

<p style="text-align: center;">169</p> <p>1 Cariou</p> <p>2 A. Yeah. Look, it doesn't get much</p> <p>3 more tropical than that.</p> <p>4 Q. And what, in your mind, is</p> <p>5 distinctive about that particular image?</p> <p>6 A. Well, the fact, once again, the</p> <p>7 storm is passing by, it's really high up in the</p> <p>8 mountains, the river is -- how do you say it --</p> <p>9 the river is --</p> <p>10 Q. Rushing?</p> <p>11 A. Rushing. And I like the light. And</p> <p>12 I like this picture.</p> <p>13 Q. All right. The next image in that</p> <p>14 same row that I think we have not talked about</p> <p>15 is the second from the right?</p> <p>16 A. Yeah.</p> <p>17 Q. Can you find that image in the</p> <p>18 Yes Rasta book?</p> <p>19 A. Yes. It's page 142.</p> <p>20 Q. Can I just see it, sir?</p> <p>21 A. Is that the one you want?</p> <p>22 Q. No, no, the second from the right,</p> <p>23 which to me -- we've included him as part of the</p> <p>24 portraiture group thing, so I did that short</p> <p>25 form.</p>	<p style="text-align: center;">171</p> <p>1 Cariou</p> <p>2 that I know. So, yeah.</p> <p>3 (Witness looks through exhibit.)</p> <p>4 A. Yeah, I got it.</p> <p>5 Q. And what's the page number?</p> <p>6 A. 147 and 148.</p> <p>7 Q. Can you just hold that up so I can</p> <p>8 see it?</p> <p>9 A. Sure.</p> <p>10 Q. Thank you.</p> <p>11 And was that shot up in the</p> <p>12 mountains of Jamaica?</p> <p>13 A. High up in the mountains of Jamaica.</p> <p>14 Q. And this was again a landscape shot</p> <p>15 that you included to set the stage for the</p> <p>16 Yes Rasta book?</p> <p>17 A. Absolutely.</p> <p>18 Q. And in your view what's distinctive</p> <p>19 about the image that appears on pages 147 and</p> <p>20 148 of Plaintiff's 41?</p> <p>21 A. It's a beautiful landscape.</p> <p>22 Q. Turning now to the next row, the</p> <p>23 first image on the left, can you find that image</p> <p>24 in the book, please?</p> <p>25 A. It's page 150.</p>
<p style="text-align: center;">170</p> <p>1 Cariou</p> <p>2 A. Oh, the second one? Yeah, I think I</p> <p>3 know what it is but, you know, I would really</p> <p>4 need a better reproduction of that to -- but I</p> <p>5 think I know what it is.</p> <p>6 (Witness looks through exhibit.)</p> <p>7 MS. BART: May the record reflect</p> <p>8 that the witness is looking through the</p> <p>9 Yes Rasta book for the image that appears</p> <p>10 second to the right.</p> <p>11 THE WITNESS: Which one is it again?</p> <p>12 MR. BROOKS: This one.</p> <p>13 MS. BART: On row 2 of</p> <p>14 Defendant's 5.</p> <p>15 A. I missed it.</p> <p>16 Q. Would you like to do this on a break</p> <p>17 and we'll fill it in later?</p> <p>18 A. If you want me to, yeah.</p> <p>19 Q. But you're sure this is one of your</p> <p>20 images?</p> <p>21 A. I'm pretty sure, yeah, because --</p> <p>22 yeah. I mean, you know, as you see, that's a</p> <p>23 bad -- it's a small reproduction.</p> <p>24 Q. It's just a portion of an image?</p> <p>25 A. Yeah, it's a portion of a picture,</p>	<p style="text-align: center;">172</p> <p>1 Cariou</p> <p>2 Q. Could you kindly hold that image up</p> <p>3 for me, Mr. Cariou?</p> <p>4 A. Sure.</p> <p>5 Q. Okay. Now, that image is an image</p> <p>6 of two women and a young boy?</p> <p>7 A. It's an image of one woman and two</p> <p>8 young boys.</p> <p>9 Q. Can you hold it up again?</p> <p>10 A. That's the boy.</p> <p>11 Q. That's the boy. I see.</p> <p>12 And would you classify that as a</p> <p>13 portraiture?</p> <p>14 A. I hope so.</p> <p>15 Q. Okay. And what you were trying to</p> <p>16 show there is part of the family life that is</p> <p>17 part of the fabric of the Rastafarian society?</p> <p>18 A. Yes.</p> <p>19 Q. And there are other women that</p> <p>20 appear in the Yes Rasta book?</p> <p>21 A. Very few actually.</p> <p>22 Q. But there are other women in the</p> <p>23 Yes Rasta book, correct?</p> <p>24 A. I would have to check for that.</p> <p>25 MR. BROOKS: No, no.</p>



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<p style="text-align: center;">177</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. So in that respect it's similar to</p> <p>4 17 is all I'm trying to get at, I'm just going</p> <p>5 to lump those two together?</p> <p>6 MR. BROOKS: Hold that one because</p> <p>7 we're going to come back to that one.</p> <p>8 What number is that? 90?</p> <p>9 Okay, I got it.</p> <p>10 MS. BART: The house?</p> <p>11 MR. BROOKS: Yeah, it's 90.</p> <p>12 Is that it? No.</p> <p>13 A. No. It's a big river.</p> <p>14 Yeah, page 51.</p> <p>15 Q. Thank you.</p> <p>16 Is that 51 and 52?</p> <p>17 A. Yeah, 51 and 52.</p> <p>18 Q. And the portion that is at the</p> <p>19 bottom row is only page 51, correct?</p> <p>20 A. Yeah. Right.</p> <p>21 Q. In that same row I believe your</p> <p>22 counsel had you identify page 90 as the house?</p> <p>23 A. Yeah.</p> <p>24 Q. That's the fourth image from the</p> <p>25 right?</p>	<p style="text-align: center;">179</p> <p>1 Cariou</p> <p>2 Q. Bottom row.</p> <p>3 A. Bottom row, yeah.</p> <p>4 Q. And the words zone canal have been</p> <p>5 painted on top of it. Can you tell which image</p> <p>6 that is?</p> <p>7 A. On that one? Honestly, no.</p> <p>8 Q. So the rest of them you're sure</p> <p>9 they're from your book, this one you're not</p> <p>10 sure?</p> <p>11 A. Well, it's not that I'm not sure</p> <p>12 it's from my book, it's just that it's such a</p> <p>13 small reproduction of the artwork that, you</p> <p>14 know.</p> <p>15 I might – I could find it, but it</p> <p>16 would take me hours. You know, I would have to</p> <p>17 go through the book thoroughly.</p> <p>18 Q. All right. Then let's not take the</p> <p>19 time to do that. I don't think that's a good</p> <p>20 use of your time.</p> <p>21 MR. BROOKS: I have a suggestion.</p> <p>22 Maybe Mr. Prince knows where he took it</p> <p>23 from.</p> <p>24 MS. BART: Well, this exercise is</p> <p>25 about your client's comparison and how he</p>
<p style="text-align: center;">178</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. Could you kindly just hold the book</p> <p>4 up, because I don't remember this image at all?</p> <p>5 A. Sure.</p> <p>6 Q. Okay. So that's really 89 and 90,</p> <p>7 it's a two-page image?</p> <p>8 A. Yeah.</p> <p>9 Q. And this is an image of a house, and</p> <p>10 is that a person in sort of the foreground?</p> <p>11 A. No, there's nobody in the</p> <p>12 foreground.</p> <p>13 Q. So this is just to show another part</p> <p>14 of family life?</p> <p>15 A. Yeah, the habitat, and it's also</p> <p>16 extremely visually appealing.</p> <p>17 Q. Appealing?</p> <p>18 A. Yeah.</p> <p>19 Q. And that's why in your mind it's</p> <p>20 distinctive?</p> <p>21 A. Yeah.</p> <p>22 Q. Now, looking now in Defendant's</p> <p>23 Exhibit 5, the second from the right there's</p> <p>24 a –</p> <p>25 A. On which row?</p>	<p style="text-align: center;">180</p> <p>1 Cariou</p> <p>2 got to this picture was he said no –</p> <p>3 MR. BROOKS: He didn't do a</p> <p>4 comparison of this.</p> <p>5 MS. BART: That's my point.</p> <p>6 If you let me finish, Mr. Brooks, I</p> <p>7 handed him Plaintiff's Exhibit 40 and I</p> <p>8 asked him if they were all images and he</p> <p>9 said no, and that's how he got to this</p> <p>10 one.</p> <p>11 (Defendant's Exhibit 6, document,</p> <p>12 was marked for identification, as of this</p> <p>13 date.)</p> <p>14 MS. BART: I'd like to hand you</p> <p>15 what's been marked as Plaintiff's</p> <p>16 Exhibit 6. And this is, just for the</p> <p>17 record, to show that in fact color images</p> <p>18 of Defendant's Exhibit 5 were produced to</p> <p>19 you on August 14th, 2009, via Federal</p> <p>20 Express.</p> <p>21 MR. BROOKS: Okay.</p> <p>22 MS. BART: You can set that book</p> <p>23 aside for right now, but keep it handy</p> <p>24 where you can get to it.</p> <p>25 I was able to knock off several</p>

<p style="text-align: center;">225</p> <p>1 Cariou</p> <p>2 MR. BROOKS: Yes, as a courtesy to</p> <p>3 you. We went out of our way and got</p> <p>4 documents that you apparently haven't</p> <p>5 looked at them yet.</p> <p>6 MS. BART: Oh, we've looked at them.</p> <p>7 MR. BROOKS: You haven't.</p> <p>8 MS. BART: Mr. Brooks, you've asked</p> <p>9 me to move this deposition along, and so</p> <p>10 far your obstreperous remarks have done</p> <p>11 nothing but slow us down. Just stop it.</p> <p>12 It's not necessary.</p> <p>13 You want to talk about this --</p> <p>14 MR. BROOKS: I'll take it under</p> <p>15 advisement.</p> <p>16 MS. BART: Thank you very much.</p> <p>17 That's all you had to say at the</p> <p>18 beginning.</p> <p>19 MR. BROOKS: Thank you. I need you</p> <p>20 to tell me what I have to say.</p> <p>21 BY MS. BART:</p> <p>22 Q. Mr. Cariou, I have to apologize</p> <p>23 for these rude and entirely unprofessional</p> <p>24 interruptions.</p> <p>25 A. Don't forget, he's on my team.</p>	<p style="text-align: center;">227</p> <p>1 Cariou</p> <p>2 I probably didn't want to have a</p> <p>3 little print, because when you do a deluxe</p> <p>4 edition you usually include a print, and I</p> <p>5 didn't want to include a print in the book.</p> <p>6 And we didn't know if there was a</p> <p>7 market for it anyway.</p> <p>8 MR. BROOKS: I want to caution the</p> <p>9 witness don't guess. If you know the</p> <p>10 answer to a question, tell her.</p> <p>11 If you don't know just don't guess</p> <p>12 as to what might have happened.</p> <p>13 MS. BART: Okay. Enough coaching.</p> <p>14 BY MS. BART:</p> <p>15 Q. Is there a reason why you wouldn't</p> <p>16 want to include a copy of the print, of a print?</p> <p>17 A. Yeah, I think it's silly.</p> <p>18 Q. Prior to November of 2008 did you</p> <p>19 have any plans to make any derivative works of</p> <p>20 Yes Rasta?</p> <p>21 A. Yeah, the show coming up in New York</p> <p>22 where I would make big prints for -- with</p> <p>23 Christiane Celle.</p> <p>24 MR. BROOKS: For who?</p> <p>25 A. Christiane Celle.</p>
<p style="text-align: center;">226</p> <p>1 Cariou</p> <p>2 Q. Well, I'm sorry for that.</p> <p>3 If you'll look please, Mr. Cariou,</p> <p>4 to the rider on the Powerhouse agreement, which</p> <p>5 appears on C7 at the bottom.</p> <p>6 A. Yeah.</p> <p>7 Q. Do you see that?</p> <p>8 A. Yeah.</p> <p>9 Q. Rider A says that you're going to --</p> <p>10 that the publisher may at its option work with</p> <p>11 the proprietor to produce a limited or deluxe</p> <p>12 edition of Yes Rasta?</p> <p>13 A. Mm-hmm.</p> <p>14 Q. Did you ever work to produce a</p> <p>15 limited or deluxe edition of Yes Rasta?</p> <p>16 A. No, we never did.</p> <p>17 Q. Is there a reason why you did not do</p> <p>18 that?</p> <p>19 A. I couldn't tell you exactly why, but</p> <p>20 we didn't do it.</p> <p>21 Q. Did you ever discuss it and then</p> <p>22 just decide not to do it?</p> <p>23 A. That's -- I would have to -- you</p> <p>24 know, I would have to ask Dan Power. I don't</p> <p>25 know. I don't know why we didn't do it.</p>	<p style="text-align: center;">228</p> <p>1 Cariou</p> <p>2 MR. BROOKS: I don't know if he got</p> <p>3 it.</p> <p>4 (Clarification by reporter.)</p> <p>5 (Record read.)</p> <p>6 BY MS. BART:</p> <p>7 Q. Other than making big prints -- and</p> <p>8 this would be of some of the images from</p> <p>9 Yes Rasta?</p> <p>10 A. Yeah.</p> <p>11 Q. Other than that did you have any</p> <p>12 other plans at any time between the period 2000</p> <p>13 and 2008 to make derivative works of the images?</p> <p>14 A. Between 2000 and 2008?</p> <p>15 Q. November of 2008, yes.</p> <p>16 A. No.</p> <p>17 Q. Now, if you look at paragraph 26</p> <p>18 of the Powerhouse agreement it says that this</p> <p>19 agreement will be valid for an initial period of</p> <p>20 10 years. Has there been any indication from</p> <p>21 Powerhouse as to whether they would renew this</p> <p>22 publishing agreement for Yes Rasta?</p> <p>23 A. I don't know.</p> <p>24 Q. There's been no discussions?</p> <p>25 A. No, no discussions.</p>



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1 Cariou
2 like or what you thought the contents should
3 contain?
4 A. Yes, I thought Perry Henzell was the
5 guy, the ultimate, and I was totally convinced
6 that I would get him, and I did.
7 MS. BART: Let's mark this as the
8 next exhibit.
9 (Defendant's Exhibit 18, document,
10 was marked for identification, as of this
11 date.)
12 Q. The court reporter has handed you
13 what's been marked as Defendant's Exhibit 18.
14 Have you ever seen this document
15 before?
16 A. No.
17 Q. This came from your production. You
18 don't know what this is at all?
19 A. No, not at all.
20 Q. And you've not seen it before?
21 A. No.
22 MS. BART: At this time I'd like to
23 supplement what was previously marked as I
24 believe Defendant's Exhibit 11 to include
25 the specific pages from the website for

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1 Cariou
2 Yes Rasta, so I will hand this to the
3 witness and ask counsel to just add this
4 to the packet for Exhibit 11.
5 (Discussion off the record.)
6 MR. BROOKS: So what are we calling
7 this? Are we calling this 11A?
8 MS. BART: No, we're just adding it
9 to 11. We just said on the record that I
10 was going to ask everyone to supplement it
11 by just adding it to it.
12 Mr. Brooks, you asked earlier about
13 the link, and it's order now when you
14 click on Yes Rasta it takes you to the
15 page with Powerhouse.
16 MR. BROOKS: Okay.
17 MS. BART: And that was right on the
18 first page of Defendant's Exhibit 11.
19 BY MS. BART:
20 Q. Mr. Cariou, the only question I have
21 about those – I'd asked you this before – but
22 those are the photographs that appear on your
23 web page?
24 A. Yeah.
25 Q. For Yes Rasta?

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1 Cariou
2 A. Yeah.
3 Q. You can set that aside or give it to
4 the court reporter.
5 Mr. Cariou, in your description of
6 your work you have talked about doing this for a
7 long period of time. How long have you been a
8 professional photographer?
9 A. About 24 years.
10 Q. And did you take any special
11 schooling to become a professional photographer?
12 A. No.
13 Q. Do you have a college education?
14 A. No.
15 Q. Would you consider yourself to be
16 a self-trained photographer?
17 A. No, I actually started as an
18 assistant. I was assisting some of the, you
19 know, greatest photographers at that time.
20 Q. And who were you assistant to?
21 A. Peter Limberg, Paulo Roversi, you
22 know, major fashion photographers.
23 Q. And do you consider yourself
24 primarily to be a fashion photographer?
25 A. No.

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1 Cariou
2 Q. How would you describe your
3 profession as a photographer?
4 A. I'm a portraitist.
5 Q. That is your specialty?
6 A. That's what I do, yeah.
7 Q. So whether it's for your own books
8 or whether it's for fashion, that is your style
9 of photography?
10 A. Yes.
11 Q. And you learned that trade through
12 other specialists or experts in the area of
13 portraiture?
14 A. Well, you know, I developed my own
15 style over the years. You know, they taught me
16 a lot on photography but, you know, and then
17 after that I had to develop my own thing.
18 Q. Your website shows that you've done
19 photographic work for a travel magazine, is that
20 correct?
21 A. Yes, it's correct.
22 Q. And is it Conde Nast Travel that you
23 did a spread for?
24 A. Yeah.
25 Q. And that was of Jamaica or it was



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<p style="text-align: center;">281</p> <p>1 Cariou 2 some tropical area? 3 A. No, it was in Greece. Greece and 4 Cuba. I did a lot of different trips for them. 5 Q. But those are the only ones relating 6 to travel or there are other travel trips that 7 you've done for them? 8 A. You mean for travel and leisure? 9 Q. Yes. 10 A. I did quite a bit of trips for them. 11 I went to the Maldives, I went to Tunisia, I 12 went to Cuba, I went to a few other places. 13 Q. And those were freelance 14 assignments? 15 A. Yeah. 16 Q. And the focus there though was not 17 on portraiture, it was on the places that they 18 were wanting to showcase in their magazine? 19 A. Absolutely. 20 Q. For what publications have you done 21 photographic work? 22 A. Well, I worked for -- I did work for 23 French Vogue. I worked for Italian Vogue. I 24 worked for Mademoiselle when it was still alive. 25 I worked for The Fader. I worked for so many of</p>	<p style="text-align: center;">283</p> <p>1 Cariou 2 A. Yeah, I have a Polynesian project 3 I'm working on. 4 Q. And when did you start working on 5 the Polynesian project? 6 A. Oh, a long time ago. It must have 7 been -- the first time I went there was in the 8 early '90s, like '89 or '90. 9 Q. And has anyone agreed to publish 10 your Polynesian works? 11 A. It's not done yet. 12 Q. So it's still in -- 13 A. It's still in the process of. 14 Q. Other than the images or the prints 15 of the Yes Rasta images have you sold any other 16 prints of your images of any of the photography 17 work you've done? 18 A. Yes, I have. 19 Q. Can you tell me what images you've 20 sold? 21 A. I couldn't tell you which images I 22 sold, but there is -- where is the list of -- 23 I don't know -- that's something I can't provide 24 to you now, but I've sold a few prints of 25 different projects to Mr. Girard.</p>
<p style="text-align: center;">282</p> <p>1 Cariou 2 them actually. 3 I worked for Vibe Magazine. I 4 worked for German Marie Claire and Spanish -- 5 yeah, I worked for Elle. 6 MR. BROOKS: E-L-L-E. 7 A. And so on and so forth. I worked 8 for quite a bit of magazines. 9 Q. Approximately how much of your 10 annual revenues income is derived from freelance 11 assignments for magazines? 12 A. I stopped commercial photography a 13 few years ago now. I'm just doing my personal 14 photography. 15 Q. I see. So these were all -- the 16 French Vogue, the Italian Vogue, Mademoiselle, 17 Fader, all of that was before what year? 18 A. Before -- we're in 2010 -- I would 19 say before 2004. 20 Q. And so at this point in time you 21 were your doing projects like Trench Town Love, 22 I think you had the gypsies? 23 A. Yeah, the Gypsies is the one. 24 Q. Do you have any other projects 25 you're working on?</p>	<p style="text-align: center;">284</p> <p>1 Cariou 2 Q. Were you looking for a particular 3 document like your web page? 4 A. No, no -- well, I wanted to have the 5 name, the exact name of the person, you know, 6 who bought two Rasta prints. 7 Q. It's right there. 8 A. Yeah, he got four different other 9 prints from me. 10 Q. Mr. Girard did? 11 A. Yeah. 12 Q. And have you sold any other prints 13 to Mr. Girard or anyone else? 14 A. I might have sold a few Surfer 15 prints. I have sold a few Surfer prints. 16 Q. And were any of the Surfer prints, 17 were those sold again to Mr. Girard? 18 A. No, no, to different people. 19 Q. To people that you know? 20 A. Yeah. 21 Q. Is your view with the Surfer prints 22 the same as Yes Rasta, you only sell them if you 23 like the person? 24 A. Up until the moment I'm ready to be 25 out in the world and say, you know, that's -- my</p>



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1 Cariou
2 conception is -- and I have produced three books
3 of portraits, the Gypsies is the fourth one, and
4 that's the end of a circle when that particular
5 body of work on portraiture is ready to be out
6 in the world.
7 Then I'll go to landscape or I'll
8 go to, you know, still life or different type of
9 photography.
10 But for the past 20 years I've been
11 doing serious portraiture, but I don't -- I'm
12 not in a rush. I never really thought of, in
13 essence, recognition. I like things to slowly,
14 you know --
15 Q. Germinate?
16 A. -- mature.
17 Q. Mature?
18 A. Yeah.
19 Q. And by that you mean your work or
20 your style to mature?
21 A. No, the pictures that are done
22 already to mature. You don't look at that book
23 now the same way you were looking at it when it
24 comes out, when it came out, and you will not
25 look at that book in 20 years the way you look

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1 Cariou
2 at it now.
3 You know, things change around,
4 aesthetics change, people change. And that's
5 why I've never been in a rush to sell prints
6 or -- whenever I could, you know.
7 Q. And what changed for you in 2008
8 that caused you to be open to the possibility of
9 Ms. Celle representing you, like you were ready?
10 A. The completion of Gypsies, the fact
11 that I have spent eight years doing the Gypsy
12 book. It's done. It's not published yet, but
13 there is the mock-up and all the pictures are
14 done.
15 And those four books will be my
16 four books of portraits, and then I'll go on
17 something else. You know, and that was the
18 time --
19 Q. I see. It was the completion of the
20 books?
21 A. Yeah, that was the completion of
22 those four books.
23 Q. And is Powerhouse publishing the
24 Gypsy book?
25 A. Maybe. I'm not sure. It could be

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1 Cariou
2 someone else. We'll see.
3 Q. Are you talking to other people
4 about that?
5 A. Yeah, yeah.
6 Q. And are you in active negotiations
7 for that publishing, the publishing of the Gypsy
8 book?
9 A. Sort of. I'm still working a little
10 bit on the layout. There's still things that
11 I'm not completely happy with, so -- I'm talking
12 to people.
13 Q. And what companies or individuals,
14 publishers --
15 MR. BROOKS: I don't think that's
16 relevant.
17 MS. BART: Well, I think it is
18 relevant to show -- it is relevant because
19 it shows that he still has a viable
20 commercial career.
21 So I'd like to know who he's
22 speaking to. It's my last --
23 MR. BROOKS: I'm not going to let
24 him speak to people that he doesn't have
25 contracts with yet. I'm not going to let

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1 Cariou
2 him do it. It's confidential.
3 MR. HAYES: So you're directing him
4 not to answer?
5 MR. BROOKS: Yes.
6 CQ MS. BART: Let's certify that
7 question, please.
8 BY MS. BART:
9 Q. Mr. Cariou, we're really not trying
10 to pry into your personal business, we're trying
11 to understand your profession.
12 Can you tell me if these publishers
13 with whom you're actively engaged in dialogue
14 are recognized publishing houses?
15 A. Yes, they are.
16 Q. And are they international in scope?
17 A. Yes, they are.
18 Q. Has your Surfer collection ever been
19 displayed, exhibited in a gallery?
20 A. It was displayed with the Rastas in
21 Paris in Gallery 213, yeah.
22 Q. So it was --
23 A. Yeah, it was a dual thing.
24 Q. Have you exhibited any images from
25 the Surfer book in any other --



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

PATRICK CARIOU,

Plaintiff,

Index No.:

vs.

08 CIV 11327 (DAB)

RICHARD PRINCE, GAGOSIAN

GALLERY, INC., LAWRENCE

GAGOSIAN, and RIZZOLI

INTERNATIONAL PUBLICATIONS,

INC.,

Defendants.

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VIDEOTAPED DEPOSITION OF RICHARD PRINCE

New York, New York

Tuesday, October 6, 2009

Reported by:
Bryan Nilsen, RPR
JOB NO. 304040

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1 Prince
 2 THE VIDEOGRAPHER: This is tape
 3 number 1 in the videotaped deposition of
 4 Richard Prince, in the matter of Cariou
 5 versus Richard Prince, being heard before
 6 the U.S. District Court, Southern District
 7 of New York.
 8 This deposition is being held at
 9 Schnader Harrison Segal, 140 Broadway,
 10 New York, New York, on October 6, 2009.
 11 The time is 10:15 a.m.
 12 My name is Peter Ledwith. I'm the
 13 videographer. The court reporter is Bryan
 14 Nilsen.
 15 Counsel, will you please introduce
 16 yourselves and who you represent.
 17 MR. HAYES: Steven Hayes, counsel
 18 for Richard Prince.
 19 MS. BART: Hollis Gonerka Bart,
 20 counsel for Larry Gagosian and Gagosian
 21 Gallery.
 22 MR. SHERMAN: John Sherman, counsel
 23 for Rizzoli International Publications.
 24 MR. BROOKS: Dan Brooks and Eric
 25 Boden for the plaintiff.

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1 Prince
 2 THE VIDEOGRAPHER: Will the court
 3 reporter please swear in the witness.
 4
 5 RICHARD PRINCE, called as a
 6 witness, having been duly sworn by a
 7 Notary Public, was examined and testified
 8 as follows:
 9 THE COURT REPORTER: Please state
 10 your name and address for the record.
 11 THE WITNESS: Richard Prince,
 12 151 Righter Road, Rensselaerville,
 13 New York 12147.
 14
 15 EXAMINATION BY
 16 MR. BROOKS:
 17 Q. Good morning, Mr. Prince. My name
 18 is Daniel Brooks. I represent Patrick Cariou
 19 the plaintiff in this case.
 20 Can you tell us what your occupation
 21 is?
 22 A. I'm an artist.
 23 Q. I understand you were born in the
 24 Canal Zone --
 25 A. Yes.

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1 Prince
 2 Q. -- is that correct?
 3 In 1949?
 4 A. Yes.
 5 Q. Did you attend school there?
 6 A. No, I didn't.
 7 Q. Where did you attend primary school?
 8 A. Outside of Boston, a town called
 9 Braintree, Massachusetts.
 10 Q. Was it a boarding school or did you
 11 live there?
 12 A. What age are you talking about?
 13 Q. Okay, let me back up.
 14 How long did you live in the Canal
 15 Zone?
 16 A. We moved when I was about six years
 17 old.
 18 Q. To Massachusetts?
 19 A. Yes.
 20 Q. Did the six years you spent in the
 21 Canal Zone affect your later work in any way?
 22 MR. HAYES: As an artist you're
 23 talking about?
 24 MR. BROOKS: Yes.
 25 A. Recently, yes.

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1 Prince
 2 Q. How so?
 3 A. I paid a visit to what is now called
 4 Panama about three years ago, three or four
 5 years ago. I'm not sure. And I started to
 6 think about -- I started to think about the
 7 place that I was born in.
 8 Q. We'll get to this later obviously,
 9 but did some of that thinking enter into your
 10 creation of the works of art that are in the
 11 Canal Zone book?
 12 A. Yes, in the form of a pitch or a
 13 screenplay that I wrote, and then I subsequently
 14 sort of made up a story that I felt that could
 15 be described with the title Canal Zone. I very
 16 much liked the idea that the name of the place
 17 that I was born had disappeared, that they no
 18 longer called it the Canal Zone, they call it
 19 Panama.
 20 Q. The pitch -- and again, we'll get to
 21 this later, but the pitch that you say you
 22 wrote, was it originally called Eden Rock?
 23 A. I think one of the working titles
 24 was Eden Rock, yes.
 25 Q. And that is a hotel in St. Barth's?

