Gagosian Gallery, Inc., Lawrence Gagosian. (Hammerman, Dara) (Entered: 03/06/2009)
03/17/2009	<u>17</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying RCS MediaGroup S.p.A as Corporate Parent. Document filed by Rizzoli International Publications, Inc.(Epstein, Jesse) (Entered: 03/17/2009)
03/17/2009	<u>18</u>	NOTICE OF APPEARANCE by Jesse Alan Epstein on behalf of Rizzoli International Publications, Inc. (Epstein, Jesse) (Entered: 03/17/2009)
03/17/2009	<u>19</u>	ANSWER to Amended Complaint., CROSSCLAIM against Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. Document filed by Rizzoli International Publications, Inc.. Related document: <u>6</u> Amended Complaint filed by Patrick Cariou.(Epstein, Jesse) (Entered: 03/17/2009)
03/23/2009	<u>20</u>	ANSWER to Crossclaim. Document filed by Gagosian Gallery, Inc., Lawrence Gagosian.(Bart, Hollis) (Entered: 03/23/2009)
03/24/2009	<u>21</u>	ANSWER to Crossclaim., CROSSCLAIM against Rizzoli International Publications, Inc.. Document filed by Richard Prince.(Hayes, Steven) (Entered: 03/24/2009)
04/30/2009	<u>22</u>	RULE 26 DISCLOSURE.Document filed by Patrick Cariou.(Brooks, Daniel) (Entered: 04/30/2009)
04/30/2009	<u>23</u>	RULE 26 DISCLOSURE.Document filed by Richard Prince.(Hayes, Steven) (Entered: 04/30/2009)
06/19/2009	<u>24</u>	SCHEDULING ORDER: Except for good cause explicitly set forth by letter and shown, all discovery, including expert discovery, shall be commenced in time to be completed by 2/1/10. The court expects discovery to be completed within 60 days of the first scheduling conference unless, after the expiration of that 60 day period, all counsel stipulate that an additional period of time (not to exceed 60 more days) is needed to complete discovery, and the Court approves such extension. A party contemplating making a dispositive motion must notify opposing counsel by 3/1/10. Proposed Requests to Charge and Proposed Voir Dire shall be submitted by 3/26/10. Joint Pre-trial Statement ("JPTS"): A JPTS shall be submitted by 3/26/10. The JPTS shall conform to the Court's Individual Practices and Supplemental Trial Procedure Rules. Memoranda of Law addressing those issues raised in the JPTS shall be submitted by 3/26/10. Responses to the Memoranda shall be submitted by 4/9/10. There shall be no replies. Dual track mediation and discovery. Private mediation split 4 ways. (Signed by Judge Deborah A. Batts on 6/19/2009) (rw) (Entered: 06/19/2009)

08/10/2009	<u>25</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge Deborah A. Batts on 8/10/2009) (jfe) (Entered: 08/10/2009)
02/05/2010	<u>26</u>	STIPULATION AND ORDER OF DISMISSAL: All claims by plaintiff Patrick Cariou against Rizzoli International Publications, Inc. are dismissed with prejudice and without costs to any party as against the other. (Signed by Judge Deborah A. Batts on 2/5/10) (dle) (Entered: 02/05/2010)
02/05/2010	<u>27</u>	ENDORSED LETTER addressed to Judge Deborah A. Batts from Steven M. Hayes dated 1/27/10 re: counsel for defendants request an extension of the discovery time period. ENDORSEMENT: Denied. (Signed by Judge Deborah A. Batts on 2/5/10) (dle) (Entered: 02/05/2010)
03/19/2010	<u>28</u>	ORDER: The Court is in receipt of and has reviewed Plaintiff's letters dated February 8 and February 19, 2010 and Defendants' letter dated February 17, 2010. Both Parties request permission to file for summary judgment. The Court hereby grants Parties' requests to cross move for summary judgment. Plaintiff and Defendants shall file and serve their moving papers, respectively, within 45 days of the date of this Order. Each Party shall respond within 30 days of being served with the opposing side's moving papers. Parties may reply within 10 days of being served with a response, at which time the motions will be fully-submitted. (Signed by Judge Deborah A. Batts on 3/19/2010) (tro) Modified on 3/30/2010 (tro). (Entered: 03/22/2010)