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<p>1 Prince</p> <p>2 A. No, I didn't.</p> <p>3 Q. Did some controversy arise from your</p> <p>4 rephotographing those four images?</p> <p>5 A. Not at the time, no.</p> <p>6 Q. At a later time?</p> <p>7 A. A controversy? I think -- no, I</p> <p>8 would more describe it as just people were very</p> <p>9 perplexed and didn't particularly know what they</p> <p>10 were looking at, because of the nature of the</p> <p>11 transformation. It was a real photograph that I</p> <p>12 was showing, not an image that I had torn out of</p> <p>13 the magazine. Which is essentially when I first</p> <p>14 tore it, it was a collage. I collaged it onto</p> <p>15 paper. That's the very first way I showed the</p> <p>16 images.</p> <p>17 But I decided -- I mean that was</p> <p>18 the breakthrough, was taking the apparatus, the</p> <p>19 camera, and making a real photograph.</p> <p>20 Q. A photograph of a photograph?</p> <p>21 A. Well, it was a photograph of -- no,</p> <p>22 it wasn't a photograph. It was a photograph of</p> <p>23 a page --</p> <p>24 Q. From the magazine?</p> <p>25 A. -- in the magazine.</p>	<p>1 Prince</p> <p>2 then called white-out, which was a kind of</p> <p>3 liquid paint that you used to correct a typo.</p> <p>4 Q. At some point did you begin</p> <p>5 rephotographing ads for Marlboro cigarettes?</p> <p>6 A. I started that I believe in 1980 was</p> <p>7 the first one.</p> <p>8 Q. And this has been known as the</p> <p>9 Marlboro Cowboy photographs?</p> <p>10 A. I referred to them -- yes. I</p> <p>11 started titling them Untitled, parentheses,</p> <p>12 Cowboys.</p> <p>13 Q. And you say you started in 1980?</p> <p>14 A. Yes.</p> <p>15 Q. How long did you continue engaging</p> <p>16 in that practice?</p> <p>17 A. Until -- I believe the last ones</p> <p>18 were done in 1999.</p> <p>19 Q. How did you obtain the images of the</p> <p>20 Marlboro cowboys?</p> <p>21 A. They used to come out -- when I was</p> <p>22 working at Time Life they would come out -- we'd</p> <p>23 get the magazines on Monday, and they would</p> <p>24 appear in the magazine -- in the various</p> <p>25 magazines.</p>
<p>Page 15</p> <p>1 Prince</p> <p>2 Q. Did you have a solo exhibition at</p> <p>3 the Ellen Sragow Gallery?</p> <p>4 A. Sragow, I believe.</p> <p>5 Q. Sragow?</p> <p>6 A. Yes.</p> <p>7 Q. When was that?</p> <p>8 A. It was a long time ago.</p> <p>9 MR. HAYES: If you recall. If you</p> <p>10 don't recall, say so.</p> <p>11 A. Well, '76 maybe.</p> <p>12 Q. And what was the content of the</p> <p>13 exhibition?</p> <p>14 A. I guess you could describe the --</p> <p>15 it's hard -- I believe they were images with</p> <p>16 text. They would refer to it at the time as</p> <p>17 narrative art.</p> <p>18 Q. Were the --</p> <p>19 A. They were stories that I had made up</p> <p>20 about various locations in which I had visited.</p> <p>21 Q. And what medium were the images?</p> <p>22 A. I think they were drawing. I think</p> <p>23 on one piece of paper it was drawing, and I</p> <p>24 believe the -- photographs -- text that was put</p> <p>25 out with a typewriter, and a lot of what was</p>	<p>Page 17</p> <p>1 Prince</p> <p>2 Q. Tobacco companies were still</p> <p>3 permitted to advertise at that time?</p> <p>4 A. Yeah. Before the Marlboro I had</p> <p>5 made collages. I hadn't yet rephotographed, but</p> <p>6 I believe I made collages when I was visiting</p> <p>7 Cologne of Camel cigarette ads, which I still</p> <p>8 have. But I pasted those -- I cut them out with</p> <p>9 an exacto knife and I pasted them on paper.</p> <p>10 About two years later, when I was</p> <p>11 working at Time Life, I started to see the</p> <p>12 cowboys, and I started to -- I had already been</p> <p>13 rephotographing images for about three years, so</p> <p>14 I sort of knew how I could appropriate and</p> <p>15 sample these cowboys.</p> <p>16 I could shoot around the actual</p> <p>17 advertising copy and -- I mean do you want me to</p> <p>18 go on or?</p> <p>19 Q. Sure.</p> <p>20 MR. HAYES: Do you want to read back</p> <p>21 the question so the witness can determine</p> <p>22 whether he's finished.</p> <p>23 (Record read.)</p> <p>24 BY MR. BROOKS:</p> <p>25 Q. One thing is you said Cologne. Is</p>

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1 Prince
 2 Plaintiff's rights under the copyright act,
 3 unquote.
 4 Just for your information,
 5 photographs are capitalized, initial capitalized
 6 in that paragraph, and the photographs that are
 7 being referred to are the photographs in this
 8 book in my hand Yes Rasta, which we'll talk
 9 about. You've seen this book before, right?
 10 A. Yes.
 11 MR. BROOKS: Let's mark as
 12 Plaintiff's Exhibit 2 Mr. Prince's answer
 13 to the amended complaint.
 14 (Plaintiff's Exhibit 2, answer to
 15 amended complaint, was marked for
 16 identification, as of this date.)
 17 Q. Mr. Prince, you'll recall just a
 18 minute ago I read you an allegation in the
 19 complaint, paragraph 13. Now, I'd like you to
 20 turn to page 3 of the answer, which is
 21 Exhibit 2, and I will read page 3.
 22 MR. HAYES: Page 2.
 23 MR. BROOKS: Page 3.
 24 MR. HAYES: Page 3, sorry. And he's
 25 asking you to look at --

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1 Prince
 2 Q. Paragraph 13, which appears to be
 3 the answer to the allegation I read before.
 4 And this is what it states.
 5 Prince denies the allegations in
 6 paragraph of 13 of the complaint, comma, except
 7 admits that any use of Plaintiff's photographs
 8 by Prince was not specifically authorized by
 9 Plaintiff, comma, and states that such
 10 authorization was not required as Prince's use
 11 of portions of the photographs in his art works
 12 is proper artistic practice and appropriate
 13 under applicable law.
 14 First, I should ask you, have you
 15 ever seen this answer to the amended complaint,
 16 this document that you're looking at now,
 17 before?
 18 MR. HAYES: If you recall.
 19 A. No. No, I don't.
 20 Q. You don't?
 21 A. No.
 22 Q. Are you sure you never saw it or you
 23 just don't remember?
 24 A. No.
 25 Q. No which?

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1 Prince
 2 A. No, I've never -- no, I've never
 3 seen this, no.
 4 Q. Did you discuss -- without going
 5 getting into what you said, did you discuss the
 6 preparation of this answer with anyone?
 7 A. No.
 8 Q. All right. If you look at
 9 paragraph 13, which I just read to you, did you
 10 play any role in preparing that answer to
 11 paragraph 13?
 12 A. No.
 13 Q. I've read it into the record and
 14 you've read it yourself. Do you agree with this
 15 answer in paragraph 13?
 16 MR. HAYES: Objection, calls for a
 17 legal conclusion.
 18 Q. You can answer.
 19 A. To tell you the truth, I don't
 20 really understand it.
 21 Q. Do you believe it to be true and
 22 accurate?
 23 MR. HAYES: Objection, calls for a
 24 legal conclusion.
 25 Q. You can answer.

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1 Prince
 2 MR. HAYES: Also, it seems to be
 3 attempting to turn him into some kind of
 4 expert, but primarily calls for a legal
 5 conclusion.
 6 A. I mean, you know, this type of
 7 language I -- you know, is not something that I
 8 feel comfortable commenting on.
 9 Q. Very well.
 10 Let me just back up.
 11 Have you ever been sued before this
 12 lawsuit in any court?
 13 A. No, I've never been sued.
 14 Q. Not by Garry Gross?
 15 A. No.
 16 Q. Have you ever been a party to any
 17 lawsuit or arbitration?
 18 A. Not that I believe, no.
 19 Q. Have you ever sued anyone?
 20 A. No, I've never sued anybody.
 21 Q. Have you ever had your deposition
 22 taken before today?
 23 A. No.
 24 Q. What, if anything, did you do to
 25 prepare for this deposition?

<p style="text-align: right;">Page 30</p> <p>1 Prince 2 artistic practice. 3 But I did, in fact, use portions of 4 images that appear in his books. Eventually, 5 for paintings that I made into this -- they 6 were sort of ingredient -- part of a recipe 7 ingredients that were eventually made into this 8 show that I titled Canal Zone. 9 Q. Were his photographs the subject of 10 your -- 11 A. No. 12 Q. -- artworks? 13 A. No. 14 Q. The subject was some 15 post-apocalyptic vision of what would happen 16 after a nuclear war on a remote island? 17 A. No, that was -- that's a subtext of 18 the whole Canal Zone type of pitch. It first 19 appeared when I was thinking about this project. 20 Q. Okay. You know what, we'll get to 21 that. I've got -- your lawyers produced all the 22 documents. We'll go through them. 23 A. Okay. 24 Q. And I'm pretty sure what your answer 25 is going to be, but when you say -- when the</p>	<p style="text-align: right;">Page 32</p> <p>1 Prince 2 been Bates stamped by us C57 and 58 when 3 they were produced in discovery. 4 MS. BART: Yesterday, correct? 5 MR. BROOKS: No, about six months 6 ago. 7 MS. BART: The original production. 8 MR. BROOKS: The initial disclosure 9 I should say. 10 (Plaintiff's Exhibit 3, two-page 11 printout from website, was marked for 12 identification, as of this date.) 13 Q. Mr. Prince, you have a website? 14 A. Yes, I do. Yes. 15 Q. And is it www.RichardPrinceArt.com? 16 A. Yes. 17 Q. The first page of Exhibit 3 is a 18 photograph of somebody. Is that you? 19 A. Yes. 20 Q. And on the table in the photograph 21 there seems to be a book with some -- it looks 22 like a cowboy on a horse? 23 A. Yes. 24 Q. Is that a book with some of these 25 Marlboro cowboys we were talking about before?</p>
<p style="text-align: right;">Page 31</p> <p>1 Prince 2 answer says here this was proper under -- it was 3 appropriate under applicable law, do you have 4 any idea what that refers to? 5 MR. HAYES: Again, same objections, 6 calls for an expert conclusion -- 7 A. No. 8 MR. HAYES: -- and is not a proper 9 question. 10 MR. BROOKS: Right. But it's in his 11 answer so I just want to see if he knows 12 what that means. 13 A. No. 14 Q. You have no idea? 15 A. No. 16 Q. I'd like to discuss with you your 17 artistic practice, quote/unquote, artistic 18 practice, a term used in the answer, which I 19 understand you've never seen the answer before. 20 You are an artist, so I assume you 21 have an artistic practice? 22 A. I'd like to think so, yes. 23 Q. Okay. 24 MR. BROOKS: Let's mark as 25 Plaintiff's Exhibit 3 two pages which have</p>	<p style="text-align: right;">Page 33</p> <p>1 Prince 2 A. I think that book is a book called 3 Blasted Allegories that was published by the 4 New Museum. I think they used a cowboy image of 5 mine. 6 Q. But that's not your book? 7 A. It's not my book, no. 8 Q. Now, if you could turn to the second 9 page. There's a reference to -- it looks like 10 an essay called Practicing Without a License 11 1977, and beneath that there's a reference to 12 what looks like an essay called Appropriation 13 1978. Do you see those two? 14 A. Yes. 15 Q. Are those essays that you wrote? 16 MR. HAYES: Object to form. 17 THE WITNESS: I'm sorry? 18 MR. HAYES: Object to form. He's 19 calling them essays without establishing 20 what they are. So I'm objecting to form. 21 You can answer if you understand it. 22 MR. BROOKS: No, no, I'll withdraw. 23 BY MR. BROOKS: 24 Q. What are they? 25 A. I think they were sort of -- I was</p>

<p style="text-align: right;">Page 34</p> <p>1 Prince</p> <p>2 trying to figure out what I was doing in 1977.</p> <p>3 And since I was the one who was doing it, and it</p> <p>4 was brand new, I felt that I was probably in the</p> <p>5 position of trying to explain what the</p> <p>6 experiment was in 1977.</p> <p>7 Q. Now, when you were -- let's just</p> <p>8 talk about the first one first in 1977. When</p> <p>9 you were explaining the experiment who was your</p> <p>10 anticipated audience for the explanation?</p> <p>11 A. I didn't have any expectation of an</p> <p>12 audience. Aside from a few other artist friends</p> <p>13 I was totally in the dark. I was just basically</p> <p>14 alone in my studio.</p> <p>15 Q. Let me just ask a different</p> <p>16 question. These are your words that you wrote</p> <p>17 in or about 1977?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. I believe they are.</p> <p>21 Q. The first sentence I will read into</p> <p>22 the record says rephotography is a technique</p> <p>23 for stealing, parenthesis, pirating, close</p> <p>24 parenthesis, already existing images, comma,</p> <p>25 simulating rather than copying them, comma,</p>	<p style="text-align: right;">Page 36</p> <p>1 Prince</p> <p>2 Appropriation 1978. I think</p> <p>3 appropriation has to do with the inability of</p> <p>4 the author slash artist to like his or her own</p> <p>5 work, period. Especially if the work is all</p> <p>6 theirs, period. I think it's a lot more</p> <p>7 satisfying to appropriate, comma, especially if</p> <p>8 you are attempting to produce work with a</p> <p>9 certain believability, comma, an official</p> <p>10 fiction let's say. If you take someone else's</p> <p>11 work and call it your own, comma, you don't have</p> <p>12 to ask an audience, quote, to take my word for</p> <p>13 it, unquote, period. It's not like it started</p> <p>14 with you and ended up being guessed at. The</p> <p>15 effect you want to produce is not that different</p> <p>16 from what an audience sometimes experiences when</p> <p>17 viewing a good movie. And that's what -- and</p> <p>18 then in quotes -- somebody named Christian Metz</p> <p>19 called a general lowering of wakefulness.</p> <p>20 MR. HAYES: I think what might have</p> <p>21 been an inadvertent misstatement is the</p> <p>22 sentence next to last is and what's that</p> <p>23 as opposed to that's what.</p> <p>24 Q. Oh, sorry. And what's that what</p> <p>25 Christian Metz called a general lowering of</p>
<p style="text-align: right;">Page 35</p> <p>1 Prince</p> <p>2 managing, with quotes around managing, rather</p> <p>3 than quoting them, reproducing their effect and</p> <p>4 look as naturally as they had been produced when</p> <p>5 they first appeared.</p> <p>6 Was this a description by you in</p> <p>7 1977 of a practice that you were experimenting</p> <p>8 with at that time?</p> <p>9 A. Yes.</p> <p>10 Q. Let's look at the second -- I'm</p> <p>11 calling it an essay. Please don't be offended.</p> <p>12 Just these words.</p> <p>13 A. It's okay.</p> <p>14 MR. HAYES: Just as long as you're</p> <p>15 adopting that as a term of art for this</p> <p>16 purpose, that's fine.</p> <p>17 Q. Appropriation 1978 states --</p> <p>18 MR. HAYES: So do you want to read</p> <p>19 the rest of the --</p> <p>20 MR. BROOKS: Not at this time, no.</p> <p>21 MR. HAYES: Okay.</p> <p>22 BY MR. BROOKS:</p> <p>23 Q. Appropriation 1978 states -- and for</p> <p>24 the record, I have not read the entire piece</p> <p>25 that was written in 1977.</p>	<p style="text-align: right;">Page 37</p> <p>1 Prince</p> <p>2 wakefulness, unquote.</p> <p>3 (Clarification by reporter.)</p> <p>4 Q. Again, those were your words in</p> <p>5 1978?</p> <p>6 A. Yes.</p> <p>7 Q. When you would -- now, I'm asking</p> <p>8 about the first series of sentences. Okay?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. Practicing without a license.</p> <p>11 When you would rephotograph would</p> <p>12 you actually use a camera?</p> <p>13 A. Yes.</p> <p>14 Q. So you would take an analog</p> <p>15 photograph of some image, is that right?</p> <p>16 A. I would take a slide. I was using</p> <p>17 slide film.</p> <p>18 Q. And then develop it?</p> <p>19 A. I would send it to a commercial lab</p> <p>20 and have it developed.</p> <p>21 Q. Now, in this digital age that we're</p> <p>22 in now are you able to appropriate images</p> <p>23 without actually using a camera?</p> <p>24 MR. HAYES: Objection to the form of</p> <p>25 the question. Without actually using a</p>

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1 Prince
 2 camera?
 3 Q. Well, for instance, like if you see
 4 a photograph somewhere you can -- is it possible
 5 to scan it and enlarge it?
 6 A. I suppose so.
 7 Q. And do a high-definition copy of it
 8 without using a camera?
 9 MR. HAYES: If you know.
 10 A. I guess so.
 11 MS. BART: Excuse me, I'd like to
 12 hear the question back, please.
 13 (Record read.)
 14 MR. HAYES: I attempted to interpose
 15 an objection that the question calls for
 16 speculation, and I'll do that now.
 17 MR. BROOKS: Okay.
 18 BY MR. BROOKS:
 19 Q. But you can answer.
 20 A. I guess so.
 21 Q. Well, you guess so?
 22 MR. HAYES: Don't guess. If you
 23 know, say so. If you don't, say so.
 24 A. Yes, I believe you can. Yes.
 25 Q. In creating the works that were in

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1 Prince
 2 the Canal Zone show isn't is a fact that you
 3 scanned some of Plaintiff's images directly onto
 4 the canvas?
 5 A. No.
 6 MR. HAYES: Objection.
 7 MS. BART: Objection, form.
 8 A. No.
 9 Q. Did somebody do that at your
 10 request?
 11 MS. BART: Same objection.
 12 A. What I would do is send -- after I
 13 tore the image out of the book --
 14 Q. You're talking about Plaintiff's
 15 book?
 16 A. Yes.
 17 I would send it off to a commercial
 18 lab. And I believe it's called inkjet process.
 19 Q. Right.
 20 A. Now, I don't know too much about it
 21 except that it -- you're able to reproduce in
 22 almost any scale onto different surfaces. The
 23 surface which I chose was canvas.
 24 Q. Right. And the name of the lab that
 25 you used?

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1 Prince
 2 A. NancyScans.
 3 Q. Where are they located?
 4 A. Chatham, New York.
 5 Q. Chatham, New York.
 6 Near where you live Upstate?
 7 A. It's about an hour, yes.
 8 Q. And that's why -- we'll get to this
 9 again later --
 10 A. Okay.
 11 Q. -- but in the book, the Canal Zone
 12 book, it says the images -- some of your
 13 paintings rather, are inkjet and acrylic on
 14 canvas, correct?
 15 A. Yes.
 16 Q. And other material?
 17 A. And other mediums, yeah.
 18 Q. Have you ever heard of an inkjet
 19 printer?
 20 MR. HAYES: Objection.
 21 Meaning other than in this context
 22 or?
 23 MR. BROOKS: No, just in general.
 24 A. I don't understand -- heard of an
 25 inkjet printer?

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1 Prince
 2 Q. Have you ever gone into like a
 3 Kinko's and asked them to make a copy for you?
 4 A. No.
 5 Q. Do you have a printer at home?
 6 A. No, I don't.
 7 Q. In your studio?
 8 A. No.
 9 Q. Do you have a computer?
 10 A. I have a computer.
 11 Q. Let me ask you a few questions about
 12 the 1978 -- I'm going to call it an essay.
 13 MR. HAYES: That's fine.
 14 MR. BROOKS: I understand it's not
 15 an essay.
 16 MR. HAYES: Yeah, he adopted the
 17 term. As long as we're clear it's an
 18 adopted term, that's fine. No problem.
 19 BY MR. BROOKS:
 20 Q. Was it ever published anywhere,
 21 Appropriation 1978, other than on your website?
 22 A. The Appropriation 1978?
 23 Q. Right.
 24 A. I think a form of it or another --
 25 maybe another edit of it was probably -- some of

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1 Prince
 2 the sentence structure was probably used.
 3 I know the general lowering of
 4 wakefulness was used in a book that I wrote
 5 called Why I Go to the Movies Alone.
 6 Q. That was the name of your book?
 7 A. Yes.
 8 Q. And do you know when that book came
 9 out?
 10 A. 1983.
 11 Q. With respect to the essay, it states
 12 appropriation has to do with the inability of
 13 the author slash artist to like his or her own
 14 work.
 15 Do you feel that you have an
 16 inability to like your own work?
 17 A. I think at the time I wrote
 18 it I was -- I was very interested in
 19 anti-expressionism. I was very interested in
 20 works or artworks that did not have to do with
 21 personal dreams. I was very interested in
 22 making things up and fiction and turning the
 23 fiction into something that you can believe in.
 24 Again, I have to say also that in
 25 this year, especially '77 to '78, I was also

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1 Prince
 2 interested in reflecting about what was going on
 3 at the time. I believe I was, what, twenty --
 4 MR. HAYES: Nine.
 5 A. Twenty-nine.
 6 I had only been in New York for four
 7 or five years. I was also very interested in
 8 the whole punk rock movement and felt very much
 9 a part of that attitude.
 10 And the idea of not liking your own
 11 work I thought was a kind of avant-garde,
 12 revolutionary, very poetic position to take at
 13 the time. Because most artists you meet have
 14 these large egos and love what they do. So I
 15 took the opposite point of view.
 16 Q. And why did you feel that it was,
 17 quote, more satisfying to appropriate?
 18 A. I felt that, you know, again, I like
 19 the idea of having a bit or a part or a share of
 20 a public image, much like the pop artists who I
 21 very much grew up with. And I was especially
 22 enamored of Andy Warhol at the time.
 23 And I felt that I wanted to
 24 contribute to something that already existed in
 25 the world.

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1 Prince
 2 Q. You're speaking in the past tense,
 3 fair enough, because I'm asking you about --
 4 A. Yeah, this is what I'm -- I'm trying
 5 to approximate what I was feeling thirty years
 6 ago.
 7 Q. Let's talk about now. Do you still
 8 find it more satisfying to appropriate than to
 9 create your own work?
 10 A. Yeah, I do. I feel that I like to
 11 get as much fact into my work and reduce the
 12 amount of speculation. I believe there's too
 13 much -- I like an artwork where that when you
 14 see something, like a cowboy or a girlfriend, I
 15 mean these are, in fact, true.
 16 Q. Or a nurse?
 17 A. Or a nurse, or a hood.
 18 Q. And you feel, if it's not yours --
 19 MR. HAYES: Let him finish.
 20 MR. BROOKS: I'm sorry.
 21 MR. HAYES: Have you finished your
 22 answer?
 23 THE WITNESS: I'm sorry. Yes.
 24 Q. And you feel if it's not yours it's
 25 more believable to the audience?

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1 Prince
 2 MR. HAYES: Objection,
 3 mischaracterizes what he said.
 4 But if you want -- you can respond
 5 to that if you want, but the statement --
 6 A. I feel it's totally mine.
 7 Q. Okay. But in the essay you said you
 8 find appropriating satisfying especially if you
 9 are attempting to produce work with a certain
 10 believability?
 11 A. Yes.
 12 Q. So there's something about
 13 appropriating images from other people that
 14 helps you make a work of art that's more
 15 believable, is that right?
 16 A. I guess you can say that, yes.
 17 Q. Do you still feel that way?
 18 A. Probably not as much as I did in
 19 1978.
 20 Q. But to some extent?
 21 A. I think you could say that.
 22 Q. Is it part of your message now that
 23 your artwork is more believable because it was
 24 taken from someone else?
 25 A. I don't have a -- I don't really

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1 Prince
 2 have a message.
 3 Q. Okay. Is appropriating images from
 4 other people, does that also make your job
 5 easier in creating a new image?
 6 A. No. Not really, no.
 7 Q. Does it make it harder?
 8 A. No, it's just something that --
 9 something that I do and I love to do, and I've
 10 always -- you know, I've been doing this for
 11 quite a while.
 12 Q. Right.
 13 When you began to engage in the
 14 practice of rephotographing the work of others
 15 did you consider yourself at that time to be a
 16 skilled photographer?
 17 A. No.
 18 MR. BROOKS: Let's mark as
 19 Plaintiff's Exhibit 4 an article, or
 20 actually an interview with Bates stamp
 21 pages C226 through 228.
 22 And this was I believe produced in
 23 response to your discovery requests on
 24 Friday.
 25 MS. BART: We got them actually on

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1 Prince
 2 Monday.
 3 MR. BROOKS: Well, I can't help
 4 that.
 5 (Plaintiff's Exhibit 4, interview,
 6 was marked for identification, as of this
 7 date.)
 8 Q. Mr. Prince, you've been handed
 9 what's been marked as Plaintiff's Exhibit 4.
 10 Do you recall being interviewed in
 11 ArtForum Magazine in 2003?
 12 A. Boy. I don't really recall being
 13 interviewed, no.
 14 Q. Do you know who Steve Lafreniere is?
 15 A. No, I don't.
 16 Q. Let's look at the second page of
 17 this exhibit. And there's a question up at the
 18 top where the interviewer is asking, I'd always
 19 assumed that you purposely made your early
 20 photos have an amateur look and that you'd done
 21 them quickly, but looking at them today would
 22 suggest otherwise. How worked on were pictures
 23 like Untitled, three women looking in the same
 24 direction, 1980.
 25 Before I read the answer, did you

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1 Prince
 2 have a work Untitled with three women looking in
 3 the same direction in 1980, if you recall?
 4 A. Yes.
 5 Q. And here's what appears to be your
 6 answer. RP, I had limited technical skills
 7 regarding the camera. Actually, I had no
 8 skills. I played the camera. I used a cheap
 9 commercial lab to blow up the pictures. I made
 10 editions of two. I never went into a darkroom.
 11 And yes, I really worked hard on Women, capital
 12 W, period. I mean that piece still looks like
 13 it was purposely made.
 14 Do you recall making this statement?
 15 A. Yes.
 16 Q. And was it a true statement?
 17 A. Yes, it was. It's absolutely true.
 18 Q. The next question says, So you sort
 19 of fell into photography, and the answer is, In
 20 the early '80s I didn't have the subject matter
 21 for painting, I didn't have the, quote, jokes,
 22 initial cap J, unquote, until 1986. What I did
 23 have was magazines. I was working at Time Life
 24 and was surrounded by magazines. I wanted to
 25 present the images I saw in these magazines as

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1 Prince
 2 naturally as when they first appeared. Making a
 3 photograph of them seemed the best way to do it.
 4 I didn't exactly, quote, fall, unquote, as much
 5 as steal, period.
 6 Did you make that statement?
 7 A. Yes, I did.
 8 Q. Was that a true statement?
 9 A. Yes, it is.
 10 Q. When you said you had no skills,
 11 I mean what did you mean?
 12 A. I didn't have any skills. I had
 13 never really -- I liked the idea of not knowing
 14 how to use a mechanical apparatus at the time.
 15 I didn't know anything about the medium.
 16 Q. Right.
 17 Do you remember saying in a
 18 subsequent interview that you destroyed
 19 photography?
 20 A. Yes, I shot the sheriff or something
 21 like that. Yeah, I did.
 22 Q. What did you mean by that?
 23 A. I changed it. I revolutionized it.
 24 Q. How?
 25 A. I changed it completely.

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1 Prince
 2 had produced in 1983, I made one copy, an 8 by
 3 10, and I gave it away. And it wasn't until
 4 1992 that it came back into the limelight, and I
 5 think my attitude changed a bit and I was sort
 6 of willing to become more part of the process I
 7 suppose.
 8 Q. And at that time you made ten copies
 9 plus an artist proof?
 10 A. At the time there was ten copies and
 11 I believe two artist proofs, none of which I
 12 own.
 13 MR. HAYES: By the way, do you want
 14 to read into the record the following
 15 paragraph --
 16 (Clarification by reporter.)
 17 MR. HAYES: Do you want read into
 18 the record the following paragraph --
 19 MR. BROOKS: No, no, you can do that
 20 when you have redirect. I don't want to
 21 spend my time --
 22 MR. HAYES: Okay. Just read back --
 23 let me restate my statement because the
 24 court reporter didn't get it.
 25 The question is do you want to read

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1 Prince
 2 in for context the following paragraph and
 3 its reference to the fair use exceptions
 4 to copyright law?
 5 BY MR. BROOKS:
 6 Q. Did you send an e-mail to this
 7 reporter saying, at the top of page 2 of the
 8 exhibit, I never associated advertisements with
 9 having an author?
 10 A. It sounds like something I would
 11 have said. Whether or not I sent an e-mail to
 12 him, I don't know. I don't recall.
 13 Q. And you -- that actually is
 14 something you believe, right?
 15 A. Yeah. Advertisements have no
 16 authors. They're art directed though, and I
 17 believe -- I believe that sincerely. I believe
 18 they're psychologically hopped-up images that
 19 are too good to be true. They look like they
 20 have a life of their own, and they look like a
 21 film still.
 22 I don't believe I've ever seen
 23 an author or an artist's signature on an
 24 advertisement.
 25 What I believe -- they're associated

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1 Prince
 2 with products. And I believe I started taking
 3 them, rephotographing them because of those
 4 qualities.
 5 Q. Do you see further down on the
 6 second page of Exhibit 7 -- withdrawn.
 7 Have you ever heard of Jim Krantz,
 8 K-R-A-N-T-Z, before?
 9 A. No.
 10 Q. Well, he apparently was at least one
 11 of the people who did the ads for Marlboro.
 12 A. He did?
 13 Q. According to this article.
 14 And I'm just going to call your
 15 attention to what he is quoted as saying at the
 16 bottom of page 2. Fourth paragraph from the
 17 bottom it says, Mr. Krantz said he considered
 18 his ad work distinctive, comma, not simply the
 19 kind of anonymous commercial imagery that he
 20 feels Mr. Prince considers it to be.
 21 I take it you disagree with
 22 Mr. Krantz's statement?
 23 MR. HAYES: Well, objection on
 24 several grounds. First of all, we don't
 25 know that Mr. Krantz actually said this.