03/19/2010	<u>29</u>	STIPULATION AND ORDER OF DISMISSAL: NOW, THEREFORE, IT IS HEREBY ORDERED, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, upon the Stipulation and Agreement between the undersigned attorneys of record for the Defendant Richard Prince and the undersigned attorneys of record for Defendant Rizzoli International Publications, Inc., that, pursuant to Rule 41 (a)(2) and (c) of the Federal Rules of Civil Procedure, all cross-claims by Rizzoli International Publications, Inc., against Richard Prince are dismissed "With prejudice, and without costs to any party as against the other. (Signed by Judge Deborah A. Batts on 3/19/2010) (js) (Entered: 03/22/2010)
04/06/2010	<u>30</u>	ENDORSED LETTER: addressed to Judge Deborah A. Batts from Hollis Generka Bart dated 3/26/2010 re: Counsel for defendant request that the Court amend its Order dated March 19, 2010 by adjourning the deadline for the parties to file their respective motions for summary judgment from Monday, May 2, 2010 to Friday, May 7, 2010. ENDORSEMENT: So Ordered. (Signed by Judge Deborah A. Batts on 4/6/2010) (js) (Entered: 04/06/2010)
04/23/2010	<u>31</u>	ENDORSED LETTER addressed to Judge Deborah A. Batts from Daniel J. Brooks dated 4/21/10 re: counsel for plaintiff requests leave of the Court to file in hard copy two books which will be attached as exhibits to the attorney declaration in support of plaintiff's summary judgment motion to be filed with the Court by May 7, 2010. We further request leave to dispense with service on defendants of copies of the books, as, during discovery, it came to our attention that defendants were in possession of both of these books and, therefore, will not be prejudiced by not receiving service of the books. ENDORSEMENT: Granted. (Signed by Judge Deborah A. Batts on 4/23/10) (pl) (Entered: 04/23/2010)
05/05/2010	<u>32</u>	ENDORSED LETTER addressed to Judge Deborah A. Batts from Steven M. Hayes dated 5/5/10 re: counsel requests an adjournment of the date for filing the motions for summary judgment from May 7 until May 14, 2010. ENDORSEMENT: Granted. (Motions due by 5/5/2010.) (Signed by Judge Deborah A. Batts on 5/5/10) (dj) (Entered: 05/05/2010)
05/07/2010	<u>33</u>	ENDORSED LETTER addressed to Judge Deborah A. Batts from Hollis Gonerka Bart dated 5/3/2010 re: Requesting permission to submit a joint memorandum of law in support of defendants' motion for summary judgment; Requesting leave of the Court to file in hard copy relevant musical recordings photocopies of Yes Rasta book, and other copies of images which will be attached as exhibits to affidavits in support of defendants' moving brief and which are too large to submit electronically via ECF; and Requesting that the Court treat all of the names of Gagolian Gallery's clients as confidential. ENDORSEMENT: Denied, Granted and Denied respectively. (Signed by Judge Deborah A. Batts on 5/7/2010) (jpo) Modified on 5/17/2010 (jpo). (Entered: 05/10/2010)
05/14/2010	<u>34</u>	MOTION for Summary Judgment. Document filed by Patrick Cariou.(Brooks, Daniel) (Entered: 05/14/2010)
05/14/2010	<u>35</u>	RULE 56.1 STATEMENT. Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 05/14/2010)
05/14/2010	<u>36</u>	DECLARATION of Eric Doeringer in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Brooks, Daniel) (Entered: 05/14/2010)
05/14/2010	<u>37</u>	MEMORANDUM OF LAW in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 05/14/2010)
05/14/2010	<u>38</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E part 1, # <u>6</u> Exhibit E part 2, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit L-1, # <u>15</u> Exhibit L-2)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>39</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 2) in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit M, # <u>2</u> Exhibit M-1 part 1, # <u>3</u> Exhibit M-1 part 2, # <u>4</u> Exhibit M-2, # <u>5</u> Exhibit M-3, # <u>6</u> Exhibit M-4, # <u>7</u> Exhibit N part 1, # <u>8</u> Exhibit N part 2, # <u>9</u> Exhibit N part 3, # <u>10</u> Exhibit N part 4)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>40</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 3) in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit N part 5, # <u>2</u> Exhibit N part 6, # <u>3</u> Exhibit N part 7, # <u>4</u> Exhibit N part 8, # <u>5</u> Exhibit N part 9, # <u>6</u> Exhibit N part 10, # <u>7</u> Exhibit N part 11)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>41</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 4) in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit N part 12, # <u>2</u> Exhibit N part 13, # <u>3</u> Exhibit N part 14, # <u>4</u> Exhibit N part 15, # <u>5</u> Exhibit N part 16, # <u>6</u> Exhibit N part 17, # <u>7</u> Exhibit N part 18)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>42</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 5) in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit N part 19, # <u>2</u> Exhibit N part 20, # <u>3</u> Exhibit O, # <u>4</u> Exhibit P, # <u>5</u> Exhibit Q, # <u>6</u> Exhibit R, # <u>7</u> Exhibit S, # <u>8</u> Exhibit T part 1, # <u>9</u> Exhibit T part 2, # <u>10</u> Exhibit T part 3, # <u>11</u> Exhibit T part 4)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>43</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 6) in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit U part 1, # <u>2</u> Exhibit U part 2, # <u>3</u> Exhibit U part 3, # <u>4</u> Exhibit U part 4, # <u>5</u> Exhibit U part 5, # <u>6</u> Exhibit U part 6, # <u>7</u> Exhibit U part 7)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>44</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 7) in Support re: 34 MOTION for Summary Judgment.. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit U part 8, # <u>2</u> Exhibit U part 9, # <u>3</u> Exhibit U part 10, # <u>4</u> Exhibit U part 11, # <u>5</u> Exhibit U part 12, # <u>6</u> Exhibit U part 13, # <u>7</u> Exhibit U part 14, # <u>8</u> Exhibit U part 15)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>45</u>	MOTION for Summary Judgment. Document filed by Richard Prince, Gagolian Gallery, Inc., Lawrence Gagolian. Responses due by 6/14/2010(Bart, Hollis) (Entered: 05/14/2010)

05/14/2010	<u>46</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 8) in Support re: <u>34</u> MOTION for Summary Judgment. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit U part 16, # <u>2</u> Exhibit V, # <u>3</u> Exhibit V-1, # <u>4</u> Exhibit W, # <u>5</u> Exhibit X, # <u>6</u> Exhibit Y part 1, # <u>7</u> Exhibit U part 2, # <u>8</u> Exhibit U part 3, # <u>9</u> Exhibit Y part 4, # <u>10</u> Exhibit Y part 5)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>47</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 9) in Support re: <u>34</u> MOTION for Summary Judgment. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit Y part 6, # <u>2</u> Exhibit Y part 7, # <u>3</u> Exhibit Y part 8, # <u>4</u> Exhibit Y part 9, # <u>5</u> Exhibit Y part 10, # <u>6</u> Exhibit Y part 11, # <u>7</u> Exhibit Y part 12)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>48</u>	AFFIDAVIT of Hollis Gonerka Bart in Support re: <u>45</u> MOTION for Summary Judgment. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G - Part 1 of 2, # <u>8</u> Exhibit G - Part 2 of 2, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Exhibit Q, # <u>19</u> Exhibit R, # <u>20</u> Exhibit S, # <u>21</u> Exhibit T, # <u>22</u> Exhibit U - Part 1 of 2, # <u>23</u> Exhibit U - Part 2 of 2, # <u>24</u> Exhibit V, # <u>25</u> Exhibit W, # <u>26</u> Exhibit X, # <u>27</u> Exhibit Y, # <u>28</u> Exhibit Z, # <u>29</u> Exhibit AA, # <u>30</u> Exhibit BB, # <u>31</u> Exhibit CC, # <u>32</u> Exhibit DD, # <u>33</u> Exhibit EE)(Bart, Hollis) (Entered: 05/14/2010)