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1 Prince
 2 MR. BROOKS: Right.
 3 MR. HAYES: And what you're now
 4 doing is you're taking this entirely out
 5 of context without consenting, for
 6 example, to read the paragraph above that
 7 I asked you to read in to put the entire
 8 article into context.
 9 MS. BART: I think you should do
 10 that now for the record --
 11 MR. HAYES: That article -- that
 12 paragraph says Mr. Krantz --
 13 MR. BROOKS: Now, I -- listen, if
 14 you're going to enforce the seven-hour
 15 rule, I object to your saying anything
 16 other than objection, or direct him not to
 17 answer.
 18 MR. HAYES: I object to the witness
 19 being asked questions without it being put
 20 in context by reading appropriate parts of
 21 the rest of the article, which --
 22 MR. BROOKS: Fine.
 23 MR. HAYES: -- by the way, is two
 24 sentences --
 25 MR. BROOKS: Which you can read when

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<p>1 Prince</p> <p>2 exhibit it in my show in nineteen -- that would</p> <p>3 have been 1992?</p> <p>4 Q. I guess.</p> <p>5 A. I believe I did.</p> <p>6 Q. Do you know how much that</p> <p>7 rephotography -- withdrawn -- that work sells</p> <p>8 for now?</p> <p>9 A. No, I don't.</p> <p>10 Q. Do you know what the most one of</p> <p>11 them is sold for is? I'm talking about</p> <p>12 Spiritual America.</p> <p>13 A. Spiritual America?</p> <p>14 I believe -- you mean the original</p> <p>15 Spiritual America or the edition?</p> <p>16 Q. The edition.</p> <p>17 A. The edition?</p> <p>18 Q. I'm sorry, when you say edition are</p> <p>19 you saying A-D or E-D, because I'm not --</p> <p>20 MR. HAYES: E-D.</p> <p>21 Q. E-D.</p> <p>22 A. E-D.</p> <p>23 Q. Edition, okay.</p> <p>24 A. The edition, I don't believe there's</p> <p>25 been one up for sale for quite some time. But I</p>	<p>1 Prince</p> <p>2 to think about making it again instead of making</p> <p>3 it new. Making it new was an Ezra Pound way of</p> <p>4 thinking, paren, industrial, close paren, and,</p> <p>5 quote, making it again, unquote, is a more</p> <p>6 R. Prince way of doing it, paren, technological,</p> <p>7 close paren. Advertising images aren't really</p> <p>8 associated with an author, more with a product</p> <p>9 slash company, and for the most part put out or,</p> <p>10 quote, art directed, unquote: They kind of end</p> <p>11 up having a life of their own. It's not like</p> <p>12 you're taking them from anyone.</p> <p>13 I know the answer goes on, but that</p> <p>14 part that I quoted is similar to what you were</p> <p>15 testifying to about half an hour ago, correct?</p> <p>16 A. Yes.</p> <p>17 Q. That's your view, okay.</p> <p>18 A. Yes.</p> <p>19 Q. Do you have a different standard or</p> <p>20 artistic practice for taking images when there</p> <p>21 is a disclosed author and it's not an</p> <p>22 advertisement?</p> <p>23 A. No, not really. It's just a</p> <p>24 question of whether I like the image.</p> <p>25 Q. If you like it then you'll consider</p>
<p>1 Prince</p> <p>2 believe the last one was maybe \$150,000.</p> <p>3 Q. Now, if you could look back at</p> <p>4 page 1 of Exhibit 8, there's a quote there from</p> <p>5 you beneath that question, a part of which I</p> <p>6 read where you said -- I'm going to just quote,</p> <p>7 it's part of the question, I just want to ask</p> <p>8 you if that part of your statement -- the part</p> <p>9 of the answer reflects your thinking.</p> <p>10 I like to think about making it</p> <p>11 again instead of making it new.</p> <p>12 MR. HAYES: Can you just show me</p> <p>13 where you are? I'm sorry, I don't know</p> <p>14 where you are.</p> <p>15 MR. BROOKS: Yeah, I'm sorry. First</p> <p>16 page, it says -- it's the second answer.</p> <p>17 MR. HAYES: Oh, got it. The second</p> <p>18 sentence -- the third sentence in the</p> <p>19 answer, right?</p> <p>20 MR. BROOKS: I'll read the whole</p> <p>21 answer, but it's not necessary.</p> <p>22 BY MR. BROOKS:</p> <p>23 Q. The machinery of America,</p> <p>24 quote/unquote, that's a pretty good way of</p> <p>25 describing the way images get out there. I like</p>	<p>1 Prince</p> <p>2 appropriating it?</p> <p>3 MR. HAYES: Object to the form.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: I'm sorry?</p> <p>6 Q. You can answer.</p> <p>7 MR. HAYES: I objected to form, but</p> <p>8 you can answer it.</p> <p>9 A. That's very difficult to answer</p> <p>10 because it really depends on the --</p> <p>11 Q. Okay.</p> <p>12 A. -- my mood of the day.</p> <p>13 Q. I understand. But when you do take</p> <p>14 images, let's just say when you do, you don't,</p> <p>15 in your own mind, differentiate between</p> <p>16 advertisements and things where you know who the</p> <p>17 author is and it's not an advertisement, is that</p> <p>18 what you're saying?</p> <p>19 MS. BART: Objection, form.</p> <p>20 A. No, I -- I mean it's a good example</p> <p>21 right here because the girlfriend is editorial.</p> <p>22 Q. Right.</p> <p>23 A. And the cowboy is advertisement.</p> <p>24 Girlfriend came from a lifestyle</p> <p>25 magazine which was a whole new type of magazine</p>

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<p>1 Prince 2 Four is copyrighted? 3 A. No, I don't know. 4 Q. Do you share the proceeds when it 5 was sold with Mr. D'Orazio? 6 A. No. No, I don't. 7 Q. You keep the proceeds? 8 A. When there's a sale of this image, 9 yes, it's between myself and the dealer who 10 sells it. 11 He was -- I gave him a print. 12 I also gave Brooke Shields a print. 13 Q. She must have been appreciative? 14 A. I'm a, you know, agreeable guy. 15 Q. So getting back to in Exhibit 6 16 where you said, However, it would not bother me 17 in the slightest -- excuse me -- for someone to 18 appropriate my work. 19 A. Yes. 20 Q. Would that extend to Spiritual 21 America Four? 22 A. Yeah. I mean I don't -- I don't try 23 to control those kinds of things. 24 Q. But I mean just you wouldn't mind if 25 somebody did exactly what you did --</p>	<p>1 Prince 2 Q. And how do you know somebody else is 3 trying to sell Spiritual America Four? 4 A. I've seen it. That's the thing 5 about technology, it's what's new, it's what one 6 has to adjust to. I've seen it on the web. 7 Q. And that's fine with you? 8 A. It's fine with me, yeah. I have no 9 control over it. I mean it's their piece, not 10 mine. 11 Q. It's their piece? 12 A. They're putting their name on it. 13 Q. Who is they? 14 A. I don't recall. I don't know who 15 the person is. 16 Q. Okay. So your view is if you create 17 a work of art -- do you consider this a work of 18 art? 19 A. Yes, I do. 20 Q. If you create a work of art anyone 21 else who wants to is free to copy it and sell 22 it? 23 A. That's the optional or the operative 24 word you just said. Free. 25 Q. Right.</p>
<p>1 Prince 2 A. They already have. 3 Q. You can scan it -- 4 A. I saw it on someone's screen -- 5 MS. BART: Objection, form. 6 (Multiple speakers talking at once.) 7 (Interruption by reporter.) 8 (Discussion off the record.) 9 (Record read.) 10 MR. HAYES: Can I make a suggestion? 11 Withdraw both questions, restate the 12 first question. 13 BY MR. BROOKS: 14 Q. You wouldn't mind if somebody sold 15 Spiritual America Four, somebody else? 16 A. No. 17 Q. Without your permission? 18 A. They don't need my permission. 19 Q. And you're saying it has been done? 20 A. I don't know whether they've been 21 able to sell it. I haven't been able to sell 22 mine. Whether they've sold theirs, I don't 23 know. 24 Q. Well, you sold some of yours, right? 25 A. I sold some of mine, yes.</p>	<p>1 Prince 2 A. And art is about freedom. It's not 3 about being restricted. If I was restricted 4 then I couldn't transform these images. 5 Q. So but as far as you're concerned, 6 somebody else can just copy Spiritual America 7 Four, make no changes to it, and sell it, and 8 that's fine with you? 9 A. Yes, that's fine with me. 10 Q. That's part of your artistic 11 philosophy? 12 A. I believe that, yes. 13 Q. Does it matter if the person copying 14 your work is known as an appropriation artist or 15 does it not matter, can anyone do it, as far as 16 you're concerned? 17 A. There have been people who are known 18 as appropriation artists who have done what I've 19 done because of what I did. 20 Q. Right. But let me ask you this. 21 Do you feel that because you are known for 22 appropriating the work of others your reputation 23 itself entitles you to engage in that artistic 24 practice? 25 MS. BART: Objection to form.</p>

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1 Prince
 2 was for the occasion of a show.
 3 Q. A show of yours?
 4 A. Of mine at the Patrick Seguin
 5 Gallery.
 6 Q. A show that has nothing to do with
 7 the Canal Zone?
 8 A. It had nothing to do with the Canal
 9 Zone.
 10 Q. All right. Well, for whatever
 11 reason, they asked you some questions about the
 12 Canal Zone --
 13 A. Yes.
 14 Q. -- probably because of the temporal
 15 proximity. So I would like to have you look at
 16 the second question.
 17 Your series will be up at a time
 18 when perhaps Barack Obama will be president.
 19 It could become iconic if it coincides with a
 20 pivotal moment in American history. And --
 21 (Interruption.)
 22 (Record read.)
 23 Q. So then the answer apparently was,
 24 That's possible. It is strange for a white man
 25 like myself to start painting black people. I

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1 Prince
 2 found a black-and-white book on Rastafarians
 3 when I was on vacation in St. Barth's. I
 4 started drawing directly in the book like I had
 5 done before in a book of De Kooning's work. For
 6 two or three years I continued to be inspired by
 7 three Rastafarians -- I'm sorry, I continued to
 8 be inspired by these Rastafarians. I drew faces
 9 on their faces using the shades of the book, the
 10 different skin colors, the wild hair styles, all
 11 dreadlocked, their poses and their looks. I was
 12 listening to Rasta music at the time, one of my
 13 son's tapes.
 14 Was that a Bob Marley tape?
 15 A. No, it wasn't. It was a group
 16 called Radioread. One word.
 17 Q. Now, the black-and-white book on
 18 Rastafarians that you found, was that this
 19 Yes Rasta book by Patrick Cariou?
 20 A. Yes.
 21 Q. And you said you started drawing in
 22 the book. You actually -- actually in the book,
 23 you didn't copy, you just write in the book, you
 24 were drawing things?
 25 A. Yes.

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1 Prince
 2 Q. Which you had done with some
 3 De Kooning works before?
 4 MS. BART: Objection, form.
 5 Q. Go ahead.
 6 A. I had done the same thing to a
 7 De Kooning book.
 8 Q. Right. Now, you said -- I'm reading
 9 what you said -- for two or three years I
 10 continued to be inspired by these Rastafarians.
 11 So, given --
 12 A. That's the translation. This --
 13 Q. Okay.
 14 A. Can I just say that this is --
 15 Q. Yes.
 16 A. I've read this interview.
 17 Q. Yes. In French?
 18 A. Because it just came out in a book.
 19 Q. Yes.
 20 A. It's one of the worst translations
 21 I've ever read. Anyway, I'm just -- I just
 22 would like to get that on the record.
 23 Q. Okay. But this translation was done
 24 for my law firm, so you certainly haven't read
 25 this translation. You may have read another bad

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1 Prince
 2 translation, but you haven't read this one.
 3 A. Oh. Well --
 4 Q. This was done for us recently.
 5 A. Okay. All right.
 6 Q. But -- fine. If it's incorrect, I
 7 would like to know.
 8 So is it correct that you were
 9 drawing in the Yes Rasta book?
 10 A. Yes.
 11 Q. And is it correct that given that
 12 this is 2008, this interview, that this drawing
 13 in the book went on for two or three years?
 14 A. The drawing in the book -- no, I
 15 believe it started when I bought the book.
 16 Q. In 2008?
 17 A. When I was on vacation. So 2005.
 18 I bought the book and I started -- I was on
 19 vacation, and I started to make drawings in the
 20 book.
 21 Q. Okay.
 22 A. And --
 23 Q. You were on vacation?
 24 MR. HAYES: Hold on. He hasn't
 25 finished his answer.

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1 Prince
 2 have --
 3 BY MR. BROOKS:
 4 Q. Did seeing this book Yes Rasta
 5 somehow make a connection in your mind with the
 6 Canal Zone?
 7 A. Yes. I would -- yes, I'd say that.
 8 Q. Now, have you been back to the Canal
 9 Zone -- you said you went to Panama?
 10 A. I had gone to Panama. And I had
 11 just seen the jungles.
 12 Q. Fairly recently?
 13 A. Probably -- probably, yes.
 14 In approximate to when I found the
 15 book -- yes.
 16 Q. In approximation to 2005?
 17 A. Yes.
 18 Q. Are there Rastafarians in the Canal
 19 Zone now known as Panama, that part of the Canal
 20 Zone?
 21 A. No, there aren't.
 22 Q. Are there any in St. Barth's?
 23 A. No.
 24 Q. Is the population of St. Barth's
 25 primarily white, French white people?

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1 Prince
 2 Well, you've been going there 12
 3 years, right?
 4 A. Yes, I would agree with that.
 5 Q. Now, the show that you were being
 6 asked about that was going to be at the Gagosian
 7 Gallery several days after the interview, was
 8 that your first solo exhibition at the Gagosian
 9 Gallery?
 10 A. At that space or with Gagosian?
 11 Q. Okay. Let's start with that space,
 12 which is on West 24th Street.
 13 A. 24th Street?
 14 Q. Yes.
 15 A. My first solo, yes.
 16 Q. Okay. Now, you broadened the
 17 question, which is fine. How about the other
 18 Gagosian galleries of which there are a number,
 19 right?
 20 A. I've had shows at other galleries.
 21 Q. But as of November 8th, 2008, had
 22 you had any solo shows at the Gagosian Gallery
 23 prior to November 8th, 2008, at any Gagosian
 24 Gallery?
 25 MR. HAYES: Any location he's asking

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1 Prince
 2 you about.
 3 A. Any location?
 4 Q. Any Gagosian Gallery location?
 5 A. Prior to? Yes.
 6 Q. Okay. But this was the first one at
 7 that Chelsea gallery?
 8 A. Yes.
 9 Q. Did you believe that the photos in
 10 the Yes Rasta book, did you believe they were
 11 distinctive?
 12 A. Well, I didn't really --
 13 MS. BART: Objection, form --
 14 A. -- look at them as --
 15 MS. BART: Hold on one second,
 16 please.
 17 Objection, form, calls for a legal
 18 conclusion. The witness is here as a fact
 19 witness, not an expert.
 20 MR. HAYES: I join in the objection.
 21 Q. Did you believe they were
 22 distinctive?
 23 MS. BART: Same objections.
 24 A. I didn't think I would describe my
 25 reaction. Also, I didn't really look at them as

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1 Prince
 2 photographs.
 3 Q. What did you look at them as?
 4 A. Images in a book.
 5 Q. Do you have any reason to doubt that
 6 they're photographs?
 7 A. I don't know if he made original --
 8 I mean I'm not in a position to say whether they
 9 were original photographs to begin with. I
 10 don't know. I just saw them in -- I saw images,
 11 reproductions of images in a book.
 12 I mean that's my -- that was my
 13 reaction. I believe my initial reaction was one
 14 of which I associated with the Canal Zone.
 15 Q. Did you like the pictures?
 16 A. Yes.
 17 Q. In the book?
 18 A. I liked the pictures.
 19 Q. You liked them a lot?
 20 A. I liked them, yes.
 21 Q. You thought they were original?
 22 MS. BART: Objection, form, calls
 23 for a legal conclusion.
 24 MR. HAYES: Objection.
 25 MR. BROOKS: No, it doesn't.

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1 Prince
 2 MS. BART: Please check 17 U.S.C.
 3 A. I didn't have that reaction, no.
 4 I mean my reaction was they were documentary I
 5 suppose.
 6 Q. Had you seen pictures like that
 7 before of Rastafarians?
 8 MR. HAYES: Objection.
 9 A. Yes, I had had a book on Bob Marley
 10 that I was also looking at at the same time.
 11 Q. Right.
 12 And did you consider incorporating a
 13 picture from the Bob Marley book into this Canal
 14 Zone exhibition?
 15 A. I did.
 16 Q. And what made you decide not to do
 17 that?
 18 A. I did do it.
 19 Q. It's in the book?
 20 A. I believe there's an image --
 21 Q. Of Bob Marley?
 22 A. Not of Bob Marley. It was an image
 23 that was in the Bob Marley book.
 24 Q. We'll get to that later because I
 25 wouldn't begin to know where it is.

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1 Prince
 2 THE VIDEOGRAPHER: 1:05 p.m.
 3 Off the record. End of tape 2.
 4 (Recess taken: 1:05 p.m.)
 5 (Proceedings resumed: 1:53 p.m.)
 6 THE VIDEOGRAPHER: 1:53. On the
 7 record. Beginning of tape 3.
 8 BY MR. BROOKS:
 9 Q. Mr. Prince, we were looking before
 10 we broke for lunch at Exhibit 13. And we had
 11 talked about the first question and answer that
 12 you were asked and that you gave.
 13 Then there's a second question which
 14 says, What will the format for this new series
 15 be, a large format like the nurse paintings,
 16 question mark. And then your answer, Larger,
 17 there are several figures white or black female
 18 nudes beside clothed Rastafarians --
 19 MR. HAYES: It's not the second
 20 question, actually it's the third, just
 21 for clarity.
 22 Go ahead.
 23 A. Okay, I got it.
 24 MR. BROOKS: You're right, third
 25 question.

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1 Prince
 2 BY MR. BROOKS:
 3 Q. Larger with several figures white or
 4 black female nudes beside clothed Rastafarians,
 5 a forest contrast like in the Luncheon on the
 6 Grass by Manet from 1862-63 which still struck
 7 me in the Picasso exhibition at the Musée
 8 d'Orsay. I combined the Rastafarians from the
 9 book with a series of hands playing the guitar
 10 that I cut out and pasted. The nurses -- played
 11 on the uniform, the Rastafarians's uniform is
 12 merely a pair of shorts, almost nothing.
 13 Sometimes they are nude like the women painted
 14 from magazines or from photos of models in my
 15 studio. In pictorial terms there is little
 16 difference between white and black. It is this
 17 kind of formal question that interests me. I've
 18 already had a small Rastafarian exhibition in
 19 St. Barth's. I called it Canal Zone as a
 20 reference to the Panama Canal of my childhood.
 21 I had put together a scene with gangs portrayed
 22 by the Rastafarians to music by Ziggy Marley,
 23 Bob Marley's oldest son, and the Wailers, his
 24 original group.
 25 With respect to this Manet painting,

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1 Prince
 2 Le déjeuner sur l'herbe --
 3 A. Right.
 4 Q. Le déjeuner sur l'herbe, do you know
 5 it by that name?
 6 A. Yeah, the Luncheon on the Grass?
 7 Q. Yes.
 8 A. Yes.
 9 Q. There are men, clothed men and naked
 10 women in that, as I recall, in that painting,
 11 right?
 12 A. Yes.
 13 Q. And you had just seen it at the
 14 Musée d'Orsay?
 15 A. Yes. At that time there were
 16 several -- yes, I did.
 17 Q. Were you trying in the photos in the
 18 Canal Zone book or some of the -- not photos.
 19 Let me start again.
 20 Was it your intention when you made,
 21 created the paintings that are in the Canal Zone
 22 book, to evoke the Luncheon on the Grass, Manet
 23 painting?
 24 A. I was aware of Picasso's homage to
 25 Manet. And I was also in the middle of making

<p style="text-align: right;">Page 166</p> <p>1 Prince 2 an homage to De Kooning at the time. 3 I don't believe there was a direct 4 interest in making or pointing to that 5 particular painting. It was more about the fact 6 that I was interested in Picasso paying homage 7 to a previous artist. 8 And I think, point of fact, I would 9 cite Cézanne's bathers as a more -- interest in 10 mine of making the Canal Zone paintings. 11 Q. Okay. Are you saying that one of 12 the points or one of the messages in the Canal 13 Zone paintings was to evoke Cézanne's bather 14 paintings? 15 A. I think if in fact there was a 16 message, it was -- there was three people, yes, 17 specifically Cézanne's bathers because of the 18 composition, Picasso's hands and feet, and the 19 masks that were on the De Kooning women. 20 Q. Did you put the masks on the 21 De Kooning women or were they there already? 22 A. Sometimes yes, sometimes no. 23 Q. And the feet, some of these 24 paintings -- and we'll look at them later -- 25 have very large elephantine types of feet --</p>	<p style="text-align: right;">Page 168</p> <p>1 Prince 2 Q. Where did you get the series of 3 hands playing the guitar? 4 A. There are several magazines 5 published. I mean to be -- you know, what I 6 remember specifically is Guitar Magazine. But 7 there were other magazines. I don't recall the 8 names, but I do recall they were like -- there 9 are several that you can buy on the newsstand. 10 Q. And did you cut those out as well? 11 A. Cut them out with -- yes, I did. 12 Q. And did you paste them onto the 13 other images? 14 A. Yes. 15 Q. And then you sent the whole thing to 16 that lab? 17 A. NancyScans. 18 Q. NancyScans. So they can be scanned 19 onto the canvas? 20 A. I'm not sure I would word it like 21 that. 22 MR. HAYES: Object to the form. 23 Q. So it could be transferred onto the 24 canvas? 25 A. What I -- no, I'm not sure I would</p>
<p style="text-align: right;">Page 167</p> <p>1 Prince 2 A. Yes. 3 Q. -- is that what you're referring to? 4 A. Yeah. Feet that I would paint on 5 the paintings. 6 Q. So correct me if I'm wrong, but are 7 you saying that these, some of these Canal Zone 8 paintings were a tribute -- I'll say tribute 9 instead of homage -- to Picasso, De Kooning, and 10 Cézanne? 11 MR. HAYES: Object to the form, but 12 you can answer. 13 A. Well, I'm really interested in 14 making art that, you know, transforms something 15 that's already existed without getting involved 16 in the original intent of the image. I like 17 to -- I want to transform the existing image. 18 And by doing, by quoting, or in the 19 style of Picasso or in the style of De Kooning, 20 or even thinking about the composition of 21 Cézanne's bathers, it was a way in which I could 22 transform those images, yes. 23 Q. Which images? 24 A. The images that I first found in the 25 Yes Rasta book.</p>	<p style="text-align: right;">Page 169</p> <p>1 Prince 2 word what I would -- that I sent to NancyScans. 3 Q. What did you send to NancyScans? 4 A. I sent a collage. 5 Q. What does that mean? 6 A. A collage. 7 Q. Well, in this case what do you mean 8 by collage? 9 A. It means I ripped out a reproduction 10 from a book or a magazine and cut it up, pasted 11 it, scotch taped, and then mounted it on a piece 12 of white paper and drew some dimensions, 13 60 inches wide and -- 14 Q. So it could be enlarged? 15 A. So it could be enlarged -- yeah, I 16 mean I just say 60, yes, various sizes. 17 Q. And then NancyScan would enlarge it 18 to the size you told them? 19 A. Yes. 20 Q. And then they would send it back to 21 you? 22 A. They would send it back to me. 23 Q. By electronically or physically? 24 A. Physically. They would send me -- 25 Q. So in this process that you've</p>

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<p>1 Prince</p> <p>2 described you never actually used a camera,</p> <p>3 correct, you personally?</p> <p>4 A. For this, for the Canal Zone series,</p> <p>5 no, I've never used a camera, no.</p> <p>6 Q. And where did you get the nude</p> <p>7 females that are in many of these paintings?</p> <p>8 A. Mostly from Taschen, a lot from --</p> <p>9 they had published a series of books on men's</p> <p>10 magazines that was edited by a friend of mine,</p> <p>11 that she sent me the books. And also --</p> <p>12 (Interruption.)</p> <p>13 A. Should I continue?</p> <p>14 Q. Yes.</p> <p>15 A. I remember some of the women came</p> <p>16 out of two specific photographers' books,</p> <p>17 Richard Kern and Eric Kroll.</p> <p>18 Q. With a K?</p> <p>19 A. Kroll with a -- K-R-O-L-L.</p> <p>20 And Kern with a K.</p> <p>21 Q. Now, you said Taschen, is that what</p> <p>22 you said, T-A --</p> <p>23 A. Taschen Publishers. T-A-C-H --</p> <p>24 MR. HAYES: T-A-S-C-H-E-N.</p> <p>25 A. T-A-S-C-H-E-N.</p>	<p>1 Prince</p> <p>2 I mean Richard Kern and Eric Kroll's</p> <p>3 images have been described -- I wouldn't</p> <p>4 describe their images as pornographic, but they</p> <p>5 have been by other people.</p> <p>6 Q. Were some of the nude females just</p> <p>7 anonymous where you didn't know who the</p> <p>8 photographer was who had taken the pictures?</p> <p>9 A. Especially the ones from the Taschen</p> <p>10 publications they were -- even some of the</p> <p>11 credits I suppose were anonymous where I didn't</p> <p>12 know the models, I didn't know -- you know, I</p> <p>13 didn't really pay attention.</p> <p>14 Q. And were some of them, some of the</p> <p>15 nude females in these paintings, models you had</p> <p>16 hired for those paintings?</p> <p>17 A. I hired a nude model, yes.</p> <p>18 Q. The woman with the apron?</p> <p>19 A. Yes.</p> <p>20 Q. But she's not in the Canal Zone</p> <p>21 paintings, right? Or maybe she is. I don't</p> <p>22 think she is --</p> <p>23 A. She was in -- I know -- I recall one</p> <p>24 painting she's painted out, but there's a very</p> <p>25 thin -- there's a lot of ghosts in some of these</p>
<p>1 Prince</p> <p>2 Q. And what kind of magazine is that?</p> <p>3 A. It's a publishing. They publish</p> <p>4 books.</p> <p>5 Q. When you said men's magazines --</p> <p>6 A. They published a book on men's</p> <p>7 magazines.</p> <p>8 Q. And that's where you got the --</p> <p>9 A. That's where I got some of the</p> <p>10 images.</p> <p>11 Q. Did you get some from -- I'll use</p> <p>12 the term loosely -- porno magazines?</p> <p>13 A. Porno?</p> <p>14 MR. HAYES: Objection to form.</p> <p>15 How loosely?</p> <p>16 Q. Pornographic magazines.</p> <p>17 A. Pornographic?</p> <p>18 Q. I'm only asking you that because</p> <p>19 I've read that in a number of the articles.</p> <p>20 A. Yeah.</p> <p>21 Q. I don't know if it's true, so that's</p> <p>22 why I'm asking you.</p> <p>23 A. I mean -- I suppose you're talking</p> <p>24 about like something that's like triple X or --</p> <p>25 you know -- I'm trying to think here.</p>	<p>1 Prince</p> <p>2 paintings. A lot of things got painted out.</p> <p>3 That's part of the process. That's part of my</p> <p>4 technique of how I transfer images and how I</p> <p>5 make them different.</p> <p>6 Q. Right.</p> <p>7 A. So it's hard to say whether or not</p> <p>8 she's in the painting. She's in the painting</p> <p>9 physically in her representation, but it's very</p> <p>10 difficult to see her. However, she is in the</p> <p>11 catalog.</p> <p>12 Q. Right. And to the extent she's in</p> <p>13 the painting did somebody take her photograph?</p> <p>14 A. I hired her and I took -- I spent an</p> <p>15 afternoon taking her photograph, yes.</p> <p>16 Q. So the photograph of that --</p> <p>17 photographs of that woman in the inserts are</p> <p>18 photographs that you took?</p> <p>19 A. I took, yes, I took them.</p> <p>20 Q. Did you have any assistants helping</p> <p>21 you with cutting out, pasting, sending things to</p> <p>22 NancyScan or did you do it yourself?</p> <p>23 A. I did it myself.</p> <p>24 Q. You do have at least two assistants,</p> <p>25 right, Betsy and -- Betsy Biscone and Eric</p>

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1 Prince
 2 Brown?
 3 A. Yes.
 4 Q. Do you have other assistants as
 5 well?
 6 A. Yes.
 7 Q. How many others?
 8 A. Do you want their names?
 9 Q. No.
 10 A. No, no. I have -- you mean
 11 assistants that help me maybe in the studio
 12 while I was doing these paintings?
 13 Q. Right.
 14 A. Two.
 15 Q. In addition to those two?
 16 A. Yes.
 17 Q. So that's a total of four?
 18 A. Yes.
 19 Q. And some of the e-mails and things
 20 refer to a Long Island studio?
 21 A. Yes.
 22 Q. And where is that?
 23 A. It's in Wainscott.
 24 Q. In your house in Wainscott?
 25 A. I have a little studio in my garage.