05/14/2010	<u>49</u>	AFFIDAVIT of Richard Prince in Support re: <u>45</u> MOTION for Summary Judgment. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Attachments: # <u>1</u> Exhibit A)(Bart, Hollis) (Entered: 05/14/2010)
05/14/2010	<u>50</u>	MEMORANDUM OF LAW in Support re: <u>45</u> MOTION for Summary Judgment. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Bart, Hollis) (Entered: 05/14/2010)
05/14/2010	<u>51</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Daniel J. Brooks (part 10) in Support re: <u>34</u> MOTION for Summary Judgment. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit Y part 13, # <u>2</u> Exhibit Y part 14, # <u>3</u> Exhibit Y part 15, # <u>4</u> Exhibit Y part 16, # <u>5</u> Exhibit Z, # <u>6</u> Exhibit AA, # <u>7</u> Exhibit BB, # <u>8</u> Exhibit CC, # <u>9</u> Exhibit DD, # <u>10</u> Exhibit EE, # <u>11</u> Exhibit FF, # <u>12</u> Exhibit GG, # <u>13</u> Exhibit HH, # <u>14</u> Exhibit II, # <u>15</u> Exhibit JJ, # <u>16</u> Exhibit KK, # <u>17</u> Exhibit LL, # <u>18</u> Exhibit MM, # <u>19</u> Exhibit NN, # <u>20</u> Exhibit OO, # <u>21</u> Exhibit PP, # <u>22</u> Exhibit QQ, # <u>23</u> Exhibit RR, # <u>24</u> Exhibit SS)(Brooks, Daniel) Modified on 5/18/2010 (jar). (Entered: 05/14/2010)
05/14/2010	<u>52</u>	RULE 56.1 STATEMENT. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Bart, Hollis) (Entered: 05/14/2010)
05/17/2010	<u>53</u>	COMPOSITE EXHIBIT A TO AFFIDAVIT OF DEFENDANT RICHARD PRINCE IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (relevant photocopies of Yes Rasta book, and other copies of images which will be attached hereto). Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. ***Accepted for filing by the Honorable Deborah A Batts on 5/7/10 (document #33)(mro) (Entered: 05/17/2010)
05/18/2010		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Daniel Brooks to RE-FILE Document 47 Declaration in Support of Motion, 43 Declaration in Support of Motion, 40 Declaration in Support of Motion, 46 Declaration in Support of Motion, 44 Declaration in Support of Motion, 51 Declaration in Support of Motion,, 41 Declaration in Support of Motion, 42 Declaration in Support of Motion, 38 Declaration in Support of Motion, 39 Declaration in Support of Motion. ERROR(S): Multiple entries of the same document in order to accommodate exhibits are not accepted. (jar) (Entered: 05/18/2010)
05/18/2010	<u>54</u>	DECLARATION of Daniel J. Brooks in Support re: <u>34</u> MOTION for Summary Judgment. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E part 1, # <u>6</u> Exhibit E part 2, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit L-1 and L-2, # <u>15</u> Exhibit M to M-4, # <u>16</u> Exhibit N, # <u>17</u> Exhibit O, # <u>18</u> Exhibit P, # <u>19</u> Exhibit Q, # <u>20</u> Exhibit R, # <u>21</u> Exhibit S, # <u>22</u> Exhibit T, # <u>23</u> Exhibit U, # <u>24</u> Exhibit V and V-1, # <u>25</u> Exhibit W, # <u>26</u> Exhibit X, # <u>27</u> Exhibit Y, # <u>28</u> Exhibit Z, # <u>29</u> Exhibit AA, # <u>30</u> Exhibit BB, # <u>31</u> Exhibit CC, # <u>32</u> Exhibit DD, # <u>33</u> Exhibit EE, # <u>34</u> Exhibit FF, # <u>35</u> Exhibit GG, # <u>36</u> Exhibit HH, # <u>37</u> Exhibit II, # <u>38</u> Exhibit JJ, # <u>39</u> Exhibit KK, # <u>40</u> Exhibit LL, # <u>41</u> Exhibit MM, # <u>42</u> Exhibit NN, # <u>43</u> Exhibit OO, # <u>44</u> Exhibit PP, # <u>45</u> Exhibit QQ, # <u>46</u> Exhibit RR, # <u>47</u> Exhibit SS)(Brooks, Daniel) (Entered: 05/18/2010)
05/25/2010	<u>55</u>	EXHIBITS(attached to Declaration of Daniel J. Brooks): "Yes Rasta" authored by Patrick Cariou and "Canal Zone" authored by Richard Prince. Document filed by Patrick Cariou. ***Accepted for filing by the Honorable Deborah A. Batts on 4/23/10, document number 31.(mro) (Entered: 05/25/2010)
06/14/2010	<u>56</u>	DECLARATION of Daniel J. Brooks in Opposition re: <u>45</u> MOTION for Summary Judgment. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Brooks, Daniel) (Entered: 06/14/2010)
06/14/2010	<u>57</u>	MEMORANDUM OF LAW in Opposition re: <u>45</u> MOTION for Summary Judgment. Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 06/14/2010)
06/14/2010	<u>58</u>	COUNTER STATEMENT TO <u>52</u> Rule 56.1 Statement. Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 06/14/2010)
06/14/2010	<u>59</u>	MEMORANDUM OF LAW in Opposition re: <u>34</u> MOTION for Summary Judgment. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Bart, Hollis) (Entered: 06/14/2010)
06/14/2010	<u>60</u>	COUNTER STATEMENT TO <u>35</u> Rule 56.1 Statement. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Bart, Hollis) (Entered: 06/14/2010)
06/14/2010	<u>61</u>	AFFIDAVIT of Hollis Gonerka Bart in Opposition re: <u>34</u> MOTION for Summary Judgment. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Bart, Hollis) (Entered: 06/14/2010)
06/14/2010	<u>62</u>	AFFIDAVIT of Richard Prince in Opposition re: <u>34</u> MOTION for Summary Judgment. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Attachments: # <u>1</u> Exhibit A)(Bart, Hollis) (Entered: 06/14/2010)
06/24/2010	<u>63</u>	REPLY MEMORANDUM OF LAW in Support re: <u>34</u> MOTION for Summary Judgment. Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 06/24/2010)
06/24/2010	<u>64</u>	RESPONSE to Defendants' Counter-Statement of Uncontested Material Facts Pursuant to Local Rule 56.1. Document filed by Patrick Cariou. (Brooks, Daniel) (Entered: 06/24/2010)
06/24/2010	<u>65</u>	REPLY AFFIRMATION of Daniel J. Brooks in Support re: <u>34</u> MOTION for Summary Judgment. Document filed by Patrick Cariou. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D part 1, # <u>5</u> Exhibit D part 2)(Brooks, Daniel) (Entered: 06/24/2010)
06/24/2010	<u>66</u>	REPLY MEMORANDUM OF LAW in Opposition re: <u>34</u> MOTION for Summary Judgment. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Bart, Hollis) (Entered: 06/24/2010)
06/24/2010	<u>67</u>	REPLY AFFIDAVIT of Hollis Gonerka Bart in Opposition re: <u>45</u> MOTION for Summary Judgment. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C - Part 1 of 3, # <u>4</u> Exhibit C - Part 2 of 3, # <u>5</u> Exhibit C - Part 3 of 3)(Bart, Hollis) (Entered: 06/24/2010)
06/24/2010	<u>68</u>	RULE 56.1 STATEMENT. Document filed by Richard Prince, Gagosian Gallery, Inc., Lawrence Gagosian. (Bart, Hollis) (Entered: 06/24/2010)

07/01/2010	<u>69</u>	ENDORSED LETTER addressed to Judge Deborah A. Batts from Daniel J. Brooks dated 7/1/10 re: counsel requests that the Court direct the Clerk's Office to accept in hard copy and enter on the docket sheet plaintiff's notice of motion, Local Rule 56.1 Statement and supporting declarations and exhibits, including my May 7, 2010 declaration, which has attached to it a number of exhibits in color which we were unable to file through ECF. ENDORSEMENT: Granted. (Signed by Judge Deborah A. Batts on 7/1/10) (djc) (Entered: 07/02/2010)