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1 Prince
 2 Q. In your garage, okay.
 3 And in the summer do you do some of
 4 your artwork there rather than in
 5 Rensselaerville?
 6 A. Yes.
 7 Q. And these Rasta paintings, that's
 8 what they've been called in a lot of articles,
 9 that were in the Canal Zone, were those done in
 10 your Long Island studio?
 11 A. Well, the Canal Zone paintings were
 12 mostly done by myself in the garage studio or
 13 the studio in Long Island, yes.
 14 Q. In Wainscott?
 15 A. In Wainscott.
 16 Q. Okay. Now, in this interview in
 17 Figaro you also said you had a small Rastafarian
 18 exhibition in St. Barth's, correct?
 19 A. I don't believe -- is that what I
 20 said?
 21 Q. That's what it says here.
 22 MR. HAYES: That's what the
 23 translation said.
 24 Q. I already had a small Rastafarian
 25 exhibition in St. Barth's, and this is in

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1 Prince
 2 November of 2008.
 3 A. Well, I was probably wrong in
 4 describing the exhibition that way, although I
 5 did probably -- if that's the translation, I did
 6 call the exhibition Canal Zone.
 7 I don't believe -- I don't
 8 remember -- I don't think -- it was a fairly
 9 casual exhibition, so I don't believe there was
 10 an invitation card. So I don't know if there
 11 was a title to the show. I doubt very much --
 12 usually you make up a postcard and you put the
 13 title, but I don't think we did that for that
 14 show.
 15 Q. Let me just ask you this. This is
 16 in late 2007, there was a show at the Eden Rock
 17 Hotel in St. Barth's of some of your work,
 18 correct?
 19 A. Yes.
 20 Q. And it was called the Eden Rock
 21 show?
 22 A. I don't think we called it anything,
 23 but I might be mistaken.
 24 Q. But it was about maybe 14 or 15
 25 different works, right?

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1 Prince
 2 A. Yes, I believe that would be about,
 3 yes.
 4 Q. And were any of those works -- and
 5 I'm not talking about the Canal Zone, I'm sorry,
 6 I don't want to confuse you.
 7 A. That's okay.
 8 Q. I'm talking about the one the year
 9 before in St. Barth's.
 10 A. Right.
 11 Q. Were any of those works --
 12 withdrawn.
 13 Did any of those works contain
 14 materials, images appropriated from the
 15 Yes Rasta book?
 16 MS. BART: Objection to form.
 17 MR. HAYES: Objection as to form.
 18 A. Yes.
 19 Q. How many of those 14 or 15
 20 paintings?
 21 A. There was one collage.
 22 Q. : Right. And that was called Canal
 23 Zone, right?
 24 A. I believe it was, yes.
 25 Q. We're going to look at that in a

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<p>1 Prince</p> <p>2 second, but of those paintings that were</p> <p>3 exhibited at the Eden Rock Hotel, are any of</p> <p>4 those in the Canal Zone book?</p> <p>5 A. There wasn't a painting that was</p> <p>6 exhibited in that particular exhibition. It was</p> <p>7 a collage.</p> <p>8 Q. Well, there are 14 or 15 works,</p> <p>9 right?</p> <p>10 A. No, there were -- the 14 -- I</p> <p>11 thought you were referring to -- the other 14 or</p> <p>12 15 paintings in that show were different</p> <p>13 paintings.</p> <p>14 Q. No, I understand that. I</p> <p>15 understand. They don't have material images</p> <p>16 taken from Yes Rasta?</p> <p>17 A. Right. Right.</p> <p>18 Q. I'm just asking you, those</p> <p>19 paintings, were any of those in the Canal Zone</p> <p>20 book or the Canal Zone show at Gagosian</p> <p>21 Gallery --</p> <p>22 A. Oh, no. No.</p> <p>23 Q. -- in 2007?</p> <p>24 Now, how about the one collage which</p> <p>25 does have images from the Yes Rasta book, the</p>	<p>1 Prince</p> <p>2 at that show that had images taken from the</p> <p>3 Yes Rasta book, is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. And all of these images in this --</p> <p>6 what did you call it, a --</p> <p>7 A. Collage.</p> <p>8 Q. Collage. These were all taken from</p> <p>9 the Yes Rasta book, correct?</p> <p>10 A. These images were what I would refer</p> <p>11 to as -- it was sort of like, yes, they were</p> <p>12 torn out, they were pages that were torn out of</p> <p>13 the Yes Rasta book.</p> <p>14 Q. And does this relate back to what</p> <p>15 you were saying before that over the course of a</p> <p>16 couple years you intermittently wrote in the</p> <p>17 book and looked at it?</p> <p>18 A. Yes, I think this probably was done</p> <p>19 over the course of probably three seasons in</p> <p>20 St. Barth.</p> <p>21 Q. Is that because you left the book</p> <p>22 there when you --</p> <p>23 A. I left a number of, you know -- also</p> <p>24 there was -- yes, I left a number of art-related</p> <p>25 materials at the house.</p>
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<p>1 Prince</p> <p>2 one you did in 2007, was that either in the</p> <p>3 Canal Zone book or exhibited at the Canal Zone</p> <p>4 show at the Gagosian Gallery?</p> <p>5 A. It was never exhibited at -- it</p> <p>6 didn't get in the show at the Canal Zone exhibit</p> <p>7 at Larry Gagosian's.</p> <p>8 Q. Okay. And it's not in the book?</p> <p>9 A. It's not in the book.</p> <p>10 MR. BROOKS: Let's mark as</p> <p>11 Plaintiff's Exhibit 14 a document produced</p> <p>12 by Gagosian defendants Bates stamped</p> <p>13 GGP003781.</p> <p>14 (Plaintiff's Exhibit 14, GGP003781,</p> <p>15 was marked for identification, as of this</p> <p>16 date.)</p> <p>17 Q. Mr. Prince, does this refresh your</p> <p>18 recollection that the title of that work of art</p> <p>19 was The Canal Zone, comma, 2007?</p> <p>20 A. That's what it says here, yes.</p> <p>21 Q. And is this the work of art you've</p> <p>22 been describing that was part of the show at the</p> <p>23 Eden Rock?</p> <p>24 A. Yes.</p> <p>25 Q. And this is the only one on display</p>	<p>1 Prince</p> <p>2 Q. In St. Barth's?</p> <p>3 A. In St. Barth.</p> <p>4 Q. Including Yes Rasta?</p> <p>5 A. Including the book.</p> <p>6 Q. The one you bought?</p> <p>7 A. Yes.</p> <p>8 Q. I got it. Okay.</p> <p>9 What does mixed media on homasote</p> <p>10 mean, do you know?</p> <p>11 A. It's a description of the different</p> <p>12 mediums that I -- the fact that I did use</p> <p>13 different mediums, meaning paint --</p> <p>14 Q. That explains the mixed media part.</p> <p>15 MS. BART: Let him finish, please.</p> <p>16 MR. HAYES: He's asking about</p> <p>17 homasote, what that means.</p> <p>18 Q. Yes, what does that mean?</p> <p>19 A. It's the material which the pages</p> <p>20 were pushpinned on. It's approximately an</p> <p>21 8-by-4 piece of, for lack of a better word,</p> <p>22 plywood.</p> <p>23 MR. HAYES: It's wood?</p> <p>24 THE WITNESS: Yeah.</p> <p>25 MR. HAYES: Like a masonite type of</p>

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1 Prince
 2 wood?
 3 THE WITNESS: Yeah.
 4 MR. BROOKS: I'm sorry?
 5 MR. HAYES: It's like masonite, like
 6 masonite manufactured wood.
 7 MR. BROOKS: Okay.
 8 BY MR. BROOKS:
 9 Q. Now, did you have an assistant
 10 helping you with the creation of Canal Zone 2007
 11 or did you do it yourself?
 12 A. I did it myself.
 13 Q. And did you send it to a lab to be
 14 completed?
 15 A. No. This is a -- this is just what
 16 I would refer to as an original collage.
 17 Q. Okay. So you tore out these
 18 pictures -- you nailed them to the piece of
 19 plywood?
 20 A. Yes.
 21 Q. So it wasn't -- then it wasn't
 22 enlarged?
 23 A. This particular piece?
 24 Q. Yes.
 25 A. No.

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1 Prince
 2 Q. And you did not obtain Mr. Cariou's
 3 permission to create Canal Zone 2007, did you?
 4 MS. BART: Objection, form.
 5 MR. HAYES: Objection as to form.
 6 Q. You can answer.
 7 A. No.
 8 MR. BROOKS: I'd like to mark as
 9 Plaintiff's Exhibit 15 a one-page document
 10 Bates stamped GGP004296.
 11 (Plaintiff's Exhibit 15, GGP004296,
 12 was marked for identification, as of this
 13 date.)
 14 (Discussion off the record.)
 15 Q. Mr. Prince, Plaintiff's Exhibit 15
 16 depicts the same work of art that we've been
 17 looking at as Exhibit 14, is that correct?
 18 A. Yes.
 19 Q. Canal Zone 2007?
 20 A. Yes.
 21 Q. Where are we seeing this, is this at
 22 the Eden Rock Hotel or somewhere else or what?
 23 A. It's at the Eden Rock gallery.
 24 Q. So this is actually a photo of that
 25 show, that exhibition, a part of it?

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1 Prince
 2 A. Part of it, yes.
 3 Q. So are each of the pictures, the
 4 photos in this collage, an entire -- represent
 5 an entire page from Yes Rasta?
 6 A. I think they're individual pages.
 7 Q. Right. Because this was not
 8 enlarged?
 9 A. No.
 10 Q. Do you remember when the show at the
 11 Eden Rock was put together or planned?
 12 A. Probably November of 2007.
 13 You know, I -- that's a guess.
 14 MR. BROOKS: Let's mark as
 15 Exhibit Plaintiff's 16 a series of e-mails
 16 Bates stamped GGP004309, 4317 and 4325.
 17 (Plaintiff's Exhibit 16, series of
 18 e-mails, was marked for identification, as
 19 of this date.)
 20 Q. If you could look at the first page
 21 of Exhibit 16, it appears to be an e-mail to you
 22 dated August 8th, 2007. Do you see that?
 23 A. Mm-hmm.
 24 Q. And Jazz Man 611, is that somebody
 25 from the Eden Rock Hotel that you know?

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1 Prince
 2 A. Yes.
 3 Q. And he was responding to an e-mail
 4 from you dated August 3rd it looks like, saying
 5 that Larry Gagosian was going to handle
 6 everything. Do you see that?
 7 A. Yes.
 8 Q. And that right now he's previewing
 9 three other works at his house out here on
 10 Long Island. What did you mean by that, if you
 11 remember?
 12 A. There were three works that were
 13 going to be part of the show.
 14 Q. The Eden -- we're calling it the
 15 Eden Rock show. I know that might not have been
 16 the name.
 17 A. Okay.
 18 Q. And what do you mean -- what does
 19 that mean to you, previewing? Was he showing
 20 them to potential buyers, is that it?
 21 A. He -- I had given him -- we were
 22 sort of -- I like to refer to Larry's house
 23 as off-off-off-broadway, sort of a way of
 24 previewing different works that have never
 25 been shown before.

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<p>1 Prince 2 House and all those, right? 3 A. Mm-hmm. 4 Q. And we all know who Ron Perelman is. 5 Okay. Donny Deutsch is an advertising person or 6 public relations person? Don't know him? 7 A. I don't know him. 8 Q. Did Larry Gagosian buy one of these 9 paintings? His name is listed here. 10 A. I gave him -- 11 Q. You gave him. 12 A. -- the painting. 13 MR. BROOKS: Let's mark as 14 Exhibit 20 an article from the Art 15 Newspaper Bates stamped C00242 and 243. 16 (Plaintiff's Exhibit 20, article 17 from Art Newspaper, was marked for 18 identification, as of this date.) 19 Q. Have you ever seen this article 20 before in the Art Newspaper? 21 A. Yes, I was aware of it. 22 Q. Let me ask you this. There are some 23 photos at the top of the article, which, if you 24 will compare them with Exhibit 14, seem to 25 represent a part of that work, the Canal Zone</p>	<p>1 Prince 2 A. No clue. I don't. 3 Q. Okay. In the third paragraph he 4 states that, among other things, that Garry 5 Gross sued you over Spiritual America and that 6 the case was settled out of court. That's not 7 correct? 8 A. That is not correct. 9 Q. You also say that -- he also says 10 rather that the essay for the show's catalog, 11 for instance, was written by James Frey. 12 Is it pronounced fray or fry? How 13 do you pronounce F-R-E-Y? 14 A. I believe it's fray. 15 Q. Fray, okay. 16 The essay for the show's catalog, 17 for instance, was written by James Frey, the 18 controversial author who fabricated whole swaths 19 of his 2003, quote, memoir, unquote, A Million 20 Little Pieces. 21 Now, this is a reference to the 22 catalog for the Canal Zone show in 2008, 23 correct? 24 MS. BART: Objection, form. 25 A. I -- I don't know. I'm --</p>
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<p>1 Prince 2 2007. Take Exhibit 14 if you want and compare 3 them. Don't take my word for it. 4 Or 15. Either one will do. 5 14 is probably better. 6 See -- 7 A. Yes. 8 Q. -- there's a guy with a hat? 9 A. Mm-hmm, yes. 10 Q. There are like eight frames there, 11 right, or eight collaged pages. And so that 12 comes from -- 13 A. Yes. 14 Q. -- the canal Zone 2007 painting 15 work -- 16 A. It seems like -- 17 Q. -- apparently? 18 A. No, not apparently. It comes from 19 this section, the middle of the collage. 20 Q. Correct. Indicating the middle of 21 Exhibit 14, right? 22 A. Yes. 23 Q. Do you have any idea of how either 24 the Art Newspaper or Andrew Goldstein who wrote 25 this piece got a part of Exhibit 14?</p>	<p>1 Prince 2 Q. Okay. Well, was there a catalog for 3 the Canal Zone show that took place at the 4 Gagosian Gallery -- 5 A. Yes. 6 Q. -- in November-December 2008? 7 A. Yes. 8 Q. And was there a story in there by 9 James Frey? 10 A. Yes, there was. 11 Q. Did you ask him to write it? 12 A. I did. 13 Q. And did he write it? 14 A. He did write it. 15 Q. And did he base it on your pitch? 16 A. He based it on my pitch. 17 Q. And additions to your pitch that you 18 wrote in 2008? 19 MS. BART: I'm sorry, can I hear the 20 question again? 21 (Record read.) 22 A. I think I told him of the additions. 23 I'm not positive but I think, yes. 24 Q. And also had an opportunity to see 25 some of the Canal Zone paintings in your</p>

Page 202	Page 204
<p>1 Prince</p> <p>2 Long Island studio in the summer of 2008,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. You invited him there?</p> <p>6 A. Yes.</p> <p>7 Q. And was his essay based, as far as</p> <p>8 you know, on those paintings as well as your</p> <p>9 pitch and the additions to your pitch?</p> <p>10 A. His essay was essentially based on</p> <p>11 my pitch.</p> <p>12 Q. Last question, was it also based on</p> <p>13 the so-called guns and ammo paintings that were</p> <p>14 part of the 2007 show at the Eden Rock, if you</p> <p>15 remember?</p> <p>16 A. I don't think so, no.</p> <p>17 Q. Okay. Now, how long have you known</p> <p>18 Mr. Frey?</p> <p>19 A. Three years.</p> <p>20 Q. Did you know him when he wrote</p> <p>21 A Million Little Pieces?</p> <p>22 A. No.</p> <p>23 Q. Are you aware that he misrepresented</p> <p>24 that book as a memoir?</p> <p>25 A. No.</p>	<p>1 Prince</p> <p>2 A. Yes.</p> <p>3 Q. What images?</p> <p>4 A. They were images that I had</p> <p>5 published in a previous book of mine.</p> <p>6 Q. What was the name of that book?</p> <p>7 A. Adult Comedy Action Drama.</p> <p>8 Q. So you gave him those images and</p> <p>9 then somebody else designed the cover for his</p> <p>10 book?</p> <p>11 A. Yes.</p> <p>12 Q. All right. We've been talking --</p> <p>13 withdrawn.</p> <p>14 Before we get to this pitch that</p> <p>15 you wrote, I'd like you to go back and look at</p> <p>16 Exhibit 4 again, which is the interview of you</p> <p>17 with Steve Lafreniere.</p> <p>18 Do you remember we were looking at</p> <p>19 this interview before?</p> <p>20 A. Yes.</p> <p>21 Q. It was in 2003, correct?</p> <p>22 A. This was 2003.</p> <p>23 Q. Well, that's what it says on the</p> <p>24 front page, ArtForum March 2003.</p> <p>25 A. Yes, that's what it says.</p>
<p>Page 203</p> <p>1 Prince</p> <p>2 MS. BART: Objection, form.</p> <p>3 Q. Have you ever heard that he was on</p> <p>4 the Oprah Winfrey Show talking about the book</p> <p>5 and then went back on the show and told her this</p> <p>6 was not an actual memoir, it was fiction?</p> <p>7 A. Yes, I was aware of that.</p> <p>8 Q. When did you become aware of that?</p> <p>9 A. That's hard to say.</p> <p>10 Q. Let me ask you this. Was it before</p> <p>11 you met and made his acquaintance or after?</p> <p>12 A. It was before I made his</p> <p>13 acquaintance.</p> <p>14 Q. And how did you become acquainted</p> <p>15 with him?</p> <p>16 A. He was -- I met him because he was a</p> <p>17 collector of art, and an author.</p> <p>18 Q. Yes. And after A Million Little</p> <p>19 Pieces he wrote a book Bright Shiny Morning?</p> <p>20 A. Yes.</p> <p>21 Q. Did you design the cover for him?</p> <p>22 A. No, I did not design it.</p> <p>23 Q. What did you do?</p> <p>24 A. I provided the images.</p> <p>25 Q. For his cover?</p>	<p>Page 205</p> <p>1 Prince</p> <p>2 Q. Okay. Now, at the bottom of the</p> <p>3 second page -- I don't mean to rush you. If you</p> <p>4 want to look at --</p> <p>5 A. No.</p> <p>6 Q. -- something on the first page, be</p> <p>7 my guest.</p> <p>8 The interviewer at the very bottom</p> <p>9 is asking you, is naming three other well-known</p> <p>10 contemporary artists, right?</p> <p>11 A. Yes.</p> <p>12 Q. Longo, Schnabel, and Sherman.</p> <p>13 You know those people, right?</p> <p>14 A. Yes, I do.</p> <p>15 Q. And he says -- or she -- no, he says</p> <p>16 that they've all made movies and I've wondered</p> <p>17 why you haven't. Do you see that question?</p> <p>18 A. Yes.</p> <p>19 Q. And then, according to this, your</p> <p>20 answer was I'm not very collaborative, I like</p> <p>21 being alone, working alone, I hate actresses,</p> <p>22 I don't like having to ask permission, a green</p> <p>23 light is not something I would be happy waiting</p> <p>24 for. Does that sound like an answer you gave in</p> <p>25 2003?</p>

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1 Prince
 2 A. It's the answer I gave, yes.
 3 Q. And then the interviewer asks you
 4 anyway, well, what movies do you like, just from
 5 the '80s, and I see you mentioned Road Warrior
 6 and Blade Runner, which I guess you would agree
 7 those are both post-apocalyptic movies, is that
 8 right?
 9 A. Yes.
 10 Q. And I'm not really familiar with
 11 the others. Are any of the others also
 12 post-apocalyptic movies?
 13 A. Terminator.
 14 Q. Okay, all right. That's an Arnold
 15 Schwarzenegger movie?
 16 A. Yes.
 17 Q. And did that, did your appreciation
 18 for that genre inform your writing of the pitch,
 19 of your pitch?
 20 A. I guess you could say that, yes.
 21 MR. BROOKS: Let's mark as
 22 Exhibit 22 -- just so you know, I skipped
 23 21, I'm not going to -- it's not going to
 24 be marked.
 25 Exhibit 22 is the pitch, Bates

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1 Prince
 2 stamped PR79 and 80.
 3 (Plaintiff's Exhibit 22, pitch, was
 4 marked for identification, as of this
 5 date.)
 6 Q. Mr. Prince, is this the pitch you
 7 wrote for a movie -- for a movie?
 8 A. Yes.
 9 Q. And do you remember we were looking
 10 at an e-mail you sent to Mr. Gagosian, is this
 11 the pitch that you were referring to in that
 12 e-mail?
 13 A. Probably, yes.
 14 Q. Are there different versions of it?
 15 A. Yes.
 16 Q. Okay. Did you type it yourself on
 17 the computer?
 18 A. Yes, I did.
 19 Q. Okay. So, again, it's this Charles
 20 Company, which is a person and not a company,
 21 and his family, they arrive in St. Barth's,
 22 everyone is crying because there's a nuclear
 23 war, correct?
 24 A. Yes.
 25 Q. And what are we supposed to do, most

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1 Prince
 2 of the world is destroyed, correct?
 3 A. Yes.
 4 Q. And you say you compare this to
 5 On the Beach and Lord of the Flies?
 6 A. Yes.
 7 Q. For reasons that are probably
 8 obvious?
 9 A. Yes.
 10 Q. And he's an architect in this
 11 version, this person Charles Company?
 12 A. Yes.
 13 Q. And not somebody who's used to
 14 shooting people or anything like that?
 15 A. No, he's not used to.
 16 Q. But he learns, he has to learn?
 17 A. He adapts, yes.
 18 Q. And they stay at the Eden Rock Hotel
 19 with some other people?
 20 A. I believe his relatives, yes.
 21 Q. And, again, that's a hotel in
 22 St. Barth's?
 23 A. Yes.
 24 Q. All right. Now, and then at the
 25 very end it says his son is standing lookout.

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1 Prince
 2 Does that refer to these guns and ammo paintings
 3 or not?
 4 A. I think when it says cut to a year
 5 later --
 6 Q. Yes.
 7 A. Does it say that?
 8 Q. Yes, it does.
 9 A. Those paintings are the substitute
 10 for what I would call the storyboard.
 11 Q. In other words, the bottom half of
 12 somebody's body sometimes with a gun?
 13 A. Yes.
 14 Q. Did you ever submit this pitch or a
 15 subsequent version of it to a movie studio or
 16 production company?
 17 A. Production company, I don't know if
 18 that's how you would describe it. So I can't
 19 say -- I would have to say no.
 20 Q. Who did you submit it to --
 21 withdrawn.
 22 Did you submit it to anyone with a
 23 view to getting it made into a movie?
 24 A. Yes.
 25 Q. To getting a green light?

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1 Prince
 2 Q. When did you decide to do the Canal
 3 Zone paintings, the ones that are in the Canal
 4 Zone book?
 5 A. June of 2008, late June.
 6 Q. So after you wrote this let's call
 7 it an addendum to your pitch?
 8 A. Yes.
 9 Q. By the way, in the paintings -- I
 10 didn't finish, besides the Amazons there are
 11 also the ultimate ones. Those are like masters
 12 of the universe?
 13 A. Ultimate ones? That I don't -- I
 14 don't -- to tell you the truth, I don't know
 15 what I was referring to -- power.
 16 Oh, maybe the people who owned
 17 things.
 18 Q. Like the hedge fund people who go
 19 there at Christmas time?
 20 A. Maybe, yeah.
 21 Q. And then also Charlie Company also
 22 represents family, and that's also a tribe
 23 according to this?
 24 A. Yes.
 25 Q. Now, in the paintings are there any

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1 Prince
 2 depictions of let's call them, to use your term,
 3 the ultimate ones?
 4 A. No.
 5 Q. And are there any depictions of this
 6 guy Charlie Company or his family?
 7 A. You could say his daughter got into
 8 a couple of the pictures.
 9 Q. One of the nude women?
 10 A. Yes.
 11 Q. Is she a lesbian too?
 12 A. No.
 13 Q. So when we get to that painting
 14 you'll --
 15 A. I don't think -- it's not -- well,
 16 you probably have it. It's not in the catalog.
 17 Q. All right. I already asked you
 18 about this, but let's mark as Plaintiff's 24
 19 pages Bates stamped PR88 through 91.
 20 (Plaintiff's Exhibit 24, PR88
 21 through 91, was marked for identification,
 22 as of this date.)
 23 Q. Mr. Prince, I've placed in front of
 24 you Plaintiff's Exhibit 24. If you could look
 25 at -- start out by looking at the second page,

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1 Prince
 2 which appears to be an e-mail from Betsy Biscone
 3 at Prince Studio to James Frey, do you see that?
 4 At the top of the second page?
 5 A. Yes.
 6 Q. She says, Lovely speaking with you
 7 just now, and she is attaching the pitch,
 8 capital T, capital P, correct?
 9 A. Yes.
 10 Q. And then she says, And a few images
 11 from last December's Eden Rock show. So those
 12 are images of what you called before guns and
 13 ammo, those paintings, from the Eden Rock show?
 14 A. Yes.
 15 Q. And then -- that was September 9th,
 16 2008. And then on September 11th, 2008, the
 17 same person Betsy writes to Melissa -- do you
 18 know Melissa at Gagosian Gallery?
 19 A. Yes.
 20 Q. She says towards the bottom of that
 21 e-mail, Lastly, we love James' draft, I just
 22 sent Richard off to the city and ask that he
 23 touch base with him today. Can you believe he
 24 wrote all that in just one night?
 25 Were you aware that he had taken

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1 Prince
 2 your pitch and changed it quickly like that in
 3 September?
 4 MS. BART: Objection, form.
 5 A. No.
 6 Q. You can answer.
 7 A. No, I wasn't aware of it.
 8 Q. Well, you gave him the pitch, right?
 9 I mean we agreed to that, right?
 10 A. I believe I verbally gave him the
 11 pitch, yes.
 12 Q. And it looks like Betsy actually
 13 emailed it to him?
 14 A. If she did -- if she says she did,
 15 I believe her.
 16 Q. But then she said -- she also said
 17 he did a draft. Okay, my question is did you
 18 ever see that draft?
 19 A. No.
 20 Q. To this day?
 21 A. A draft by James Frey?
 22 Q. Yes.
 23 A. No.
 24 Q. You know he wrote an essay that's in
 25 the Canal Zone book?

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1 Prince
2 Q. Well, it's your movie, right?
3 MR. HAYES: No.
4 MS. BART: But that's not his
5 script.
6 A. It's not my -- it's his essay based
7 on -- based.
8 Q. Right. On your pitch?
9 A. Really, I mean I think you would
10 have to ask him this question.
11 Q. I'm going to.
12 A. I think this would have to be more
13 fleshed out in order to answer that kind of
14 question, whether or not I would root for a guy
15 like that. I mean I don't know what that has to
16 do with anything --
17 MS. BART: Me neither.
18 A. -- that we're talking about, but --
19 Q. Well, let me ask you this. Does
20 this pitch or the essay that ended up in the
21 Canal Zone book, do either of them have anything
22 to do with the paintings, your paintings in the
23 Canal Zone book and show?
24 MS. BART: Objection to form.
25 MR. HAYES: Objection to form.

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1 Prince
2 Q. You can answer.
3 A. You mean does his essay?
4 Q. Have any bearing on your paintings
5 in the Canal Zone show and book?
6 A. I think there are parts of his essay
7 that are fairly close to my original pitch,
8 not -- but I wouldn't say all of his essay.
9 Q. But are they also --
10 MS. BART: I had attempted to
11 interpose an objection before the witness
12 started speaking, and I will do that now.
13 Q. I think maybe you misunderstood my
14 question. My question was whether the pitch or
15 the essay had a bearing on your paintings that
16 are in the show and the book?
17 MS. BART: Objection, form.
18 MR. HAYES: Form also.
19 A. Does my pitch have anything to do --
20 is that the question?
21 Q. Let's start with your pitch.
22 A. I'm sorry, I'm getting just a little
23 confused here.
24 Q. There's a Canal Zone book and a
25 show, right, that was at the Gagosian Gallery at

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1 Prince
2 the end of 2008, right?
3 A. Yes.
4 Q. Those were your paintings, right?
5 A. Yes.
6 Q. Okay, first, your pitch that you did
7 in 2007 and modified in March 2008 --
8 A. Yes.
9 Q. -- does that relate to your
10 paintings?
11 A. Yes.
12 Q. Does his modification of your pitch
13 relate to your paintings?
14 MR. HAYES: Objection to form.
15 MS. BART: Join.
16 A. Does his modification -- again, part
17 of his modification I would say, not all of it.
18 Q. Can you tell me which part?
19 Well, bear in mind that's not the
20 final draft.
21 MR. HAYES: So you -- what you want
22 him to do is compare the draft to the
23 painting --
24 MR. BROOKS: Well, I'm going to --
25 (Multiple speakers talking at once.)

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1 Prince
2 (Interruption by reporter.)
3 MR. HAYES: You want him to compare
4 the draft or --
5 MR. BROOKS: Well, that's what we're
6 talking about now.
7 MR. HAYES: Let me just finish.
8 Or the essay?
9 MR. BROOKS: Right now the draft.
10 (Discussion off the record.)
11 MR. BROOKS: Let's get this answer
12 and then we'll take a break.
13 A. Yeah, I would say every year at
14 Christmas you and your family go to St. Barth.
15 That has to do with my original pitch.
16 You stay at Eden Rock --
17 (Clarification by reporter.)
18 A. You stay in Eden Rock.
19 Everything is gone. Everything
20 is gone.
21 Every major city in North America,
22 Russia, Europe, Middle East, that has to do with
23 my original pitch.
24 First day you're shocked, second day
25 you're scared, third day you're confused, fourth

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1 Prince
 2 day you're panicked, fall apart on the fifth,
 3 sixth day it is a riot, seventh day is doom.
 4 He could have written -- he could
 5 have just submitted that and that would have
 6 been enough for me, personally.
 7 But, as I said, I'm not -- I'm not a
 8 censor, and I'm not an editor. And I was the
 9 one who asked him to write what he wanted to
 10 write, you know. I wasn't about to change
 11 anything that he had given me.
 12 I mean these are his words.
 13 Your money is worthless, your job
 14 title, that's all --
 15 Q. I think he's run out of film.
 16 A. I'm sorry.
 17 THE VIDEOGRAPHER: 3:17. Off the
 18 record. End of tape 3.
 19 (Recess taken: 3:17 p.m.)
 20 (Proceedings resumed: 3:29 p.m.)
 21 THE VIDEOGRAPHER: 3:29. On the
 22 record. Beginning of tape 4.
 23 BY MR. BROOKS:
 24 Q. I think, Mr. Prince, you might have
 25 been interrupted at the end of your answer. You

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1 Prince
 2 might not remember what the question was. It
 3 was something about whether there were things in
 4 the draft essay by Mr. Frey that related to the
 5 paintings in the Canal Zone show, and I think
 6 you mentioned a few. And if you have any others
 7 you want to add, please do.
 8 A. I don't really think that anything
 9 that James ultimately wrote for the essay for
 10 the Canal Zone publication had anything to do
 11 with the paintings really.
 12 I told him he could write anything
 13 he wanted. I gave him carte blanche.
 14 And ultimately he wrote, as far as
 15 I can see, a variation, a very tiny -- again,
 16 there's one paragraph of a pitch that I had made
 17 to him and was continually updating at the time.
 18 Whether he even got the updates, I really
 19 can't -- I don't know.
 20 But ultimately what I think he
 21 turned in was something that had to do with his
 22 own problems, which, as I said, he had just lost
 23 a baby.
 24 Q. Do you have anything else to add to
 25 that answer?

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1 Prince
 2 A. No.
 3 MS. BART: Objection, form.
 4 Q. Now, you mentioned that you bought a
 5 copy of Yes Rasta in a bookstore you think in
 6 about 2005 in St. Barth's?
 7 A. Yes.
 8 Q. When you decided to make the
 9 paintings did you then buy additional copies of
 10 Yes Rasta?
 11 A. I believe we were informed that the
 12 book was out of print when I bought the -- I
 13 don't actually know -- I believe we got them on
 14 eBay. I really don't know where we got the
 15 additional books.
 16 Q. All right. But you did get
 17 additional books?
 18 A. Yes.
 19 Q. How many?
 20 A. I think we bought maybe four
 21 additional books.
 22 Q. In 2008?
 23 A. Yes.
 24 MR. BROOKS: Let's mark as
 25 Plaintiff's Exhibit 27 a one-page document

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1 Prince
 2 Bates stamped PR38.
 3 (Plaintiff's Exhibit 27, PR38, was
 4 marked for identification, as of this
 5 date.)
 6 (Discussion off the record.)
 7 MR. BROOKS: It's been pointed out
 8 to me -- and, for the record, I skipped
 9 Exhibit 26 as well.
 10 MR. HAYES: So this is 27?
 11 MR. BROOKS: This is 27. There will
 12 not be an Exhibit Plaintiff's 26.
 13 BY MR. BROOKS:
 14 Q. Mr. Prince, you say you bought the
 15 three -- well, you said you bought four books.
 16 Does this refresh your recollection that you
 17 actually bought three additional books?
 18 A. As I said, I wasn't sure -- three or
 19 four, I guess it says three here.
 20 Q. Right. And it also says you didn't
 21 buy them from eBay, you bought them from a
 22 company called Powerhouse Books. Do you see
 23 that?
 24 A. Yes.
 25 Q. How did you know to order the books

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1 Prince
2 from Powerhouse Books?
3 A. I didn't. I think Betsy was the one
4 who took care of that.
5 Q. Okay.
6 (Discussion off the record.)
7 MR. BROOKS: Okay. I have four
8 copies of this book, and I'm going to have
9 one of the copies deemed marked as
10 Exhibit 42.
11 MR. HAYES: Exhibit 42?
12 MR. BROOKS: I'm sorry, 41.
13 No, not that. 41.
14 And I'm going to distribute copies
15 of the book so counsel can follow along
16 with me, but I'm not proposing to give you
17 these books because these are the only
18 four we have.
19 However, at some point if you
20 desire, if you don't have the book already
21 yourselves, we'll make a copy of this. I
22 can tell you it's almost impossible to
23 make a good copy of this. So that's why
24 we're doing it this way.
25 MR. HAYES: Okay.

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1 Prince
2 MR. BROOKS: But I will give you the
3 books for use during the deposition.
4 Actually, I only have two, you're going to
5 have to share.
6 MS. BART: I'm not sharing with him.
7 MR. HAYES: That's what a lot of
8 people say.
9 (Plaintiff's Exhibit 41, Yes Rasta
10 book, was marked for identification, as of
11 this date.)
12 Q. So we've handed you what's been
13 marked as Plaintiff's 41. And is this the book
14 that you bought in about 2005?
15 A. Yes.
16 Q. And then you bought three more
17 copies in 2008 apparently?
18 A. Apparently I did, yes.
19 Q. From Powerhouse Books?
20 A. Yes.
21 Q. Can you turn to the last page of the
22 book?
23 MR. HAYES: The last page of
24 printing or the last page --
25 MR. BROOKS: The last page.

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1 Prince
2 MR. HAYES: Okay.
3 MR. BROOKS: There's a word for that
4 but I am blanking on it. Colophon page or
5 something like that.
6 BY MR. BROOKS:
7 Q. It says Yes Rasta, copyright 2000,
8 Powerhouse Cultural Entertainment Inc.;
9 photographs copyright 2000, Patrick Cariou;
10 essay copyright 2000, Perry Henzell.
11 And further down -- and then it says
12 all rights reserved, no part of this book may be
13 reproduced in any manner or transmitted by any
14 means whatsoever, electronic or mechanical
15 including photocopying, recording, and Internet
16 posting display and retrieval without the prior
17 written permission of the publisher.
18 And then it says it's published in
19 the United States by Powerhouse Books.
20 Did you see all that?
21 Do you see that now?
22 A. I see it now, yes.
23 Q. And did you notice that when you
24 bought the book in 2005?
25 A. No, I didn't.

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1 Prince
2 Q. Did you look to see who the
3 publisher was so you could order more books?
4 A. I think probably by 2008 we --
5 that's probably how we got ahold of the
6 additional books.
7 Q. Right.
8 MO MS. BART: Objection. Move to
9 strike answer as speculative.
10 Q. Did you personally ever notice that
11 there was a copyright notice in the Yes Rasta
12 book?
13 A. No.
14 Q. Do you know what I mean by copyright
15 notice?
16 MR. HAYES: Objection as to form.
17 A. Do you mean the little C with the
18 circle on it?
19 Q. Yes.
20 A. Yes.
21 Q. Now, in the -- withdrawn.
22 In your book do you know who the
23 copyright owner is of the essay?
24 A. No, I don't.
25 MR. BROOKS: Let's mark as

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<p>1 Prince 2 Plaintiff's Exhibit 28 an interview in 3 Interview Magazine Bates stamped C65 4 through C77. 5 (Plaintiff's Exhibit 28, interview 6 in Interview Magazine, was marked for 7 identification, as of this date.) 8 Q. Mr. Prince, do you recall being 9 interviewed in Interview Magazine by Glenn 10 O'Brien? 11 A. Yes. Yes. 12 Q. And that was when, do you remember? 13 A. I believe it was early September, 14 the actual interview. 15 Q. And part of the interview is about 16 the upcoming Canal Zone show? 17 A. Yes. 18 Q. Was that the reason the interview 19 was set up or one of the reasons? 20 A. No. 21 Q. Okay. But before the interview -- 22 let me back up. Glenn O'Brien in the beginning 23 of the interview says that in the spirit of full 24 disclosure he is good friends with you, is that 25 true?</p>	<p>1 Prince 2 Q. Now, before he interviewed you isn't 3 it true that he asked you if you could get him 4 images of the paintings that were going to be 5 displayed at the Canal Zone exhibition? 6 A. He asked me that? 7 Q. Yes. 8 A. I don't recall. 9 Q. Do you see on the very first page of 10 this interview beneath -- there's a photograph, 11 is that a photograph of you? 12 A. Yes. 13 Q. There are it looks like five images? 14 A. Mm-hmm, yes. 15 Q. And those, all five of those are 16 paintings of yours that were on display at the 17 Canal Zone exhibition at the Gagosian Gallery in 18 November-December 2008? 19 A. Yes. 20 Q. And do you know how he got them? 21 A. No, I don't. 22 Q. Or how Interview Magazine got them? 23 A. No, I don't. 24 Q. Can you tell me by looking at those, 25 at the first page of Exhibit 28, the name of the</p>
Page 243	Page 245
<p>1 Prince 2 A. Yes. 3 Q. You've known him a long time, right? 4 A. Yes. 5 Q. You did some illustrations for a 6 book of poems that Glenn O'Brien wrote a long 7 time ago? 8 A. Yes. 9 Q. Lozenge eyes? 10 A. Yes. 11 Q. Is that a technique that you 12 borrowed from John Baldessari? 13 A. No. 14 Q. Did you borrow it from someone? 15 A. No. 16 Q. It's your own technique? 17 A. What do you mean by technique? 18 Q. Putting lozenge eyes on -- 19 A. It's my own. I came up with the 20 idea, yes. 21 Q. And you did it for Glenn O'Brien's 22 book? 23 A. Yes. 24 Q. To illustrate his poetry? 25 A. To illustrate his poetry, yes.</p>	<p>1 Prince 2 first painting, the one beneath your image to 3 the left? 4 A. That's a detail of the painting. Is 5 that -- it could be James Brown's Disco Ball 6 maybe. 7 Q. Did you -- who came up with the 8 titles for these paintings? 9 A. I did. 10 Q. All by yourself? 11 A. Yes. 12 Q. The one to the right is a detail 13 from what painting, can you tell us? 14 A. I can't recall that title. 15 Q. And then the one -- I'm going 16 counter-clockwise. The one beneath that, 17 there's a woman, I don't know, it looks like 18 she's bending over, maybe in water. The one on 19 the lower right, that's a detail from which 20 painting? 21 A. I think that's called On the Beach, 22 or On the Beach On the Beach, I'm not quite -- 23 but it's something about on the beach. 24 Q. Or it could be The Ocean Club, 25 right?</p>

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1 Prince
2 MS. BART: Objection, form.
3 MR. HAYES: Objection to form.
4 A. Oh, The Ocean Club, yes, that's
5 true.
6 Q. It is The Ocean Club, right.
7 And The Ocean Club is a hotel in
8 Paradise Island?
9 A. Ocean Club was a club on Chambers
10 Street that was in operation approximately 1979,
11 1980.
12 Q. Chambers Street in Manhattan?
13 A. Yes.
14 Q. And is that what you named it after?
15 A. Yes.
16 Q. The one to the left of that in the
17 middle lower -- the middle, the lower row, what
18 is that an image from?
19 A. That's a detail of a painting I
20 believe is called Cheese and Crackers.
21 Q. And finally the one to the left of
22 it?
23 A. Detail of an image called Ding Dong
24 the Witch is Dead.
25 Q. Do you know if any of those

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1 Prince
2 paintings were sold?
3 A. I believe -- I believe one of these
4 five paintings were sold. In fact, I'm pretty
5 sure.
6 Q. Which one?
7 A. If it's James Brown -- the one in
8 the upper left-hand corner.
9 Q. And was that sold for 2.7-million
10 dollars?
11 A. No. No. Actually, it wasn't sold,
12 it was traded -- I traded that for another
13 painting.
14 Q. And who did you trade it to?
15 A. Larry Gagosian.
16 Q. For a Larry Rivers painting?
17 A. Yes. Part -- I mean it was part of
18 a Larry Rivers trade, this painting.
19 Q. The Larry Rivers painting is Dying
20 and Dead Veteran?
21 A. Yes.
22 Q. Do you know the value of it?
23 A. I think -- I think he was talking
24 about around 2-million dollars at the time.
25 Q. But Larry Rivers was dead then,

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1 Prince
2 right?
3 A. Yes.
4 Q. So who was talking, Mr. Gagosian?
5 A. I'm sorry?
6 Q. Who was talking about 2-million
7 dollars? You said he.
8 A. Oh, Larry. Larry Gagosian was
9 talking about it.
10 Q. Are these titles that you came up
11 with an important component of these paintings?
12 MS. BART: Objection, form.
13 MR. HAYES: Objection as to form
14 too.
15 A. I would like to think so, yes.
16 Again, it's speculative.
17 Q. But you have trouble remembering the
18 names of the paintings?
19 A. I think I just named them pretty
20 close. The Ocean Club I was off a little bit.
21 It did have something to do with a beach.
22 As I said, I would like to think
23 that they -- they're important. But they're
24 not -- I think they help in the transformation
25 of and they're part of the process in

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1 Prince
2 recontextualizing the image.
3 Yeah, I would have to say giving
4 them -- I think titles for me are very
5 important. I guess I'm answering your question
6 because I don't know if they're important to
7 other people. But to me they are.
8 Q. And how do the titles inform us
9 about the subject and meaning of the paintings
10 in the Canal Zone exhibition?
11 A. I think they create a certain kind
12 of isolation and removal and set up a kind of
13 another type of story. It's -- it creates
14 another type of subtext that you can read into
15 the painting.
16 Like James Brown's Disco Ball, I
17 think it's poetry. It's a great way to describe
18 the painting. It removes the image from its
19 original intent totally.
20 I don't believe any of the images in
21 this particular book Yes Rasta had anything to
22 do with James Brown. However, my painting now
23 does. I think that's one way in which a title
24 helps makes my work different and it makes it
25 into another -- gives it another reading.

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<p>1 Prince</p> <p>2 Q. Okay. So what does this painting in</p> <p>3 the left-hand corner of Exhibit 28 of the first</p> <p>4 page, what does it have to do with James Brown?</p> <p>5 A. I believe at the time I had just had</p> <p>6 bought James Brown's disco ball at auction that</p> <p>7 day that I named the painting.</p> <p>8 Q. Okay.</p> <p>9 A. And I believe I had just finished</p> <p>10 the painting. And I think sometimes titles --</p> <p>11 it's kind of like when worlds collide, you get</p> <p>12 very lucky sometimes in terms of the</p> <p>13 spontaneity, the happening. It's like a</p> <p>14 performance.</p> <p>15 Q. Well, is James Brown's disco ball</p> <p>16 the subject of that particular painting?</p> <p>17 A. I think so.</p> <p>18 Q. Is there a disco ball in that</p> <p>19 painting?</p> <p>20 A. I think there are probably -- it's</p> <p>21 only a detail, but I think there's probably --</p> <p>22 to my way I would interpret it, there's probably</p> <p>23 five disco balls in that painting.</p> <p>24 Q. In this segment or in the other part</p> <p>25 of this --</p>	<p>1 Prince</p> <p>2 represents a kind of a band. And --</p> <p>3 Q. Do you mean a musical band?</p> <p>4 A. Yeah, a musical band. I mean that's</p> <p>5 one of the things that I was thinking of when I</p> <p>6 was making these paintings.</p> <p>7 Q. So are we still with the</p> <p>8 post-apocalyptic theme but with bands?</p> <p>9 A. We're with all those kinds of</p> <p>10 things. And I think that my naming them Cheese</p> <p>11 and Crackers, maybe that was the name of the</p> <p>12 band rather than the name of the painting. And</p> <p>13 I think that a lot of bands come up with crazy</p> <p>14 names.</p> <p>15 Q. Right.</p> <p>16 A. I mean these are some of the things</p> <p>17 that I'm thinking about.</p> <p>18 Q. What about The Ocean Club, what's</p> <p>19 the significance of that name, that title?</p> <p>20 A. I think The Ocean Club was --</p> <p>21 primarily had to do with the female figure, the</p> <p>22 way that female figure got repeated in the</p> <p>23 image. She was at the beach.</p> <p>24 Q. Was that one of the lesbians?</p> <p>25 A. No, that's not the lesbian painting.</p>
Page 251	Page 253
<p>1 Prince</p> <p>2 A. In the painting. I believe -- I</p> <p>3 believe those images, the bodies are kind of</p> <p>4 moving to the type of music that maybe James</p> <p>5 Brown created.</p> <p>6 Q. Okay. And what about Cheese and</p> <p>7 Crackers, what does that have to do with that</p> <p>8 painting?</p> <p>9 A. Cheese and Crackers is probably --</p> <p>10 has to do with the middle image, which has</p> <p>11 remnants of a De Kooning head. That's a --</p> <p>12 that's what I would call a painting that's a</p> <p>13 bridge painting between De Kooning paintings and</p> <p>14 the Canal Zone paintings.</p> <p>15 Q. Are you talking about the woman with</p> <p>16 her legs spread?</p> <p>17 A. Yes, the woman with her legs open</p> <p>18 and she's waving. And I just felt like Cheese</p> <p>19 and Crackers was a way to describe her</p> <p>20 expression.</p> <p>21 Q. How so?</p> <p>22 A. As I said, it's a very light kind of</p> <p>23 fun, hi-how-are-you type of expression. You</p> <p>24 know, they're the sort of -- they represent a</p> <p>25 kind of a band. Every painting basically</p>	<p>1 Prince</p> <p>2 Q. So the only lesbians are in that one</p> <p>3 painting?</p> <p>4 A. No. One shows up in another</p> <p>5 painting. But primarily the -- the four -- the</p> <p>6 lesbian painting -- that was in the show.</p> <p>7 Q. Yes.</p> <p>8 A. But I don't know if it's in the</p> <p>9 catalog. I would have to check. I know that</p> <p>10 another lesbian showed up in another painting.</p> <p>11 I know that's not in the catalog.</p> <p>12 Q. How about -- I notice there's one</p> <p>13 that was part of the show, even though I don't</p> <p>14 think it's in the book, called Pumpsie Green?</p> <p>15 A. Pumpsie Green.</p> <p>16 Q. So he was the first African-American</p> <p>17 player on the Boston Red Sox?</p> <p>18 A. My hero.</p> <p>19 Q. Which was the last team to</p> <p>20 integrate?</p> <p>21 A. My hero.</p> <p>22 Q. Correct?</p> <p>23 A. Yes. Second baseman I believe.</p> <p>24 Q. And what does that have to do with</p> <p>25 this?</p>

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<p>1 Prince 2 from the Canal Zone show? 3 A. Yes. 4 Q. Jointly? 5 A. Yes. 6 Q. And did you hold some of the 7 paintings for them? 8 A. I didn't hold them, no. 9 Q. Did Gagosian? 10 A. I don't know if he held them. 11 Q. Did you ask them to? 12 A. No, I don't believe I did. 13 Q. Do you know if either of them bought 14 any of the paintings? 15 A. They did not buy any of the Canal 16 Zone paintings. 17 Q. Now turn to page C75, please, on 18 Exhibit 28. 19 A. 75? 20 Q. Yes. Just before we leave this 21 issue with Leonardo DiCaprio and Tobey Maguire, 22 do you recall that they wanted you to hold Color 23 Me Mine and Mr. Jones? 24 A. I believe they were interested in 25 those two paintings, yes.</p>	<p>1 Prince 2 Q. Right. 3 A. But I really can't speak to what he 4 was implying. 5 Q. Right. But you said there aren't 6 that many Rastas in St. Barth's, right? 7 A. There aren't that many. 8 Q. In fact, there aren't any, right? 9 MS. BART: Objection to form. 10 MR. HAYES: Objection. 11 A. I would disagree with that. 12 Q. Oh, I thought you said that before. 13 A. I've -- 14 Q. There are some? 15 A. There are people -- let me put it 16 this way then. I don't know that much about 17 Rastafarians. However, I do believe I have seen 18 people who look like Rastafarians in St. Barth. 19 That's the best I can answer that question. 20 Q. Do you think Manny Ramirez looks 21 like a Rastafarian? 22 A. I don't know who Manny Ramirez is. 23 MS. BART: Objection to form. 24 I don't think -- that's just really not 25 relevant.</p>
Page 259	Page 261
<p>1 Prince 2 Q. All right. Now, we're on page 75, 3 and Mr. O'Brien is asking you, So how did you 4 get into these Rasta pieces that are you doing 5 now? I know a little bit about it. 6 Do you see where I'm reading from? 7 MR. HAYES: Right here. 8 A. Yes, I see. 9 Q. And then your answer was, That was 10 just from hanging out in St. Barth's for the 11 last 12 years? 12 A. I see that -- I see that that was my 13 response, yes. 14 Q. And had you been going to 15 St. Barth's for vacations for about 12 years 16 prior to 2008? 17 A. Seems like -- that seems the right 18 amount of years, yes. 19 Q. And then he said, And we all know 20 how many Rastas there are in St. Barth's. He 21 was being facetious you thought? 22 MS. BART: Objection to form. 23 MR. HAYES: Objection, form. 24 A. I don't know -- I would imagine he 25 was -- he's a bit of a jokester.</p>	<p>1 Prince 2 Q. I thought you were a Red Sox fan? 3 A. I never said I was a Red Sox fan. 4 Q. You don't know who Manny Ramirez is? 5 A. No, I don't. 6 MS. BART: What does this have to do 7 with this case? 8 Q. All right. Now, you say you picked 9 up a book on them? 10 A. In -- literally, yes, I picked up a 11 book. 12 Q. Okay. And that's the Yes Rasta 13 book -- 14 A. Yes. 15 Q. -- that we've been talking about, 16 that's in front of you? Okay. 17 Now, down a few lines you said, But 18 I love the look, comma, and I love the dreads. 19 What did you mean by that? 20 A. What do you mean what do I mean by 21 that? I just said it. I love the look and I 22 love the dreads. 23 Q. What did you love about the look? 24 A. I love the way they looked. 25 Q. How so?</p>

<p style="text-align: right;">Page 262</p> <p>1 Prince</p> <p>2 A. I don't know how to answer that</p> <p>3 question, how so. I love the way they looked.</p> <p>4 I mean that's usually I get -- that's how I</p> <p>5 respond to images.</p> <p>6 I think maybe I liked the way that</p> <p>7 they were so different.</p> <p>8 Q. Than what?</p> <p>9 A. Than myself. I don't have dreads.</p> <p>10 I wish I could. I mean I think that was some of</p> <p>11 the thinking or some of the -- perhaps it goes</p> <p>12 back to the girlfriends. The reason why I took</p> <p>13 the girlfriends is I wanted to be a girlfriend.</p> <p>14 I think some of the attraction that</p> <p>15 I had to some of these people who looked like</p> <p>16 Rastas in St. Barth, hanging out at the bars, I</p> <p>17 said to myself, gee, I wish I could look like</p> <p>18 that some day.</p> <p>19 So if I can't look like that maybe</p> <p>20 I should paint them. Maybe that's a way to</p> <p>21 substitute that desire. I mean that's the only</p> <p>22 way I can answer that love question.</p> <p>23 Q. All right. But had you ever seen --</p> <p>24 I think you testified about this before lunch,</p> <p>25 had you ever seen pictures of Rastas before?</p>	<p style="text-align: right;">Page 264</p> <p>1 Prince</p> <p>2 day I walk into a bookstore and what do I pick</p> <p>3 up, a book that had pictures of Rastas in them.</p> <p>4 I said to myself, hmm, something is in the air.</p> <p>5 And that's my -- that's how I</p> <p>6 react -- that's how things happen. It was pure</p> <p>7 chance.</p> <p>8 Q. Okay.</p> <p>9 A. And it's a great -- I thought that</p> <p>10 was a great marriage, the fact that I was</p> <p>11 listening to Radiodread, which I loved, and I</p> <p>12 saw what I considered these really kind of</p> <p>13 interesting documents.</p> <p>14 Q. When you say interesting documents,</p> <p>15 are you talking about the photos in Yes Rasta?</p> <p>16 A. Yes.</p> <p>17 Q. What was interesting about them?</p> <p>18 A. I think I've already said that.</p> <p>19 I'll say it again. I liked -- I was looking for</p> <p>20 black-and-white images of figures.</p> <p>21 Q. Why?</p> <p>22 A. I wanted to put them next to my</p> <p>23 De Kooning women.</p> <p>24 Q. Are there any De Kooning women in</p> <p>25 the Canal Zone book?</p>
<p style="text-align: right;">Page 263</p> <p>1 Prince</p> <p>2 A. Had I ever seen pictures?</p> <p>3 Q. Yes.</p> <p>4 MR. HAYES: Objection to the form.</p> <p>5 A. When?</p> <p>6 Q. Ever?</p> <p>7 A. I'm sure I had.</p> <p>8 Q. And didn't you say had you a book</p> <p>9 about Bob Marley with Rastas in it?</p> <p>10 A. I think I went out and tried to buy</p> <p>11 a book at the same time.</p> <p>12 Q. Right. So what was it about these</p> <p>13 pictures that made you want to copy them?</p> <p>14 MS. BART: Objection to form.</p> <p>15 MR. HAYES: Objection, form.</p> <p>16 A. I think, again, it's that notion</p> <p>17 about when worlds collide. I happened to be</p> <p>18 listening to Radiodread. Do you know who</p> <p>19 Radiodread is? It's a band that sampled and</p> <p>20 replicated Radiohead's album, and did it in a</p> <p>21 reggae manner. And my son, my stepson was</p> <p>22 playing it on vacation in St. Barth.</p> <p>23 Q. When you found this book?</p> <p>24 A. And I was very much into that album.</p> <p>25 I played it over and over. And then the next</p>	<p style="text-align: right;">Page 265</p> <p>1 Prince</p> <p>2 A. Yes, there's one right on the cover.</p> <p>3 I think she's off to the right. And I think we</p> <p>4 just talked about the one in Interview Magazine.</p> <p>5 I think you were talking about Cheese and</p> <p>6 Crackers.</p> <p>7 Q. Right. Right.</p> <p>8 A. That's a De Kooning woman right</p> <p>9 here.</p> <p>10 Q. Okay.</p> <p>11 A. She has a face that was painted by</p> <p>12 De Kooning. And that was one of the very --</p> <p>13 that was painted in June of '08. As I said, it</p> <p>14 was a bridge painting. I was trying to channel</p> <p>15 my inner De Kooning in that painting.</p> <p>16 Q. In Cheese and Crackers?</p> <p>17 A. In Cheese and Crackers.</p> <p>18 Q. Now, getting back to the interview,</p> <p>19 you said that you liked -- we just looked at</p> <p>20 this. When you said I love the book, I love the</p> <p>21 dreads, so I just started fooling around with</p> <p>22 this book, drawing it like I did with the</p> <p>23 De Kooning paintings.</p> <p>24 You've already explained that, you</p> <p>25 wrote right in the first book, right?</p>

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1 Prince
 2 A. Yes.
 3 Q. And then it says, Then I wrote the
 4 proposal, which I pitched to Hollywood, it was
 5 called Eden Rock. And then it goes through the
 6 story about the guy who gets off the plane.
 7 A. Yes.
 8 Q. And look at the next page.
 9 So were you saying that the
 10 Yes Rasta book inspired your idea for the pitch?
 11 A. No.
 12 Q. No? Okay.
 13 A. What was inspiring was, again,
 14 another element in this kind of crazy marriage.
 15 The day before I went in and found this book I
 16 noticed these cruise -- these monumental cruise
 17 ships.
 18 Q. In St. Barth's?
 19 A. In St. Barth. And I started looking
 20 at them and saying there's another thing that
 21 should be in my screenplay. And yes, who should
 22 be on that boat is a reggae band. So I had that
 23 in my head.
 24 So I think what inspires what, it's
 25 all very organic here. It's all very fluid.