07/07/2010	<u>70</u>	MOTION for Summary Judgment pursuant to Rule 56 of the FRCP. Document filed by Patrick Cariou. ***Rule 56.1 statement, Brooks Declaration, Doeringer Declaration and Exhibits attached hereto. (Accepted for filing in hard copy by the Honorable Deborah A. Batts on 7/1/10, document #69)(mro) (Entered: 07/09/2010)
03/18/2011	<u>71</u>	MEMORANDUM AND ORDER: Defendants shall notify in writing any current or future owners of the Paintings of whom they are or become aware that the Paintings infringe the copyright in the Photographs, that the Paintings were not lawfully made under the Copyright Act of 1976, and that the Paintings cannot lawfully be displayed under 17 U.S.C. § 109(c). That the Parties shall appear before this Court on May 6, 2011 at 11:00 am for a status conference regarding damages, profits, and Plaintiff's costs and reasonable attorney's fees. (Signed by Judge Deborah A. Batts on 3/18/2011) (jpo) (Entered: 03/18/2011)
03/24/2011	<u>72</u>	NOTICE OF APPEARANCE by Jonathan David Schiller on behalf of Richard Prince (Schiller, Jonathan) (Entered: 03/24/2011)
03/24/2011	<u>73</u>	NOTICE OF APPEARANCE by Joshua Schiller on behalf of Richard Prince (Schiller, Joshua) (Entered: 03/24/2011)
03/24/2011	<u>74</u>	NOTICE OF APPEARANCE by George F. Carpinello on behalf of Richard Prince (Carpinello, George) (Entered: 03/24/2011)
03/25/2011	<u>75</u>	JOINT NOTICE OF APPEAL from <u>71</u> Memorandum & Order. Document filed by Lawrence Gagosian, Gagosian Gallery, Inc., Richard Prince. Filing fee \$ 455.00, receipt number E 933143. (nd) Modified on 3/28/2011 (nd). (Entered: 03/28/2011)
03/28/2011		Transmission of Notice of Appeal to the District Judge re: <u>75</u> Joint Notice of Appeal. (nd) (Entered: 03/28/2011)
03/28/2011		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>75</u> Joint Notice of Appeal. (nd) (Entered: 03/28/2011)
03/28/2011		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 4 Affidavit of Service Complaints filed by Patrick Cariou, 14 Answer to Amended Complaint filed by Gagosian Gallery, Inc., Lawrence Gagosian, 1 Complaint filed by Patrick Cariou, 33 Endorsed Letter, Set Deadlines/Hearings,,,, 68 Rule 56.1 Statement filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 72 Notice of Appearance filed by Richard Prince, 48 Affidavit in Support of Motion,,, filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 25 Protective Order, 74 Notice of Appearance filed by Richard Prince, 54 Declaration in Support of Motion,,, filed by Patrick Cariou, 16 Rule 7.1 Corporate Disclosure Statement filed by Gagosian Gallery, Inc., Lawrence Gagosian, 20 Answer to Crossclaim filed by Gagosian Gallery, Inc., Lawrence Gagosian, 7 Stipulation and Order, Set Deadlines/Hearings,, 6 Amended Complaint filed by Patrick Cariou, 57 Memorandum of Law in Opposition to Motion filed by Patrick Cariou, 45 MOTION for Summary Judgment. filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 31 Endorsed Letter,, 58 Counter Statement to Rule 56.1 filed by Patrick Cariou, 2 Affidavit of Service Complaints filed by Patrick Cariou, 56 Declaration in Opposition to Motion filed by Patrick Cariou, 23 Rule 26 Disclosure filed by Richard Prince, 61 Affidavit in Opposition to Motion, filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 26 Stipulation and Order of Dismissal, 21 Answer to Crossclaim, filed by Richard Prince, 27 Endorsed Letter, 24 Scheduling Order,, 37 Memorandum of Law in Support of Motion filed by Patrick Cariou, 15 Notice of Appearance filed by Gagosian Gallery, Inc., Lawrence Gagosian, 60 Counter Statement to Rule 56.1 filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 12 Answer to Amended Complaint filed by Richard Prince, 36 Declaration in Support of Motion filed by Patrick Cariou, 62 Affidavit in Opposition to Motion filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 