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1 Prince
 2 There's no -- there's no plan.
 3 Q. Right. Is there a message?
 4 A. There certainly is a message.
 5 Q. What is the message?
 6 A. The message is to make great art
 7 that makes people feel good. That's my message.
 8 Now, I know it might not be someone else's, but
 9 I believe that's also the way I've always
 10 defined art.
 11 Q. Now, you're talking again about the
 12 guy who lands in St. Barth's. This is on the
 13 next page. And it says so he and his relatives
 14 take over a hotel, they take over Eden Rock. Do
 15 you see that?
 16 A. Yes.
 17 Q. Now, there actually are no pictures
 18 in the Canal Zone paintings of the guy who got
 19 off the plane and his relatives, is that right
 20 or not right?
 21 MR. HAYES: Objection to the form.
 22 A. There are no pictures of Charlie
 23 Company and --
 24 Q. Right.
 25 A. There might be, there might not be.

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1 Prince
 2 I believe there aren't of Mr. Company.
 3 Q. He's supposed to be a white guy,
 4 right?
 5 A. He's a white guy.
 6 No, I believe his daughter -- I
 7 think only his daughter shows up in one of the
 8 paintings later.
 9 Q. Then you say the Rastas escaped from
 10 their cruise ship and they take over their own
 11 hotel, the Manapany, right?
 12 A. Yes.
 13 Q. And are there any pictures of them
 14 taking over the Manapany in the Canal Zone book?
 15 A. No.
 16 Q. And then you said and then there's a
 17 lesbian group of girls who escape and take over
 18 their own hotel, the Guanahani?
 19 A. Yes.
 20 Q. And those are those four literary
 21 artistic women from the early 20th Century?
 22 A. Yes.
 23 Q. And there's a painting of them?
 24 A. Yes.
 25 Q. And then you said -- this is to

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1 Prince
 2 Gerald O'Brien in the interview -- so everybody
 3 has their own hotel, and that's where the video
 4 game rights come into this pitch.
 5 Where do the video game rights come
 6 into this pitch?
 7 A. Is that -- are you asking me --
 8 you're asking me?
 9 Q. These are your words in the
 10 interview?
 11 A. Right.
 12 Q. What did you mean?
 13 A. I think I was thinking about the
 14 fact that I know nothing about video games
 15 and -- but my -- all my stepson's friends play
 16 them. And I felt that there might be a
 17 possibility to -- I had seen some of the
 18 graphics involved in some of these games when
 19 they play, and I felt that the different tribes
 20 that take over the different hotels and they
 21 kind of, you know -- it was just a thought. And
 22 I think I ran this by Michael Ovitz and he loved
 23 the idea.
 24 Q. So you viewed this whole thing as an
 25 extremely commercially successful potential

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<p>1 Prince 2 venture, paintings -- 3 A. The pitch? 4 MR. HAYES: Objection. 5 Q. Paintings, movies, and video game 6 rights, right? 7 MR. HAYES: Objection as to form. 8 A. No, I've never thought that what I 9 do or what I produce or what I put out will 10 ever, one, sell. 11 I've made art for 34, 35 years and 12 nothing sold. What I -- my experience in terms 13 of what I make, it seems that a lot of people 14 just couldn't dig it. And to tell you the 15 truth, it was not one -- when I put up the Canal 16 Zone show at Larry Gagosian's there was not one 17 review in any newspaper, in any magazine. And I 18 find that incredibly unsuccessful. 19 Q. But weren't some of the paintings 20 sold before the show even opened? 21 A. They were sold, yes. 22 Q. For millions of dollars? 23 A. I wouldn't characterize it for 24 millions. For a couple of million dollars, 25 there were two paintings I believe that were</p>	<p>1 Prince 2 have my name attached to. 3 I knew that -- I know or I am 4 imagining the mechanisms of Hollywood I know 5 enough to not get involved. 6 Q. So why did you want to do the 7 screenplay and the video rights? 8 A. I was very interested in the movie 9 The Player, which is all about a pitch, and I 10 was very interested in the fact that I could 11 maybe write a one-and-a-half-page outline and 12 see if it could turn into something. 13 Q. Okay. Back to page C76 of this 14 interview. Are you there? 15 A. Yes. 16 Q. You say, So anyway, the Rastas and 17 the lesbians started starring in these pictures 18 and were kind of like bands, there are like five 19 people to a picture, and every picture has a 20 title to it. 21 A. Okay. 22 MR. HAYES: Just wait one second 23 while he catches up to you. 24 A. Where are we? 25 Q. It's C76.</p>
<p>Page 271</p> <p>1 Prince 2 sold before the Lehman Brothers meltdown, yes, 3 there were two paintings that were sold for 4 approximately 2-million dollars. 5 Q. Then you say that we got a 6 ghostwriter to do the story. Is that James 7 Frey? 8 A. No. 9 Q. Oh, that's the ghostwriter Ovitz got 10 for you? 11 A. That was -- I was referring to the 12 ghostwriter for Eden Rock. 13 Q. Not James Frey? 14 A. No. James Frey is not the 15 ghostwriter. 16 Q. And it's being published, you say, 17 and eventually hopefully it will be totally 18 fucked by Hollywood, but I don't care because 19 it's all under a pseudonym, my name is not 20 attached to it. 21 What did you mean by that? Why 22 didn't you want your name attached to the 23 screenplay or the movie? 24 A. They were never going to write what 25 I initially saw as something I would want to</p>	<p>Page 273</p> <p>1 Prince 2 A. So anyway -- oh, okay, Fulton Ryder 3 is the pseudonym. So anyway? Yes. 4 Q. So anyway, the Rastas and the 5 lesbians started starring in these pictures and 6 were kind of like bands, there were like five 7 people to a picture and every picture has a 8 title to it. It sort of becomes an allegory. 9 It's just something I needed to get out of my 10 system. The pictures are very quickly done, 11 they're not really thought about, and there's a 12 collage element to them that's very primitive. 13 Paste up, cutting with scissors, and squeegeed 14 on with paint. It's something that I can do by 15 myself and I like that aspect of it. I don't 16 need assistants. I don't need anybody. 17 What did you mean by the pictures 18 are not really thought about? Did you mean by 19 you? 20 A. I like to paint a painting and 21 finish it within a day, day and a half tops. I 22 like instant paintings. 23 Q. In the case of these paintings what 24 did you mean that they're not really thought 25 about?</p>

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<p>1 Prince</p> <p>2 A. That's --</p> <p>3 MS. BART: Objection, form, and</p> <p>4 asked and answered.</p> <p>5 A. I'm trying to answer your question.</p> <p>6 That's what I mean. I like -- I like when I do</p> <p>7 things fast. I think they should be done very</p> <p>8 quickly. I think when they drag on, you know,</p> <p>9 you can overthink it. I don't like a painting</p> <p>10 that's overcooked.</p> <p>11 Q. Okay. I understand your answer, but</p> <p>12 I was asking about these paintings, not what you</p> <p>13 generally like.</p> <p>14 A. No, I'm talking about these specific</p> <p>15 paintings. They were done day, half a day, some</p> <p>16 of them took two hours. That's what was so</p> <p>17 satisfying about the process. You know,</p> <p>18 Especially Around Midnight, a painting that you</p> <p>19 had previously said that I didn't remember the</p> <p>20 title to --</p> <p>21 Q. No, that was Île-de-France.</p> <p>22 A. You didn't say that. You pointed to</p> <p>23 an e-mail from Eric Brown suggesting that Eric</p> <p>24 thought that I didn't remember the title.</p> <p>25 Q. Île-de-France.</p>	<p>1 Prince</p> <p>2 canvas. No one had ever done that before. That</p> <p>3 was totally new and it was a very quick way to</p> <p>4 add on an ingredient and make it into an entire</p> <p>5 recipe.</p> <p>6 Q. Okay. So let's talk about the</p> <p>7 ingredients. These guitars that you say -- your</p> <p>8 contribution to the Rastas was this introduction</p> <p>9 of the guitar. Do you see where you said that?</p> <p>10 MS. BART: Objection, form. I mean</p> <p>11 there are --</p> <p>12 MR. BROOKS: That's fine.</p> <p>13 MS. BART: No, I just wanted --</p> <p>14 MR. BROOKS: There are no speaking</p> <p>15 objections.</p> <p>16 MS. BART: I'm going to make my</p> <p>17 comment for you --</p> <p>18 MR. BROOKS: Don't make it for him.</p> <p>19 MS. BART: He's not my client.</p> <p>20 MR. BROOKS: I know that.</p> <p>21 MS. BART: I'm making it for you.</p> <p>22 There are a myriad of pictures in</p> <p>23 this book, and to ask a blanket question</p> <p>24 like that --</p> <p>25 MR. BROOKS: No, I'm asking him</p>
<p>Page 275</p> <p>1 Prince</p> <p>2 A. Well, it wasn't Île-de-France.</p> <p>3 That's not the way I remember the question. It</p> <p>4 was Round About Midnight.</p> <p>5 Q. When you read the transcript you'll</p> <p>6 see.</p> <p>7 A. Fine. Okay.</p> <p>8 Q. But let's get back to what you were</p> <p>9 saying about doing them quickly. What is it</p> <p>10 that you were saying, that you like to do them</p> <p>11 quickly because?</p> <p>12 MS. BART: Objection --</p> <p>13 A. I don't like to --</p> <p>14 (Multiple speakers talking at once.)</p> <p>15 (Interruption by reporter.)</p> <p>16 MS. BART: Objection to form and</p> <p>17 asked and answered.</p> <p>18 MR. HAYES: And I joined in it.</p> <p>19 MS. BART: He just doesn't like the</p> <p>20 answer.</p> <p>21 A. It has to do with technique. I come</p> <p>22 up with various techniques that are very new, no</p> <p>23 one's ever done them before. Like the squeegee.</p> <p>24 No one had ever painted a painting</p> <p>25 by squeegeeing on a collage onto a piece of</p>	<p>Page 277</p> <p>1 Prince</p> <p>2 about something he said in an interview.</p> <p>3 He said and then my contribution to the</p> <p>4 Rastas was this introduction of the</p> <p>5 guitar.</p> <p>6 BY MR. BROOKS:</p> <p>7 Q. Do you see that?</p> <p>8 A. Yes.</p> <p>9 MS. BART: Still objection.</p> <p>10 Q. Was the guitar one of the</p> <p>11 ingredients in these paintings?</p> <p>12 A. Yes.</p> <p>13 MS. BART: I'm still objecting.</p> <p>14 MR. BROOKS: Fine.</p> <p>15 BY MR. BROOKS:</p> <p>16 Q. Were the naked women an ingredient</p> <p>17 in the paintings?</p> <p>18 A. Yes.</p> <p>19 Q. Were the Rastas --</p> <p>20 MS. BART: Objection.</p> <p>21 (Interruption by reporter.)</p> <p>22 BY MR. BROOKS:</p> <p>23 Q. Were the guitars that you introduced</p> <p>24 an ingredient in these paintings?</p> <p>25 MS. BART: Objection, form.</p>

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1 Prince
 2 MR. HAYES: Objection, form.
 3 Q. You can answer.
 4 A. Yes.
 5 Q. Were the naked women that you found
 6 in various places an ingredient in the
 7 paintings?
 8 MS. BART: Objection, form.
 9 MR. HAYES: Objection, form.
 10 A. Yes.
 11 Q. Were the Rastas an ingredient in the
 12 paintings?
 13 MS. BART: Objection, form.
 14 MR. HAYES: Objection, form.
 15 A. Yes.
 16 Q. Was the tropical foliage in the
 17 background behind the Rastas in the Yes Rasta
 18 photos, was that an ingredient in the paintings?
 19 A. Yes.
 20 MS. BART: Objection, form.
 21 A. Sorry.
 22 Q. What's the answer?
 23 A. Yes.
 24 Q. Were the paintings -- were any of
 25 those things, the guitars, the naked women, the

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1 Prince
 2 Rastas, or the tropical foliage, the subject
 3 matter of the paintings?
 4 MS. BART: Objection, form, compound
 5 question.
 6 MR. HAYES: Objection, form.
 7 Q. You can answer.
 8 A. Were any of those -- any of those
 9 one -- I believe the primary subject, the
 10 primary ingredient is probably the guitar.
 11 Q. Okay. And what's the primary
 12 subject of the paintings?
 13 MR. HAYES: Objection to form.
 14 MS. BART: Same.
 15 A. I think the guitar. The guitar is a
 16 brilliant, brilliant contribution.
 17 Q. And, again, I know you testified to
 18 this before, where did you find the guitars
 19 again? I'm not trying to trip you up. Was it
 20 one book or several books? I don't remember.
 21 A. One source was Guitar Magazine.
 22 Q. Okay. So there's kind of a
 23 rock-and-roll theme to these paintings?
 24 MR. HAYES: Objection to form.
 25 MS. BART: Same.

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1 Prince
 2 Q. You can answer.
 3 A. I would say heavy metal, but, yes,
 4 rock and roll.
 5 Q. Sorry. Okay.
 6 Can you look at page 77, which is
 7 I think the last page of this interview.
 8 I'm going to read this answer at the
 9 top. Well, I should read the question on the
 10 previous page. Why did you get sick of doing
 11 the De Kooning paintings? It seemed like you
 12 did more nurse paintings than De Koonings.
 13 And then you answered, Yeah, I did
 14 more nurses, but with De Koonings, I'd just done
 15 it. I didn't like the idea that in the end I
 16 had to pay attention to someone else's work.
 17 And I wanted to get rid of the color. So the
 18 thing is that, you know, two years of doing the
 19 De Koonings was enough. It was enough of my
 20 attention. The Rastas came really fast. And
 21 they're going to be over really fast too.
 22 Can you explain what you meant when
 23 you said the Rastas came really fast and they're
 24 going to be over really fast too?
 25 A. The Rasta -- the Canal Zone

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1 Prince
 2 paintings, which part of those paintings, an
 3 element of those paintings are the Rastas.
 4 The reason I believe they were
 5 going -- they came really fast and they were
 6 going to be over fast is I was in the middle of
 7 other bodies of work that I needed to pay
 8 attention to.
 9 Q. You needed to pay attention to the
 10 other bodies of work?
 11 A. Yes.
 12 (Discussion off the record.)
 13 THE VIDEOGRAPHER: 4:25. Off the
 14 record. End of tape 4.
 15 (Recess taken: 4:25 p.m.)
 16 (Proceedings resumed: 4:29 p.m.)
 17 THE VIDEOGRAPHER: 4:29. On the
 18 record. Beginning of tape 5.
 19 BY MR. BROOKS:
 20 Q. In these paintings that you made for
 21 the Canal Zone show were you commenting on the
 22 Rasta photos in the Yes Rasta book?
 23 A. No.
 24 Q. Were you commenting on Mr. Cariou's
 25 technique or methodology in taking those photos?

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1 Prince
2 A. No.
3 Q. I know you don't have your own
4 plane, but you could fly commercial to Jamaica,
5 correct, if you wanted to?
6 MR. HAYES: Objection to form,
7 speculation.
8 A. I suppose so.
9 Q. So if you wanted pictures of Rastas
10 you could have flown to Jamaica and taken your
11 own pictures, correct?
12 MS. BART: Objection to form.
13 MR. HAYES: Objection.
14 Q. You can answer.
15 A. It's not how I make pictures though.
16 Q. Right. Okay. You'd rather
17 appropriate than take your own pictures?
18 MR. HAYES: Objection --
19 MS. BART: Objection, form,
20 argumentative.
21 MR. HAYES: -- form and
22 argumentative.
23 Q. You can answer.
24 A. It's funny, a friend of mine who
25 is a photographer just went to Jamaica and sent

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1 Prince
2 me pictures of, quote, I guess they were
3 Rastafarians, and said can you use these.
4 I said, you know, unfortunately, you
5 know, these types of situations inhibit me. And
6 I think it's an unfortunate circumstance that I
7 have to be -- think about these things.
8 But to answer your question, yes, I
9 suppose I could have gone. But it would never
10 occur to me to get on a plane and go to Jamaica
11 for the express purposes of taking photographs
12 of people who are alive.
13 I -- my way of taking a portrait is
14 to take something that's already been taken.
15 Q. Right. And you still believe that
16 that makes it more believable if you've
17 appropriated it from someone else?
18 MR. HAYES: Objection as to form.
19 MS. BART: Objection to form, and
20 asked and answered.
21 A. Well, everybody creates their own
22 artificial reality when they're making art. And
23 mine gets made in a studio. I'm the king of my
24 castle in my studio. I don't operate very well
25 out in the real world. I like a much more

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1 Prince
2 private world.
3 And I'm a bibliophile. I collect
4 books. At any one time I have 20, 25 different
5 types of books laying about the studio.
6 Sometimes I pay attention to them, sometimes I
7 don't. I'm always ripping them up.
8 And, as I said, I sort of would
9 describe that practice as sort of deejaying
10 photographs --
11 Q. You're not saying you have
12 agoraphobia --
13 A. -- or pictures.
14 MR. HAYES: Let him finish the
15 question, if you don't mind. He's in the
16 middle of a question -- answer.
17 Let him finish.
18 Go ahead.
19 A. I'm not sure what agoraphobia is,
20 but that idea of -- is it that thing where you
21 can't travel? My sister has that.
22 Q. But you don't?
23 A. I don't believe I have it.
24 MR. HAYES: Let the record reflect
25 the questioner interrupted the witness in

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1 Prince
2 the middle of answer.
3 So do you want to go back?
4 THE WITNESS: No, it's not
5 important.
6 Q. You said you were deejaying or
7 something? Do you have anything to add to that?
8 A. It's a figurative way --
9 MR. HAYES: Object to form.
10 A. -- to describe what I do.
11 Q. Have you ever heard of I guess it's
12 a website called iStockphoto.com?
13 A. No.
14 Q. Would it surprise you to know that
15 they have more than five-million royalty-free
16 non-copyrighted photos on their website?
17 MR. HAYES: Objection as to form.
18 A. I didn't know that.
19 Q. Would it surprise you to know that
20 the price of those photos is very, very modest?
21 MR. HAYES: Objection as to form.
22 A. I didn't know that.
23 Q. Would you -- and I invite you to do
24 this after the deposition, go to their website
25 iStockphoto.com, and you will see if you put in

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<p>1 Prince</p> <p>2 the search term Rastas you will find over 3,000</p> <p>3 non-copyright pictures of Rastas, some black and</p> <p>4 white, some color.</p> <p>5 MR. HAYES: Is there a question</p> <p>6 there?</p> <p>7 Q. Would that surprise you to know</p> <p>8 that?</p> <p>9 MR. HAYES: Objection as to form.</p> <p>10 A. It doesn't anymore.</p> <p>11 Q. Because?</p> <p>12 A. Because I believe the -- I think</p> <p>13 things have changed since 1977. I've been slow</p> <p>14 to change with them in terms of how I make my</p> <p>15 images. I'm catching up. I believe that I'm</p> <p>16 not very fluent with the computer.</p> <p>17 But, as I said before, I think</p> <p>18 rephotography could be called -- is a primitive</p> <p>19 way of downloading an image. And there was a --</p> <p>20 anyway, I believe in surrogate substitution,</p> <p>21 simulants, robots, I believe in science fiction,</p> <p>22 I believe in J.G. Ballard, the Concrete Jungle,</p> <p>23 I believe that virtual reality is on our</p> <p>24 doorstep. Cloning is right around the corner.</p> <p>25 And I believe, even though I did</p>	<p>1 Prince</p> <p>2 the bottom it says, Hi, Betsy, Richard said you</p> <p>3 could hook us up with images for his interview.</p> <p>4 I love the Rasta work and would like to run</p> <p>5 several big pages. We are on a tight schedule.</p> <p>6 What's the next step?</p> <p>7 And it's signed Glenn. That's from</p> <p>8 Glenn O'Brien, correct?</p> <p>9 A. Yes.</p> <p>10 Q. I think I had asked you about that</p> <p>11 before. And then there's an e-mail from Betsy</p> <p>12 your assistant or your studio manager to Melissa</p> <p>13 and Gagosian saying per Glenn O'Brien's request</p> <p>14 that they should send some high-resolution Rasta</p> <p>15 works to Glenn O'Brien. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And then at the top I wanted to ask</p> <p>18 you if you know what this is. It's from Melissa</p> <p>19 Lazarov. It says see below, and it says I need</p> <p>20 to send some JPEGs, J-P-E-G-S, to Glenn. Please</p> <p>21 attach for me, from Melissa. Do you know what a</p> <p>22 JPEG is?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Can you tell me, please?</p> <p>25 A. It's an image that you send through</p>
<p>Page 287</p> <p>1 Prince</p> <p>2 this 30 years ago, I think it's here to stay.</p> <p>3 And I am not surprised that there are -- there's</p> <p>4 a website like this.</p> <p>5 Q. Okay.</p> <p>6 A. I don't believe there would have</p> <p>7 been a website like this ten years ago. But I'm</p> <p>8 happy to know this information.</p> <p>9 Q. Well, I invite you to go to</p> <p>10 iStockphoto.com.</p> <p>11 A. Thanks.</p> <p>12 MR. HAYES: Objection to the form,</p> <p>13 if that was a question.</p> <p>14 MR. BROOKS: Can we mark as</p> <p>15 Exhibit Plaintiff's 29 a three-page</p> <p>16 document GGP001421 and GGP00424 and 425.</p> <p>17 (Plaintiff's Exhibit 29, three-page</p> <p>18 document, was marked for identification,</p> <p>19 as of this date.)</p> <p>20 Q. Mr. Prince?</p> <p>21 A. Yes.</p> <p>22 Q. If you look at what's been marked as</p> <p>23 Exhibit 29?</p> <p>24 A. Mm-hmm, yes.</p> <p>25 Q. We had talked about this before, at</p>	<p>Page 289</p> <p>1 Prince</p> <p>2 the computer.</p> <p>3 Q. Is it different than a PDF?</p> <p>4 A. I don't know what a PDF is.</p> <p>5 Q. Is it high resolution and pretty</p> <p>6 accurate depiction, a JPEG?</p> <p>7 MS. BART: Objection, form.</p> <p>8 MR. HAYES: Objection, form.</p> <p>9 A. Again, I'm not that fluent in</p> <p>10 computer. I do e-mail and that's about it.</p> <p>11 Q. Okay.</p> <p>12 A. I've never sent a JPEG myself to</p> <p>13 anybody. And I've never sent, what is it</p> <p>14 called, a PDF. So I'm not in a position to</p> <p>15 answer that question.</p> <p>16 Q. Fair enough.</p> <p>17 If you look at the first page of</p> <p>18 Exhibit 28, which is the interview that Glenn</p> <p>19 O'Brien did with you. Do you remember we looked</p> <p>20 at these already, these five images?</p> <p>21 Simple question. Do you know</p> <p>22 whether those are JPEGs?</p> <p>23 A. What I'm looking at here?</p> <p>24 Q. Those five images, correct, on the</p> <p>25 first page of Exhibit 28.</p>

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1 Prince
 2 A. No.
 3 Q. You don't know?
 4 A. I don't know.
 5 Q. Okay, fine.
 6 MR. BROOKS: Let's mark as
 7 Plaintiff's Exhibit 30 a number of photos
 8 printed out from iStockphoto.com.
 9 (Plaintiff's Exhibit 30, photos from
 10 iStockphoto.com, was marked for
 11 identification, as of this date.)
 12 Q. Have you seen Exhibit 30?
 13 A. Have I seen this exhibit before?
 14 Q. Well, look at it now. Have you had
 15 an opportunity to look at it now?
 16 A. No --
 17 MR. HAYES: He wants you to take an
 18 opportunity to look at it.
 19 Q. Yes, please do.
 20 MR. HAYES: Please take a look at
 21 it.
 22 A. Yes, I've looked at it now.
 23 Q. So it's six photos?
 24 A. Yes.
 25 Q. I'm aware you weren't aware of

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1 Prince
 2 iStockphoto, but now that you see these photos
 3 would these have been appropriate ingredients
 4 for your Canal Zone paintings?
 5 MR. HAYES: Objection as to form.
 6 MS. BART: Objection, form.
 7 Q. You can answer.
 8 A. Not really because they're in color.
 9 I guess I could have transformed
 10 them to black and white. But, again, I wasn't
 11 aware of this particular company.
 12 Q. Well, I hear what you're saying.
 13 One of them is black and white.
 14 A. Oh, it is?
 15 Q. I think the fourth one is black and
 16 white.
 17 A. A little lavender in it.
 18 Q. Okay. So that one is not suitable
 19 either?
 20 MS. BART: Objection, form.
 21 MR. HAYES: Same objection.
 22 Q. Is that what you're saying?
 23 A. I mean are you asking me if I had
 24 seen this --
 25 Q. Would you have used it?

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1 Prince
 2 A. -- like four years ago, three years,
 3 two years ago, a year ago?
 4 Q. Yeah.
 5 MR. HAYES: Objection to the form of
 6 the question. Calls for speculation.
 7 A. I don't know.
 8 Q. You might have used them?
 9 A. It's possible.
 10 MO MS. BART: Objection. Move to
 11 strike as speculative.
 12 MR. BROOKS: Let's mark as
 13 Plaintiff's Exhibit 31 three pages from --
 14 I believe from the Gagosian Gallery
 15 website Bates stamped C8 through 10.
 16 (Plaintiff's Exhibit 31, three pages
 17 from Gagosian Gallery website, was marked
 18 for identification, as of this date.)
 19 Q. Mr. Prince, I've placed in front of
 20 you Plaintiff's Exhibit 31. It says that the
 21 Canal Zone show was going to be November 8th to
 22 December 20th, 2008, is that your recollection?
 23 A. Yes.
 24 Q. And then under this picture, do you
 25 know which painting that is, the one at the top?

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1 Prince
 2 A. Is that the Garden of Eden? It's a
 3 little fuzzy, so. I do know that it has --
 4 anyway, is it --
 5 Q. I'm not sure. It's either the
 6 Garden of Eden or Charlie Company.
 7 A. It's either one of those two. It's
 8 a little -- my reproduction here is difficult to
 9 see.
 10 Q. And then it says underneath that it
 11 quotes you, the story was basically about a guy
 12 that lands in St. Barth's, gets off the plane,
 13 is immediately told that there's been a nuclear
 14 holocaust in the rest of the world and he looks
 15 at his family and says we can't go back.
 16 So that's taken from your pitch I
 17 assume?
 18 MS. BART: Objection, form.
 19 Q. Is that taken from your pitch?
 20 A. It sounds like it's been taken from
 21 my pitch, yes.
 22 Q. And then beneath that it says, two
 23 paragraphs down, it says the Panama Canal Zone,
 24 where he was born -- do you see that?
 25 A. Yes.

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1 Prince
2 Q. -- was until 1979 a political
3 enclave of the U.S., part colonial company
4 enclave and part socialist government
5 purportedly dominated by virulent separatist
6 racism.
7 Other than the fact that you were
8 born there and that it was not part of Panama
9 until 1979, do you agree with any of the balance
10 of this statement?
11 MS. BART: Objection, form.
12 A. I've never --
13 Q. You can answer.
14 A. I've never seen this before. I
15 believe this is a press release.
16 Q. This is taken from the Gagosian
17 Gallery website.
18 A. Okay.
19 Q. In connection with the opening of
20 your show.
21 A. I've never seen this text.
22 MS. BART: In light of the witness's
23 answer I lodge an objection.
24 MR. BROOKS: Great.
25 MS. BART: Foundation.

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1 Prince
2 BY MR. BROOKS:
3 Q. Was the Panama Canal Zone a place
4 that was, to your knowledge, dominated by
5 virulent, separatist racism?
6 MS. BART: Objection to form.
7 MR. HAYES: Objection to form.
8 A. I thought it was -- I always
9 associated it as a very cool place to live
10 except for that Noriega guy, but -- and a lot of
11 spooks.
12 Q. Spooks meaning spies?
13 A. KGB, CIA, yeah, I mean --
14 Q. Those kind of spooks?
15 A. Yeah. Spies.
16 Q. But a convivial, pleasant place to
17 live?
18 A. I mean my couple of days there was
19 very nice.
20 Q. How about your six years?
21 A. I only remember houses on stilts,
22 large insects, and palm trees.
23 Q. Okay. On the next page of
24 Exhibit 31 it says -- in the middle paragraph it
25 says, towards the bottom of it, Canal Zone, this

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1 Prince
2 orgiastic post-nuclear new order of civilization
3 as we once knew it takes its place among other
4 great modern visions of the apocalypse from
5 Joseph Conrad's Heart of Darkness and Pablo
6 Picasso's Guernica to the Beatles' Helter
7 Skelter and Michel Houellebecq's prophetic
8 Platform. Do you see that?
9 A. Yes.
10 Q. Do you agree with any of that?
11 MR. HAYES: Object to form.
12 MS. BART: Same.
13 A. It's pretty good. I think Louise
14 Neri probably wrote this. I would say that
15 that's kind of an interesting take on what I
16 was -- let me just --
17 Q. Go ahead.
18 A. Canal Zone, this orgiastic
19 post-nuclear -- I like the Heart of Darkness.
20 Q. Joseph Conrad?
21 A. And I like the Guernica.
22 I've read Platform, but I'm much
23 more of a fan of Houellebecq's Atomised. He's a
24 French author. Terrific writer.
25 And Helter Skelter I would have

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1 Prince
2 substituted a Ramones song.
3 Q. But you find this to be an apt
4 description of your paintings in the Canal Zone
5 exhibition?
6 MS. BART: Objection to form.
7 A. It's not necessarily the way I would
8 have described it had they asked me to write the
9 press release. But I don't write press releases
10 and I don't read them.
11 Q. And is this the first time --
12 A. I find them -- sorry.
13 MS. BART: No, you were talking. He
14 interrupted you.
15 Q. Go ahead.
16 A. I find press releases incredibly
17 silly and boring, and I just don't -- I've never
18 wanted anything -- because they're really just
19 trying to hype the work. And I don't
20 particularly like to get involved in that.
21 Q. And, again, is this the first time
22 you're seeing this press release?
23 A. This is the first time I'm seeing
24 this.
25 Q. On the last page it says that mining

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<p>1 Prince 2 them are at issue in this lawsuit. 3 MR. BROOKS: I didn't ask him -- 4 well, that's -- I'm not going to argue 5 with you about what's at issue in this 6 lawsuit. I'm asking him how many 7 paintings are in the book. That's all. 8 A. Well, it says here -- how many 9 paintings are in the Canal Zone exhibition? 10 Q. In that book. 11 A. It's funny, they didn't list -- I 12 just realized they didn't list a work. 13 Q. Yeah, they didn't list a few. But 14 I'm just asking you how many are listed in the 15 book? 16 A. 22. 17 Q. Now, there's a 23rd thing, but 18 that's not a painting at all, right, that's like 19 a car hood or something? 20 A. Yes. 21 Q. So if we're talking about paintings 22 it lists 22 paintings, correct? 23 A. I believe so, yes. I count 22. I 24 see 22. 25 Q. Right. Now, the actual exhibition</p>	<p>1 Prince 2 kind of remember where every painting was hung. 3 And I believe, yes, it was 15 paintings. 4 Q. If you look on the second page at 5 the top, this is that painting we've been 6 talking about about the four lesbians who took 7 over the Guanahani? 8 A. Yes. 9 Q. And the first one is Djuna, 10 D-J-U-N-A, Barnes. 11 A. Djuna Barnes. 12 Q. And then Natalie Barney? 13 A. Natalie Barney. 14 Q. Renée Vivien? 15 A. And Romaine Brooks. 16 (Clarification by reporter.) 17 Q. Romaine Brooks? 18 A. They have it spelled wrong here. 19 Q. I know. 20 Now, a number of these paintings 21 that are in Exhibit 32 are not listed in the 22 book that you were just looking at where it 23 lists 22 paintings, correct? 24 For instance, the very first one 25 Pumpsie Green is not listed, right?</p>
Page 303	Page 305
<p>1 Prince 2 itself, could you take a look at Exhibit 32 3 which has just been handed to you? 4 A. Yes. 5 Q. Some kind of schematic of your show? 6 A. It looks like it's some kind of the 7 way we positioned -- 8 Q. Exactly. 9 A. -- the paintings. 10 Q. Yes. And so if you add these up, 11 again, not counting the Dear Mary, the car, it's 12 part of a sculpture, part of a car. It looks 13 like there were only 15 paintings actually 14 exhibited during your show, is that correct? 15 A. I believe I -- yes, I count 15 16 paintings on this chart. 17 Q. And now I'm asking you a slightly 18 different question. Is that your recollection 19 of how many paintings were actually exhibited at 20 the show? 21 MR. HAYES: Objection as to form. 22 A. Is that my recollection? I never 23 really thought about it until you asked me the 24 question. I'm assuming, now that I look at this 25 chart, I can definitely say -- I believe I can</p>	<p>1 Prince 2 MR. HAYES: He's asking you whether 3 they're listed at the back of the book, if 4 you want to compare them. 5 A. Oh, so Pumpsie Green is not in the 6 catalog? 7 Q. That's right. 8 A. I didn't really notice that, but if 9 you say -- yeah, I mean I can go back and check. 10 Q. Just check that one. The others, 11 the record will speak for itself. 12 A. I don't -- I've never really looked 13 at the back of this catalog. 14 Q. Right. 15 A. Pumpsie Green was in the show and 16 it's not listed in the catalog. 17 What page are we looking for? 18 MR. HAYES: 210 through 213. 19 210 through 212, I'm sorry. 20 A. I think what's listed here has to do 21 with the Canal Zone catalog. 22 Q. Right. 23 A. And what's listed here has to do 24 with the show. 25 Q. Right. So they're not -- there's</p>

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1 Prince
 2 some overlap --
 3 A. I mean it's two separate --
 4 Q. -- but there's also some paintings
 5 that were exhibited that are not in the catalog,
 6 right?
 7 A. My feeling is there's -- yeah,
 8 there's two -- yeah, two separate ways of
 9 identifying really what's two separate ways of
 10 contemplating the Canal Zone idea.
 11 Q. So besides Pumpsie Green is it
 12 correct that MC9 White Panthers is listed as
 13 being in the show but -- in gallery three -- but
 14 is not listed in the book?
 15 A. Yes, MC9 was one of the last
 16 paintings.
 17 Q. Right.
 18 A. It didn't make --
 19 Q. Didn't make the cut?
 20 A. Didn't make the cut for the catalog.
 21 And I believe that's the painting
 22 where Charles Company's daughter appears.
 23 Q. MC9?
 24 A. I believe so.
 25 Q. How about Inquisition, that's listed

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1 Prince
 2 in gallery 3, number 5, but it's not in the book
 3 either, is it?
 4 A. There is a -- it's interesting,
 5 there's a variation in the book.
 6 Q. Ah.
 7 A. And you would never know.
 8 Q. I see. So it's a different painting
 9 or is it --
 10 A. It's the same painting.
 11 Q. A different --
 12 A. Do you want me to show you?
 13 Q. We'll get to it.
 14 And now, a Scapegoat is listed here
 15 in gallery 3 as having been exhibited, but it's
 16 not in the book either, is it?
 17 A. Scapegoat -- no.
 18 MR. BROOKS: In fact, let's mark
 19 as Plaintiff's Exhibit 33 a number of
 20 paintings that are not listed in the book?
 21 MS. BART: This is 34?
 22 MR. BROOKS: This is 33.
 23 (Plaintiff's Exhibit 33, listing of
 24 paintings, was marked for identification,
 25 as of this date.)

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1 Prince
 2 Q. All right. So Exhibit 33 contains
 3 it looks like seven paintings that are not
 4 listed in the Canal Zone book, correct?
 5 I'll read them into the record.
 6 MC9, paren, White Panthers.
 7 Myrna Loy, Janet Flanner, et cetera,
 8 et cetera, and Oscar Wilde's niece Dolly Wilde.
 9 Pumpsie Green.
 10 Uncle Tom, Dick, and Harry.
 11 On the Beach, On the Beach.
 12 Inquisition --
 13 MR. HAYES: Tom, Dick, and Harry is
 14 2008, right?
 15 MR. BROOKS: They all are 2008.
 16 BY MR. BROOKS:
 17 Q. On the Beach, On the Beach.
 18 Inquisition.
 19 And Scapegoat.
 20 These are in Exhibit 33, Mr. Prince,
 21 and they're all not listed at the end of the
 22 book, correct?
 23 A. No, they're not.
 24 Q. So then if my math is correct, if
 25 you add 22 and 7 that means there were 29

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1 Prince
 2 paintings in all, right?
 3 MS. BART: Objection to form.
 4 A. In the Canal Zone series?
 5 Q. Yes.
 6 A. I don't really know how many are in
 7 the Canal Zone.
 8 Q. At least 29?
 9 A. But if we've counted 29 there's at
 10 least 29, yeah.
 11 Q. 22 plus the 7 that are in
 12 Exhibit 33, right?
 13 A. Yes.
 14 Q. Okay. Do you know of those 29 how
 15 many were sold, do you know?
 16 A. No, I don't.
 17 Q. Let me ask you about the ones that
 18 haven't been sold. Are they on public display
 19 now or are they somewhere safe? Where are they?
 20 A. In my racks in my studio.
 21 Q. So they're not --
 22 A. And I believe some are being
 23 prepared to be -- I think some are in storage,
 24 at the moment, I'm not positive about this,
 25 either at Larry's storage or my storage in

Page 310	Page 312
<p>1 Prince 2 Brooklyn. 3 Q. All right. But they're not 4 somewhere where members of the public can view 5 them, is that right? 6 A. No, I haven't allowed anybody to 7 look at them in quite some time. 8 MR. BROOKS: Let's mark as 9 Plaintiff's 34 a letter dated 10 December 11th, 2008, Bates stamped C13 11 and 14. 12 (Plaintiff's Exhibit 34, letter 13 dated December 11, 2008, was marked for 14 identification, as of this date.) 15 (Discussion off the record.) 16 THE WITNESS: How long do we have? 17 MR. HAYES: He's guessing about an 18 hour. You may have to be somewhere -- 19 THE WITNESS: I'm fried. I mean 20 this has been a long day. Is there any 21 way we can come back? 22 Or can you give me an idea of how 23 much more time and I can tell you? 24 MR. BROOKS: I said I think about an 25 hour.</p>	<p>1 Prince 2 you. 3 THE WITNESS: Yeah, I mean I'm 4 comfortable. It's just that I have to be 5 at an opening tonight, and I promised my 6 daughter that I would be home. 7 MR. BROOKS: What time do you have 8 to leave here? 9 MR. HAYES: Now. 10 THE WITNESS: As I said, I have to 11 get home at six. 12 MR. BROOKS: All right. So let me 13 try -- 14 MR. HAYES: But, you know, you call 15 it. I mean do you want to just get it 16 over with? 17 (Clarification by reporter.) 18 MR. BROOKS: So what did we say, 19 another hour and fifteen minutes? 20 I'm willing to do it tomorrow 21 morning and break right now -- 22 MS. BART: I'm not available 23 tomorrow. 24 MR. BROOKS: Thursday morning we're 25 all scheduled to be here. Finish him and</p>
Page 311	Page 313
<p>1 Prince 2 THE WITNESS: So about an hour more 3 until six? 4 MR. BROOKS: Well, you know, running 5 time -- how much running time do we have 6 left? 7 THE WITNESS: I can't go past -- I 8 don't know if I can go past six. 9 MR. BROOKS: Okay. How much running 10 time -- 11 THE VIDEOGRAPHER: About five hours 12 and -- 5:45 exactly. 13 MS. BART: 5:45, right? 14 MR. BROOKS: So we have another hour 15 and fifteen minutes that we're entitled to 16 under the rules. 17 So I'm willing to accommodate you. 18 If you feel you want to stop now, with the 19 understanding that I've got another hour 20 and fifteen minutes to ask you questions? 21 MR. HAYES: And this gentleman 22 may -- 23 THE WITNESS: I'll take your advice, 24 so. 25 MR. BROOKS: It's completely up to</p>	<p>1 Prince 2 then start. 3 MS. BART: I'm not able to be here 4 because I'm going to be with Mr. Gagosian, 5 so. 6 MR. BROOKS: Well, he's going to be 7 here having his deposition. 8 MS. BART: At 10. Yeah, I can't get 9 down here earlier than that. 10 MR. BROOKS: Well, I mean whatever, 11 it's really -- 12 MR. HAYES: He can stay until six. 13 THE WITNESS: I can stay until six. 14 MR. BROOKS: Okay. Well, let's see 15 if we -- is that okay with you? 16 THE COURT REPORTER: That's fine 17 with me. 18 THE WITNESS: I only can stay until 19 six if that's it. I don't want to come 20 back for fifteen minutes -- 21 MR. BROOKS: I can't promise -- I 22 can't control the objections -- 23 THE WITNESS: Then I can't promise 24 that I can stay until six. If you can't 25 promise me, I can't promise you.</p>

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1 Prince
 2 MR. BROOKS: Well, it's not entirely
 3 in my control how long this takes. There
 4 are objections --
 5 THE WITNESS: I thought that we --
 6 MR. HAYES: He's up to -- he has an
 7 hour and 15 minutes left. He can do that
 8 if he wants.
 9 MR. BROOKS: The rule is seven hours
 10 of actual testimony.
 11 THE WITNESS: Okay. Then let's do
 12 it --
 13 MR. BROOKS: I'll accommodate you.
 14 THE WITNESS: I'm in the city, I can
 15 come back --
 16 MR. HAYES: How is Thursday morning?
 17 THE WITNESS: Friday morning I
 18 could, but I have to -- I can only do it
 19 in the morning.
 20 MR. BROOKS: It's an hour and
 21 fifteen minutes.
 22 THE WITNESS: That doesn't concern
 23 me. It's tonight.
 24 MS. BART: Friday morning I've got
 25 client meetings that are already set up,

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1 Prince
 2 you know, for these days, so I can't do
 3 Friday morning unfortunately.
 4 MR. HAYES: Monday morning?
 5 THE WITNESS: Monday is a holiday.
 6 MS. BART: It is?
 7 THE WITNESS: Yeah, it's Columbus
 8 Day.
 9 MR. HAYES: What kind of good
 10 Italian are you?
 11 THE WITNESS: I can do it -- well, I
 12 can do it almost any day except Thursday
 13 morning.
 14 MR. BROOKS: Why don't we do this.
 15 Why don't we start with him at 10 on
 16 Thursday, we'll finish him --
 17 THE WITNESS: I can't --
 18 MR. HAYES: That's the one day he
 19 can't do.
 20 THE WITNESS: I can do it in the
 21 afternoon on Thursday.
 22 MR. BROOKS: No, we're having
 23 Mr. Gagosian's deposition on Thursday.
 24 MS. BART: And Mr. Gagosian flew
 25 back from Europe specifically for this.

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1 Prince
 2 So I don't want to start him late.
 3 THE WITNESS: What's tomorrow?
 4 MR. HAYES: Tomorrow is Wednesday.
 5 MS. BART: I'm not available
 6 tomorrow.
 7 THE WITNESS: I can do it tomorrow.
 8 MR. HAYES: Can you do it tomorrow
 9 afternoon?
 10 MS. BART: No.
 11 MR. HAYES: That took care of that.
 12 Tuesday?
 13 THE WITNESS: Can you guarantee me
 14 6:15 and that's it?
 15 MR. BROOKS: Yes.
 16 THE WITNESS: Promise?
 17 MR. BROOKS: Yes.
 18 THE WITNESS: Okay, I can --
 19 MR. BROOKS: Let's go then.
 20 THE WITNESS: -- because I got the
 21 car service outside.
 22 MR. BROOKS: All right.
 23 Let's mark as Plaintiff's 35 a
 24 document Bates stamped PR45 through 50.
 25 (Plaintiff's Exhibit 35, PR45)

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1 Prince
 2 through 50, was marked for identification,
 3 as of this date.)
 4 (Discussion off the record.)
 5 Q. Let's go back to 34. It's a letter
 6 dated December 11th.
 7 A. December 11th?
 8 Q. 2008. From me. Do you see it?
 9 A. Yes, I do.
 10 Q. I only have one question.
 11 Did you receive it?
 12 A. I'm not in a position to know if I
 13 received it. I don't know.
 14 Q. Well, let me ask you this. Is that
 15 your correct address on the letter?
 16 A. Yes, it is.
 17 Q. You just don't know if you received
 18 it?
 19 A. I've never seen it before.
 20 Q. Okay. That's fine.
 21 Take a look at 35. This is a
 22 document that was produced by your counsel. Do
 23 you know what it is?
 24 A. Yes.
 25 Q. What is it?

Page 318	<p>1 Prince</p> <p>2 A. It looks as if it's a guest list for</p> <p>3 a party.</p> <p>4 Q. On November 8th, 2008?</p> <p>5 A. Yes, the party that was after the</p> <p>6 show.</p> <p>7 Q. But it was in honor of the opening</p> <p>8 of the show?</p> <p>9 A. Yes.</p> <p>10 Q. If you look at the very end, the</p> <p>11 last page, do you see that Renée Zellweger was</p> <p>12 one of the people invited?</p> <p>13 A. I see that her name is on the list,</p> <p>14 yes.</p> <p>15 Q. Do you know her?</p> <p>16 A. No. I've met her.</p> <p>17 Q. Does she co-own a restaurant in</p> <p>18 East Hampton called the Blue Parrot?</p> <p>19 MR. HAYES: If you know.</p> <p>20 Q. If you know.</p> <p>21 A. I believe she's a co-owner in the</p> <p>22 restaurant.</p> <p>23 Q. With Ronald Perelman and Larry</p> <p>24 Gagosian and Bon Jovi?</p> <p>25 A. Yes, that's what I've heard.</p>	Page 320
Page 319	<p>1 Prince</p> <p>2 Q. And was there ever -- were you ever</p> <p>3 approached about hanging your artwork in that</p> <p>4 restaurant?</p> <p>5 A. Yes.</p> <p>6 Q. The Blue Parrot restaurant?</p> <p>7 A. Yes.</p> <p>8 Q. And is any of your artwork --</p> <p>9 withdrawn.</p> <p>10 Has any of your artwork been</p> <p>11 displayed there since the restaurant reopened</p> <p>12 last summer?</p> <p>13 A. Yes.</p> <p>14 Q. It wasn't any of the Canal Zone</p> <p>15 paintings, was it?</p> <p>16 A. No.</p> <p>17 Q. Did the Bush daughters come to the</p> <p>18 dinner, Barbara and Lauren Bush?</p> <p>19 A. Are they on the list?</p> <p>20 Q. Yes.</p> <p>21 A. I don't think so. I don't know</p> <p>22 them. So, no. That's a lot of people there.</p> <p>23 No.</p> <p>24 Q. Did Paul McCartney or Mick Jagger</p> <p>25 come to the dinner?</p>	Page 321
Page 318	<p>1 Prince</p> <p>2 A. No.</p> <p>3 Q. Who is John Kern, is he an artist</p> <p>4 who was represented by Gagosian, do you know?</p> <p>5 A. He's an artist. I don't know if</p> <p>6 he's represented by Gagosian.</p> <p>7 Q. Steven Cohen, did he buy one of your</p> <p>8 paintings?</p> <p>9 A. Yes.</p> <p>10 Q. Does he have a hedge fund called</p> <p>11 SAC, Steven A. Cohen?</p> <p>12 A. I don't know what it's called. I</p> <p>13 know he has a hedge fund.</p> <p>14 Q. Do you know who Leon Black is?</p> <p>15 A. Leon Black, no, I don't know who</p> <p>16 that is.</p> <p>17 Q. How about Henry Kravis?</p> <p>18 A. I know Henry Kravis. I played golf</p> <p>19 with him this summer.</p> <p>20 Q. He's a private equity person?</p> <p>21 A. I don't know what he does.</p> <p>22 Q. How about Jeanne Greenberg Rohatyn,</p> <p>23 did she buy a painting from you?</p> <p>24 A. Yes.</p> <p>25 Q. Who is she?</p>	Page 321

<p style="text-align: right;">Page 330</p> <p>1 Prince</p> <p>2 Q. What is it?</p> <p>3 A. It's part of an artwork that's in</p> <p>4 the book. It's a detail.</p> <p>5 Q. Are you the copyright owner, as you</p> <p>6 understand it, of this image on C118?</p> <p>7 MR. HAYES: Objection as to form.</p> <p>8 MS. BART: Join.</p> <p>9 A. My answer to that is I guess so.</p> <p>10 Q. Now, was this photo taken from the</p> <p>11 Yes Rasta book?</p> <p>12 MR. HAYES: Object to the form.</p> <p>13 A. No, it's a painting. I mean I made</p> <p>14 a painting. Anyway, no.</p> <p>15 Q. This is a painting?</p> <p>16 A. Yes.</p> <p>17 Q. How did you make the painting, with</p> <p>18 a paint brush?</p> <p>19 A. Yes.</p> <p>20 MS. BART: Objection, form, and</p> <p>21 argumentative.</p> <p>22 Q. I'm going to show you the photo of</p> <p>23 this man on the donkey from the Yes Rasta book.</p> <p>24 A. Can we see the whole painting?</p> <p>25 Q. Of course.</p>	<p style="text-align: right;">Page 332</p> <p>1 Prince</p> <p>2 Kroll. There's an image of a guitar from</p> <p>3 George -- that's George Harrison's guitar with</p> <p>4 his hands. And there are -- this painting on</p> <p>5 top, it's not a photograph, it's an inkjet image</p> <p>6 on canvas, which is a fairly new technique.</p> <p>7 And then these lozenges are painted</p> <p>8 directly on the canvas.</p> <p>9 Q. Okay. You're talking about C116,</p> <p>10 right?</p> <p>11 A. Yes, I am.</p> <p>12 Q. Now, can you turn to C118, which is</p> <p>13 in your book?</p> <p>14 A. Yes.</p> <p>15 MR. HAYES: That's the detail.</p> <p>16 A. The detail.</p> <p>17 Q. C118.</p> <p>18 A. Yes. You can see it's ripped out of</p> <p>19 the book.</p> <p>20 Q. But is it a painting or is it taken</p> <p>21 from the book?</p> <p>22 A. This is a painting. The transfer,</p> <p>23 as you can see, it was -- the reproduction was</p> <p>24 taken from the book and then collaged next to an</p> <p>25 additional image taken from the book, and it was</p>
<p style="text-align: right;">Page 331</p> <p>1 Prince</p> <p>2 You'll have to turn to the previous</p> <p>3 page I guess C116.</p> <p>4 MR. HAYES: Yep.</p> <p>5 A. Got it.</p> <p>6 Q. So C118 is taken from C116, right?</p> <p>7 A. Yes.</p> <p>8 Q. And are you sure that that's a</p> <p>9 painting and not a reproduction of this</p> <p>10 photograph from the Yes Rasta book?</p> <p>11 A. It's a painting.</p> <p>12 Q. In what sense?</p> <p>13 A. Based on a reproduction that I found</p> <p>14 in this Yes Rasta book.</p> <p>15 Q. Which you're looking at now, right?</p> <p>16 A. It's a lot of -- this is what I was</p> <p>17 talking about earlier with this new technique,</p> <p>18 this new medium that transferred his work, which</p> <p>19 I don't think lost any of its original intent,</p> <p>20 because my work here is completely a different</p> <p>21 message and medium, it's a completely different</p> <p>22 look, and it's a completely different</p> <p>23 application, and it's a new way of collaging.</p> <p>24 There are several elements.</p> <p>25 There's also an image from Eric</p>	<p style="text-align: right;">Page 333</p> <p>1 Prince</p> <p>2 a different tonality --</p> <p>3 Q. Okay --</p> <p>4 MS. BART: Let him finish.</p> <p>5 A. Which I think is really important,</p> <p>6 because this is a bit darker, this is lighter.</p> <p>7 MR. HAYES: Let the record reflect,</p> <p>8 referring to the man on the donkey and the</p> <p>9 woman to the right.</p> <p>10 A. You know, the tonality here is quite</p> <p>11 different. And this was a -- I mean this</p> <p>12 collage was sent out to NancyScans.</p> <p>13 Q. Right.</p> <p>14 A. And then came back, as I believe, on</p> <p>15 a fairly large canvas, which I then cut up the</p> <p>16 canvas. These strips, as you see them here --</p> <p>17 MR. HAYES: Referring to 118.</p> <p>18 A. This image then was transferred to</p> <p>19 canvas and then I cut the canvas again in strips</p> <p>20 and I squeezeed it. That was the new technique.</p> <p>21 That's what made this painting very exciting for</p> <p>22 me to paint because I couldn't control the</p> <p>23 amount of paint that would come out from behind</p> <p>24 the collage.</p> <p>25 Q. Right.</p>

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1 Prince
2 mine.
3 I know that that's not the original
4 intent of the image, but I don't have any -- I
5 don't have any really interest in what the
6 original intent is because my -- because what I
7 do is I completely try to change it into
8 something that's completely different.
9 Q. And just again, what is your intent,
10 what are you changing it into?
11 A. To make great artworks that make
12 people feel good.
13 Q. But is this -- let's take 116 since
14 you seem to prefer to talk about 116.
15 MR. HAYES: Object to the form, if
16 there's a question.
17 Q. Which is this painting Back to the
18 Garden, right? Okay?
19 A. Mm-hmm. Yes, I'm sorry.
20 Q. What is your message or what is the
21 meaning of this painting, what is it that you're
22 trying to get across?
23 A. I'm trying --
24 MR. HAYES: Object to the form.
25 A. As I said, I'm trying to make a

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1 Prince
2 kind of fantastic, absolutely hip, up to date,
3 contemporary take on the music scene. And it's
4 my way of dealing with this idea that I've
5 always had, which are the three relationships
6 that exist in the world, which are men and
7 women, men and men, and women and women. It
8 exists, therefore I try to reflect what I
9 think what interests me.
10 I mean I don't necessarily think
11 there's -- I'm not trying to -- in any artwork I
12 don't think there's any one message. I'm not a
13 political artist. If you can tell me who the
14 president of France was when Gauguin was in
15 Tahiti I'll give you a thousand dollars.
16 Politicians come and go, art comes and comes.
17 Q. You mentioned the music scene.
18 You'll notice in C116, the image of the
19 Rastafarian on the donkey to the right, the one
20 with the paint --
21 A. The bleached out --
22 Q. That one --
23 A. -- which is extremely, you know, I
24 thought about bleaching him out, getting him a
25 little lighter.

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1 Prince
2 Q. But that's not my question.
3 A. Oh.
4 Q. This has a guitar, right?
5 A. Yes.
6 Q. So is that what you were talking
7 about, commenting on the music scene?
8 A. The guitar, again, is what I think
9 my contribution is to the image, one of the
10 contributions to this particular image, just
11 like the mask was my contribution to the nurse
12 paintings. Once I make some sort of connection.
13 Now, if that hadn't been made, this
14 guitar, this collage, which turns this -- the
15 original intentions of this image into something
16 completely different, obviously, he's playing
17 the guitar now, it looks like he's playing the
18 guitar, it looks as if he's always played the
19 guitar, that's what my message was.
20 Q. Okay.
21 A. Is to sort of tell people, hey, this
22 guy is playing the guitar.
23 Q. Understood.
24 A. And --
25 Q. I'm kind of -- I don't mean to cut

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1 Prince
2 you off, but I'm trying to finish by 6:15.
3 A. Okay. I'm sorry.
4 Q. I think you're answering the
5 questions but then you seem to feel you need to
6 give me more information.
7 A. I'm sorry.
8 Q. And if you have to, you have to, but
9 I'd like to get out of here at 6:15.
10 A. Okay.
11 Q. So on this painting C116, we talked
12 before about this post-apocalyptic vision?
13 A. Yes.
14 Q. Does this painting Back to the
15 Garden on C116 fit into that vision?
16 A. I think so.
17 Q. In what way?
18 A. They don't have much clothes on.
19 Q. Right. Well, the women don't have
20 any clothes on?
21 A. He doesn't have much clothes on
22 either. And he's riding a donkey.
23 Q. Right, so that's post-apocalyptic --
24 A. So you can't fill up a donkey at the
25 gas tank.

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1 Prince
 2 Yeah.
 3 Q. So the musician is this Rasta with a
 4 guitar?
 5 A. The musician is actually Neil Young.
 6 Q. It's supposed to be Neil Young?
 7 A. Yes.
 8 Q. Because it's called Canal Zone or
 9 because of some other reason?
 10 A. It's Neil Young's guitar.
 11 Q. So you're not commenting on the
 12 landscape in this painting, right?
 13 MR. HAYES: Objection to the form,
 14 asked and answered.
 15 Q. You can answer.
 16 MS. BART: Same.
 17 A. I don't really make comments with
 18 any of my work.
 19 Q. But the landscaping is not the
 20 subject of this painting Canal Zone's page C24?
 21 MR. HAYES: Object to form.
 22 MS. BART: Same.
 23 Q. You can answer.
 24 A. Well, it helps to make it appear
 25 like camouflage, the shapes.

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1 Prince
 2 Q. Right. But any landscaping could do
 3 that, right?
 4 MS. BART: Object to form.
 5 MR. HAYES: Object to form.
 6 A. Not really. I don't think my front
 7 lawn in Wainscott would do that trick.
 8 Q. But any tropical landscape would be
 9 able to do the same?
 10 MS. BART: Objection, form,
 11 speculative.
 12 Q. You can answer.
 13 A. I don't know.
 14 Q. Turn to C30 in the Exhibit 40. This
 15 is Djuna Barnes, Natalie Barney, et cetera.
 16 A. I've got the wrong one.
 17 Which one?
 18 MR. HAYES: C30.
 19 Q. C30.
 20 A. C30, yes.
 21 Q. You have that?
 22 A. Yes.
 23 Q. The top part is your painting Djuna
 24 Barnes, Natalie Barney, et cetera, Take Over the
 25 Guanahani, correct?