13 Notice of Appearance filed by Gagosian Gallery, Inc., Lawrence Gagosian, 28 Order,, 67 Reply Affidavit in Opposition to Motion, filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 75 Notice of Appeal filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 18 Notice of Appearance filed by Rizzoli International Publications, Inc., 10 Notice of Appearance filed by Richard Prince, 34 MOTION for Summary Judgment. filed by Patrick Cariou, 30 Endorsed Letter, Set Deadlines/Hearings,, 49 Affidavit in Support of Motion filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 3 Affidavit of Service Complaints filed by Patrick Cariou, 50 Memorandum of Law in Support of Motion filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 5 Affidavit of Service Complaints filed by Patrick Cariou, 19 Answer to Amended Complaint, Crossclaim filed by Rizzoli International Publications, Inc., 29 Stipulation and Order of Dismissal,, 22 Rule 26 Disclosure filed by Patrick Cariou, 63 Reply Memorandum of Law in Support of Motion filed by Patrick Cariou, 73 Notice of Appearance filed by Richard Prince, 32 Endorsed Letter, Set Deadlines/Hearings,, 64 Response filed by Patrick Cariou, 52 Rule 56.1 Statement filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 11 Rule 7.1 Corporate Disclosure Statement filed by Richard Prince, 17 Rule 7.1 Corporate Disclosure Statement filed by Rizzoli International Publications, Inc., 8 Stipulation and Order, Set Deadlines/Hearings,, 69 Endorsed Letter,, 9 Stipulation and Order, Set Deadlines/Hearings,, 59 Memorandum of Law in Opposition to Motion filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 66 Reply Memorandum of Law in Opposition to Motion filed by Gagosian Gallery, Inc., Richard Prince, Lawrence Gagosian, 35 Rule 56.1 Statement filed by Patrick Cariou, 71 Order, Set Deadlines/Hearings,,,, were transmitted to the U.S. Court of Appeals. (nd) (Entered: 03/28/2011)
04/06/2011	<u>76</u>	ORDER defendants shall provide Plaintiff with unredacted copies of the notices sent to the owners no later than 4/18/11. Should Defendants believe that information contained in those notices requires confidential treatment, they shall submit a stipulated confidentiality agreement, signed by all Parties, no later than 4/12/11. (Signed by Judge Deborah A. Batts on 4/6/11) (cd) (Entered: 04/07/2011)
04/13/2011	<u>77</u>	STIPULATION OF COUNSEL: Pursuant to Judge Batts' Order dated April 6, 2011, the parties agree that the names and addresses in the March 28, 2011 letters sent by Defendants to the owners of the paintings shall be treated as confidential pursuant to the Protective Order dated August 10, 2009. (Signed by Judge Deborah A. Batts on 4/13/2011) (jpo) (Entered: 04/13/2011)
04/14/2011	78 <u>78</u>	MOTION for Eric J. Maurer to Appear Pro Hac Vice. Document filed by Richard Prince.(mbe) (Entered: 04/19/2011)
04/20/2011		CASHIERS OFFICE REMARK on <u>78</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 04/14/2011, Receipt Number 4146. (jd) (Entered: 04/20/2011)
04/20/2011	<u>79</u>	ORDER: Defendants' request for a stay of these proceedings is Denied, and Parties shall appear before this Court for May 6, 2011 status conference as previously scheduled. So Ordered (Signed by Judge Deborah A. Batts on 4/20/2011) (js) (Entered: 04/20/2011)
04/25/2011	<u>80</u>	NOTICE OF CHANGE OF ADDRESS by Eric Alwin Boden on behalf of Patrick Cariou. New Address: Schnader Harrison Segal & Lewis LLP, 140 Broadway, Suite 3100, New York, New York, 10005, 212-973-8000. (Boden, Eric) (Entered: 04/25/2011)
05/04/2011	<u>81</u>	ORDER: The conference previously set for 5/6/2011 is adjourned sine die. (Signed by Judge Deborah A. Batts on 5/4/2011) (jar) (Entered: 05/04/2011)