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1 Prince
 2 A. Yes.
 3 Q. And now beneath that do you see that
 4 the entire backdrop to those four women is taken
 5 from the Yes Rasta book?
 6 And here I've turned in the
 7 Yes Rasta book to that photo which takes up two
 8 pages. Do you see that?
 9 A. Yes --
 10 MR. HAYES: Objection, form.
 11 Q. What's the answer?
 12 A. Yes, I believe I used that
 13 reproduction as a background material for this
 14 new painting.
 15 Q. For instance -- I'm sorry.
 16 In the upper right there's a palm
 17 frond or something. Do you see that?
 18 A. Yes.
 19 Q. It's very distinctive, right?
 20 MR. HAYES: Objection to form.
 21 MS. BART: Objection, form.
 22 Q. You can answer.
 23 A. I don't --
 24 Q. It's very noticeable, right?
 25 MS. BART: Objection, form.

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1 Prince
 2 MR. HAYES: Same.
 3 A. In the book?
 4 Q. Yes.
 5 A. Or in the painting?
 6 Q. Let's start with the book.
 7 A. Not really.
 8 Q. How about in your painting?
 9 A. Not really. No.
 10 Q. You notice it there, right?
 11 A. You're pointing it out to me, yes.
 12 Q. Well, you -- sir, you're the person
 13 who took these pages from Yes Rasta and used it
 14 as the backdrop for this painting called
 15 Djuna Barnes, et cetera, Take Over the
 16 Guanahani, right?
 17 A. Yes, I did.
 18 Q. Okay. Why?
 19 A. I wanted these women to take over
 20 the Guanahani.
 21 Q. And where is the Guanahani?
 22 A. It's in St. Barth.
 23 Q. No, no, no. In this painting?
 24 A. It's behind the woman on the right.
 25 She's covering it up.

<p style="text-align: right;">Page 358</p> <p>1 Prince</p> <p>2 Q. So you can't see it?</p> <p>3 A. I was speaking figuratively. It's a</p> <p>4 poetic title that refers to my impressions of</p> <p>5 what I wanted to try to say in the painting.</p> <p>6 Q. Let's stick with what's actually</p> <p>7 there.</p> <p>8 MS. BART: Objection.</p> <p>9 MR. HAYES: Objection to form.</p> <p>10 A. I'm not interested -- I've never</p> <p>11 been interested in what's actually there.</p> <p>12 Q. Sir --</p> <p>13 A. I think these photographs are</p> <p>14 interested in what's actually there. I've never</p> <p>15 been interested in what's actually there. I</p> <p>16 would like to make that point.</p> <p>17 (Time noted: 6:00 p.m.)</p> <p>18 Q. I understand.</p> <p>19 Just explain to me why you took</p> <p>20 these four images -- these are supposed to be</p> <p>21 the four lesbians, correct?</p> <p>22 A. They're supposed to be, yes.</p> <p>23 Q. And behind them you have taken a</p> <p>24 tropical landscape from Yes Rasta, correct?</p> <p>25 MS. BART: Objection, form.</p>	<p style="text-align: right;">Page 360</p> <p>1 Prince</p> <p>2 argumentative.</p> <p>3 A. You're right. This is a very</p> <p>4 reductive painting. This is very minimal --</p> <p>5 Q. I meant your answer. Never mind.</p> <p>6 You said you did it because you did</p> <p>7 it and I'm trying to understand why you did it.</p> <p>8 MR. HAYES: Objection to form.</p> <p>9 MS. BART: And asked and answered.</p> <p>10 Q. Let me withdraw that.</p> <p>11 A. Okay. I can answer it.</p> <p>12 Q. No, let me withdraw it. I'm going</p> <p>13 to ask you more specific questions.</p> <p>14 In superimposing these four images</p> <p>15 over the landscape from Yes Rasta, right, were</p> <p>16 you commenting on any aspects of culture?</p> <p>17 A. No.</p> <p>18 Q. Were you trying to create anything</p> <p>19 with a new meaning or a new message?</p> <p>20 A. No.</p> <p>21 MS. BART: Objection, form.</p> <p>22 Q. Were you trying to create something</p> <p>23 new and unique?</p> <p>24 MS. BART: Objection, form.</p> <p>25 MR. HAYES: Objection, form.</p>
<p style="text-align: right;">Page 359</p> <p>1 Prince</p> <p>2 MR. HAYES: Objection, form.</p> <p>3 A. I've used this particular image as</p> <p>4 part of a collage in creating the painting Djuna</p> <p>5 Barnes, Natalie Barney, Renée Vivien, Romaine</p> <p>6 Brooks Take Over the Guanahani.</p> <p>7 Q. When you say you've taken this image</p> <p>8 or this the photograph, you're pointing to the</p> <p>9 Yes Rasta book, correct?</p> <p>10 MS. BART: Objection, form.</p> <p>11 A. I said I used --</p> <p>12 Q. You said this --</p> <p>13 A. This image.</p> <p>14 Q. And that means this image in the</p> <p>15 Yes Rasta book that you're pointing to?</p> <p>16 A. Yes.</p> <p>17 Q. And tell us why you did that.</p> <p>18 MR. HAYES: Objection to form, asked</p> <p>19 and answered.</p> <p>20 A. To make the painting called Djuna</p> <p>21 Barnes, Natalie Barney, Renée Vivien, Romaine</p> <p>22 Brooks Take over the Guanahani. I don't know</p> <p>23 how else to explain it.</p> <p>24 Q. Isn't that kind of reductive?</p> <p>25 MS. BART: Objection, form, and</p>	<p style="text-align: right;">Page 361</p> <p>1 Prince</p> <p>2 A. Yes.</p> <p>3 Q. What?</p> <p>4 A. A balls-out, great, unbelievably</p> <p>5 looking great painting that had to do with a</p> <p>6 kind of a rock-and-roll painting on the radical</p> <p>7 side, and on a conservative side something to do</p> <p>8 with Cézanne's bathers.</p> <p>9 Q. Okay.</p> <p>10 A. So the melding of the two left wing,</p> <p>11 right wing, would maybe make a middle wing. I</p> <p>12 guess that's the way I could explain it.</p> <p>13 Q. All right.</p> <p>14 Can you take a look at C18?</p> <p>15 MR. HAYES: C what?</p> <p>16 Q. C0018.</p> <p>17 Do you see that, C18?</p> <p>18 A. Yes.</p> <p>19 Q. This particular Rasta, would you</p> <p>20 agree you used him a number of times in the</p> <p>21 Canal Zone paintings?</p> <p>22 A. Yes.</p> <p>23 Q. In fact, you also used him, among</p> <p>24 other places, in C23?</p> <p>25 A. Yes.</p>

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1 Prince
 2 Q. Now, which of these, C18 or C23, was
 3 the basis for the invitation to the Canal Zone
 4 show, if you know?
 5 A. C18.
 6 Q. The first one?
 7 A. Oh, no.
 8 Q. One is called Graduation and the
 9 other is called Meditation.
 10 A. I believe it was C18, but I could be
 11 mistaken. But my feeling is it's C18.
 12 Q. It's one of those two?
 13 A. I believe so, yes.
 14 Q. So let's take C18. What is the
 15 different message or meaning of your painting as
 16 opposed to this photograph?
 17 MS. BART: Objection, form.
 18 A. I don't see any photograph.
 19 Q. The image on the bottom is taken
 20 from Yes Rasta, correct?
 21 A. Yes, it is.
 22 Q. And the image at the top is your --
 23 is a reproduction of your painting, right?
 24 A. Yes.
 25 MS. BART: Objection, form.

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1 Prince
 2 Q. You put a guitar on and some paint
 3 on the face, right?
 4 A. I collaged the guitar and I painted
 5 the face, yes.
 6 Q. And what new meaning or artistic
 7 expression have you added to the Yes Rasta
 8 photo?
 9 MS. BART: Objection, form.
 10 MR. HAYES: Object to form.
 11 A. That's pretty simple. I was
 12 thinking about the guitar as the new fig leaf,
 13 which I think is an interesting idea.
 14 I don't see a fig leaf on this
 15 particular image. I'm referring to the image
 16 that's a reproduction in Yes Rasta.
 17 Q. Could you look at C32?
 18 Is that Tales of Brave Ulysses?
 19 A. Yes.
 20 Q. Now, there you've used that same
 21 Rasta four times but haven't painted on his face
 22 or put on a guitar, correct?
 23 A. That's correct.
 24 Q. So how have you added a new meaning
 25 or message or commented on aspects of culture in

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1 Prince
 2 your painting as compared to the photo from
 3 Yes Rasta?
 4 MS. BART: Objection to form.
 5 MR. HAYES: Objection, form.
 6 A. I'm not sure if I have to comment on
 7 culture with every single painting.
 8 Q. Well, I'm just asking you about this
 9 painting?
 10 A. I think the -- Tales of Brave
 11 Ulysses was written by the Cream, the group.
 12 Q. The Cream?
 13 A. The Cream.
 14 Q. So this is another music --
 15 A. It was a musical band that I really
 16 like and I really like that song. And the
 17 rhythm, the repetition of the images, the
 18 different scales, I wanted to kind of get this
 19 idea of the rhythm of how that song -- what
 20 impression that song makes to me when I was
 21 listening to it I believe.
 22 Q. Which song?
 23 A. Tales of Brave Ulysses.
 24 Q. So this -- your painting, what is
 25 the Rasta and these women, is supposed to

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1 Prince
 2 conjure up that song?
 3 MR. HAYES: Object to the form.
 4 MS. BART: Join.
 5 A. I tried, yes, to conjure up the
 6 feeling I had for that song.
 7 Q. Now, does this painting Tales of
 8 Brave Ulysses fit into the post-apocalyptic
 9 theme that we discussed before?
 10 A. Yes.
 11 Q. Are you implying in this painting
 12 that these black Rastafarians are potentially
 13 dangerous to these naked white women, that they
 14 might rape them?
 15 MR. HAYES: Objection, form.
 16 MS. BART: Objection, form.
 17 Q. You can answer.
 18 A. No.
 19 Q. Not at all?
 20 MR. HAYES: Objection, form.
 21 A. No.
 22 Q. What, if anything, are you -- what
 23 is your message, if any, with respect to the
 24 juxtaposition of this Rasta and these naked
 25 women? Without any guitars, right?

Gagosian

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

PATRICK CARIOU,

Plaintiff,

Index No.:

vs.

08 CIV 11327 (DAB)

RICHARD PRINCE, GAGOSIAN

GALLERY, INC., LAWRENCE

GAGOSIAN, and RIZZOLI

INTERNATIONAL PUBLICATIONS,

INC.,

Defendants.

-----x

VIDEOTAPED DEPOSITION OF LAWRENCE GAGOSIAN

New York, New York

Thursday, October 8, 2009

Reported by:
Bryan Nilsen, RPR
JOB NO. 304041

Page 14

1 Gagosian
 2 Q. It comes back to your recollection?
 3 A. No, I remember the matter, I just
 4 didn't remember whether it was a lawsuit. It
 5 was a complicated thing. I really don't
 6 remember exactly.
 7 I was deposed. I remember that.
 8 That's what I told you.
 9 Q. So this is a case in which you were
 10 deposed?
 11 A. I was deposed, yes.
 12 Q. And when I say this I'm referring to
 13 Plaintiff's Exhibit 47.
 14 A. That's correct.
 15 Q. Okay, thank you.
 16 What is your occupation?
 17 A. I'm an art dealer.
 18 Q. Now, in this case, the one that
 19 you're here for today, you're a defendant, you
 20 already said that, correct?
 21 A. Yes.
 22 Q. And Gagosian Gallery Inc. is a
 23 defendant, is that your understanding?
 24 A. Yes.
 25 Q. Is Gagosian Gallery Inc. a

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1 Gagosian
 2 corporation?
 3 A. Yes.
 4 Q. Do you know in what state it's
 5 incorporated?
 6 A. I think New York.
 7 Q. And where is its principal place of
 8 business, if you know?
 9 A. 980 Madison avenue.
 10 Q. Now, at the beginning of this
 11 deposition you were asked for your residence
 12 address.
 13 A. I was asked for my address.
 14 Q. Okay.
 15 A. I don't think he said residence.
 16 Q. I'm asking you, what's your
 17 residence address?
 18 A. 147 East 69th Street.
 19 Q. In Manhattan?
 20 A. Manhattan.
 21 Q. Is 980 Madison Avenue the principal
 22 place of business of Gagosian Gallery?
 23 A. Yes, it is.
 24 Q. Is it a gallery or offices or both?
 25 A. Galleries have offices.

Page 16

1 Gagosian
 2 Q. But there is a gallery at that --
 3 A. Yeah.
 4 Q. -- location? Okay.
 5 I know you're trying to answer my
 6 question, but try to wait until I'm finished.
 7 Your lawyer may want to object, and also the
 8 court reporter, if we're talking over each
 9 other, he won't be able to get my question or
 10 your answer.
 11 A. Thank you.
 12 Q. Are you an officer of Gagosian
 13 Gallery Inc.?
 14 A. I believe I am.
 15 Q. What is the title that you hold?
 16 A. President.
 17 Q. Are you the CEO?
 18 A. I don't think we have a CEO.
 19 I don't know.
 20 Q. Are there any other officers?
 21 A. I have a secretary.
 22 Q. And who is the secretary?
 23 A. Melissa Lazarov.
 24 Q. Can you spell that, please?
 25 A. L-A-Z-A-R-O-V.

Page 17

1 Gagosian
 2 Q. She's the secretary with a capital S
 3 of the corporation?
 4 A. I believe so.
 5 Q. She keeps the books?
 6 A. She's not the bookkeeper. She's the
 7 secretary.
 8 Q. She keeps the minute books?
 9 A. Not necessarily.
 10 Q. Are you a director of that
 11 corporation?
 12 A. I don't know.
 13 Q. Is there a board of directors?
 14 A. I don't think so.
 15 Q. Are you a shareholder of Gagosian
 16 Gallery Inc.?
 17 A. I believe I'm the sole owner.
 18 Q. So you believe you're a hundred
 19 percent shareholder?
 20 A. That's my understanding. Actually,
 21 I think my sister may have -- we may have given
 22 my sister a small piece of it so I can provide
 23 her with some money.
 24 Q. What is her name?
 25 A. Judy Womble.

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<p>1 Gagosian 2 have to see when we get to it. 3 THE WITNESS: I mean -- 4 MS. BART: There's no question. 5 BY MR. BROOKS: 6 Q. Mr. Gagosian, let me know when 7 you're ready for me to ask you questions about 8 this exhibit. 9 (Witness looks at exhibit.) 10 A. Okay. 11 Q. Okay? 12 A. Yeah. 13 Q. Now, I'm going to ask you some 14 questions about the first page. 15 A. Which? I'm sorry? 16 Q. The first page. 17 A. Okay. 18 Q. We're just going to go through page 19 after page. So the first one is stamped 20 GP001991 at the bottom. 21 Melissa Lazarov, is that -- the 22 recipient of this e-mail, is that the person you 23 identified before as being the secretary of -- 24 A. That's correct. 25 Q. And Nicole Hecht works at</p>	<p>1 Gagosian 2 A. The invitation? 3 Q. Yes. 4 A. Well, that is the announcement card. 5 Q. That's the same thing? 6 A. Yes. 7 Q. Okay. So Nicole Hecht is writing 8 that Larry reviewed the options and wants to run 9 the attached ad in ArtForum. And then it says 10 will also run in Art in America and Art and 11 Auction. Do you recall reviewing ads for the 12 show including ads placed in ArtForum magazine? 13 A. I always review -- 14 MS. BART: Objection to form. 15 A. I always review the ads. I always 16 review the ads. So, you know, I don't recall 17 the specific -- 18 Q. That's a normal function that you 19 perform? 20 A. Right. They show me options and -- 21 Q. Right. And on the third line there 22 there's a reference to JPEGs. Do you see that? 23 It reads, They are JPEGs so do not 24 appear very sharp, and then it goes on. Do you 25 know what a JPEG is?</p>
Page 35	Page 37
<p>1 Gagosian 2 980 Madison? 3 A. Yes. 4 Q. Do you know her? 5 A. I do. 6 Q. And the subject of this e-mail is 7 announcement card and adverts. What is an 8 announcement card, if you know, with respect to 9 the show? 10 A. An announcement card is something we 11 put in the mail to our clients and museums. It 12 goes out to our mailing list. 13 Q. Announcing the show? 14 A. Announcing the show. 15 Q. And does that announcement card have 16 any depiction of any of the images from the show 17 or does it just announce there will be a show? 18 A. It varies. 19 Q. In this case do you remember? 20 A. I think it did, yes. 21 Q. Do you know what it depicted? 22 A. An image from the show. I don't 23 recall exactly. 24 Q. Do you know if it was the same image 25 as the invitation?</p>	<p>1 Gagosian 2 A. It's an electronic image. 3 Q. The next page in this exhibit, do 4 you know who Rysia Murphy is? 5 A. I do. 6 Q. R-Y-S-I-A. 7 A. Mm-hmm. 8 Q. Who is she? Who is she? 9 A. She's an assistant. 10 Q. That works for your company? 11 A. Yes. 12 Q. And she says, LG -- is that a 13 reference to you? 14 A. Yes. 15 Q. Wants to make sure the ad is large 16 and very clear, and he also wants to see the 17 ads to approve. This refers to an ad in the 18 New York Times? 19 A. I guess so: Does it say so? 20 I don't know. 21 Q. It says run the attached again in 22 NYT. 23 A. Yeah, New York Times, right. 24 Q. And this was an ad for two different 25 shows, the Prince show and a show by an artist</p>

<p style="text-align: right;">Page 46</p> <p>1 Gagosian 2 Q. At that time? 3 A. At that time. 4 Q. It could become available later? 5 A. Exactly. 6 Q. Do the salespeople who work for you 7 receive commissions when they sell a painting? 8 A. Yes, they do. 9 Q. All right. I see two others that 10 say hold LG. But there's also another two at 11 the bottom of the first page that say hold CC. 12 Do you know what that means? 13 A. It could mean Candy Coleman. I'd 14 have to -- 15 MS. BART: Don't guess. 16 THE WITNESS: Huh? 17 MS. BART: Don't guess. 18 A. I don't know for sure. 19 Q. Did she work for you in 2008? 20 A. Yes. 21 Q. Where? 22 A. Los Angeles. San Diego. 23 Q. Do you have a gallery in San Diego? 24 A. No, but she works out of her home in 25 San Diego and she goes up to LA about once a</p>	<p style="text-align: right;">Page 48</p> <p>1 Gagosian 2 Q. Then what does the gallery do with 3 the -- we're taking 2-million dollars as an 4 example, what does the gallery do with that 5 2-million dollars? 6 A. We pay -- we pay the artist. And 7 if it was -- if I sold it, then there's no 8 commission. But if somebody else sold it, you 9 know, in the organization, then they would get 10 a commission. 11 Q. And then the gallery would keep the 12 balance? 13 A. Correct. 14 Q. In the case of this show do you know 15 what the breakdown was, what percent Mr. Prince 16 received? 17 MS. BART: Objection, form. 18 A. I believe he received 40 -- no, 19 60 percent. The gallery received 40 percent. 20 Q. So, again, hypothetically, if the 21 painting sold for 2 million he should receive 22 1.2 million, is that right? 23 A. Correct. 24 Q. He being Mr. Prince? 25 A. That's right.</p>
<p style="text-align: right;">Page 47</p> <p>1 Gagosian 2 week. 3 Q. In the show, when a painting was 4 sold, can you tell us how the payment stream 5 worked, who was the payment made to and how did 6 Mr. Prince get paid? 7 A. Mr. Prince gets a percentage of the 8 proceeds. The salesperson gets a commission. 9 The gallery retains the balance. 10 Q. Well, let's just take a hypothetical 11 and make it clear. Let's take the very first 12 one, Especially Around Midnight, which the 13 indication is that was sold? 14 A. Right. 15 Q. So let's say Mr. X bought it, and 16 let's just say he bought it for 2-million 17 dollars? 18 A. Right. 19 Q. Who would he pay the 2-million 20 dollars to? 21 A. To the gallery. 22 Q. By check, by wire transfer -- 23 A. Either. 24 Q. -- or does it not matter? 25 A. One of the two.</p>	<p style="text-align: right;">Page 49</p> <p>1 Gagosian 2 Q. Does the Gagosian Gallery have a 3 website? 4 A. Yes, we do. 5 Q. Did you -- withdrawn. 6 Did your website publicize the fact 7 that the Canal Zone show was about to open? 8 A. I would imagine so. 9 Q. Did Gagosian Gallery issue a press 10 release stating that the show was going to open, 11 the Prince show was going to open? 12 A. We always do. 13 Q. Are you aware that Mr. Prince was 14 interviewed by Interview Magazine shortly before 15 the Canal Zone show opened? 16 A. I don't recall. 17 Q. Do you know if Gagosian Gallery 18 arranged such an interview for Mr. Prince? 19 A. It wouldn't -- that wouldn't be the 20 case usually. 21 Q. Do you know Glenn O'Brien? 22 A. I do. 23 Q. Do you recall, now that I've 24 mentioned his name, that he interviewed 25 Mr. Prince in Interview Magazine?</p>

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1 Gagosian
 2 A. It's possible, I just don't --
 3 I don't have a specific recollection.
 4 Q. Do you know whether Gagosian Gallery
 5 sent JPEGs of images from the Canal Zone show to
 6 Interview Magazine to be used in connection with
 7 the publication of the Prince interview?
 8 A. I don't have a specific
 9 recollection.
 10 Q. Do you know if Interview Magazine
 11 had a slide show in connection with the Canal
 12 Zone exhibition on its website?
 13 A. I didn't know that.
 14 Q. Was Peter Brant the owner of
 15 Interview Magazine in 2008, if you know?
 16 A. I know he bought it recently. I
 17 don't know the date that he bought it, so I
 18 don't know who was the owner at that point.
 19 Q. Was there a -- withdrawn.
 20 The show opened on November 8th,
 21 2008. Was there a dinner in connection with
 22 the opening of the show?
 23 A. I'm sure there was.
 24 Q. Do you recall?
 25 A. I don't recall exactly.

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1 Gagosian
 2 Q. Do you recall going to it?
 3 A. I'm sure I did.
 4 Q. Was it -- let me see if I can help
 5 you. Was it in the Gramercy Park Hotel?
 6 MS. BART: Well, objection. The
 7 witness has testified that he doesn't
 8 recall.
 9 MR. BROOKS: Right. And I can --
 10 I'm entitled to help his recollection.
 11 BY MR. BROOKS:
 12 Q. Do you recall a dinner in the
 13 Gramercy Park Hotel, which is right near
 14 Gramercy Park?
 15 A. I honestly don't, but --
 16 Q. Do you recall having any
 17 involvement, you personally, in preparing the
 18 invitation list for the dinner in connection
 19 with the opening of the Canal Zone show?
 20 A. What I almost always do is review a
 21 list. I'm given a list and I'll sometimes take
 22 somebody's name off or add somebody's name, but
 23 it's usually pre-prepared.
 24 Q. And did you do that in connection
 25 with the dinner for the opening of this show?

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1 Gagosian
 2 A. I almost always do.
 3 Q. But you don't remember?
 4 A. I don't have specific recollection.
 5 Q. Okay.
 6 (Discussion off the record.)
 7 MR. BROOKS: This is 48.
 8 (Plaintiff's Exhibit 48, series of
 9 e-mails, was marked for identification, as
 10 of this date.)
 11 MR. BROOKS: Plaintiff's Exhibit 48
 12 is a series of -- again, a series of
 13 e-mails.
 14 MS. BART: It's just a compilation,
 15 not that they're one sequence, correct?
 16 MR. HAYES: They don't appear to be
 17 a chain.
 18 MR. BROOKS: I'm not sure.
 19 MS. BART: They're not.
 20 MR. HAYES: No, they're not a chain.
 21 BY MR. BROOKS:
 22 Q. Again, take your time, look them
 23 over, tell me when you're ready and I'll ask you
 24 some questions.
 25 A. Okay.

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1 Gagosian
 2 Q. On the first page of Exhibit 48,
 3 stamp 3313 at the bottom, who is Victoria
 4 Gelfand, is she in your London --
 5 A. Yes.
 6 Q. -- gallery?
 7 A. Yes.
 8 MS. BART: Let him finish his
 9 question.
 10 Q. And then Karen Ho, H-O, does she
 11 also work for Gagosian Galleries?
 12 A. I think so.
 13 Q. She has a Gagosian.com e-mail
 14 address apparently?
 15 A. Yeah. Yeah, then she must.
 16 Q. She says to Victoria Gelfand, as per
 17 LG, he needs to approve everyone we are inviting
 18 to the Prince dinner, is that correct?
 19 A. That's what it says.
 20 Q. Was that -- good point. That was a
 21 bad question. I didn't mean is that what it
 22 says. What I mean is is that an accurate
 23 statement by her that you had to approve
 24 everyone who was invited?
 25 A. Yes, I think so.

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1 Gagosian
2 Q. Next page, again, that's another
3 e-mail from Karen Ho, it's similar to the one we
4 just looked at, so I'll pass to the third one.
5 Now, here's an e-mail from Rysia
6 Murphy saying that you took some names off the
7 list, is that your recollection that you did
8 that?
9 A. I don't have a specific
10 recollection.
11 Q. It's something you would do?
12 A. Yes.
13 Q. The next page has -- it says,
14 Subject, For LG to check for Prince opening and
15 dinner. And it says at the top, Please ask LG
16 if he would like any of these people to be
17 invited. I assume you don't know which people
18 that refers to, correct?
19 A. No.
20 Q. How about further down it says
21 something spelled wrong, but it says something
22 about Guggenheim's original list. Do you have
23 any idea what that refers to?
24 A. Not -- not really.
25 Q. Do you normally or typically invite

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1 Gagosian
2 people from the Guggenheim museum to these types
3 of openings?
4 MS. BART: Objection, form.
5 Q. You can answer.
6 A. Not typical or normal. It just
7 depends.
8 Q. Sometimes you do?
9 MS. BART: Objection, form.
10 Q. You can answer.
11 A. Yeah, sometimes we do.
12 Q. The next page, which is 3375 at the
13 bottom, Rysia Murphy, who I think you've
14 identified, says, Please just make sure it is
15 not sent to anyone that has not been approved by
16 LG as he is being very strict about this dinner.
17 Is she correct in saying that you
18 were being very strict about that dinner?
19 MS. BART: Objection, form.
20 A. I don't remember what that meant,
21 but it's -- I just take it at face value. I
22 really don't remember why I was being strict.
23 Maybe I'm always strict.
24 MS. BART: Or if you were.
25 Q. And the last page attaches the most

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1 Gagosian
2 up-to-date dinner list and states, As you know,
3 LG has been super-intense about who is invited,
4 et cetera, do you see that, from Rysia Murphy?
5 A. Yeah.
6 Q. Do you have a recollection of
7 being --
8 A. Super-intense?
9 Q. -- super-intense about this
10 particular dinner?
11 A. No.
12 (Discussion off the record.)
13 BY MR. BROOKS:
14 Q. Ready?
15 A. Yeah.
16 MR. BROOKS: I'd like to mark as
17 Plaintiff's Exhibit 49 an e-mail.
18 (Plaintiff's Exhibit 49, e-mail
19 dated October 23, 2008, was marked for
20 identification, as of this date.)
21 Q. Just for the record, the e-mail is
22 dated October 23, 2008. And it's from Meredith
23 Dunn, D-U-N-N, to a number of addressees.
24 Mr. Gagosian, I believe earlier
25 today you said that curating a show like this

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1 Gagosian
2 was a collaborative effort. Do you remember
3 saying that?
4 A. Yeah, usually, right.
5 Q. And in this case it was?
6 A. Yes.
7 Q. And I think you mentioned somebody
8 named Sam in that answer, do you recall?
9 A. Yes, I do.
10 Q. And is this Sam Orlofsky --
11 A. Yes.
12 Q. Is he one of the people who was
13 involved? Yes?
14 A. Yeah.
15 MS. BART: You have to answer yes or
16 no.
17 MR. BROOKS: What's the problem?
18 MS. BART: I was just saying he has
19 to answer yes or no.
20 THE WITNESS: She's telling me how
21 to answer.
22 MS. BART: Well, no, I'm not. I'm
23 just saying --
24 MR. BROOKS: I know what you mean.
25 THE WITNESS: The form of answer.

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<p>1 Gagosian</p> <p>2 MR. BROOKS: Right. She's saying</p> <p>3 you shouldn't nod your head.</p> <p>4 THE WITNESS: Right.</p> <p>5 BY MR. BROOKS:</p> <p>6 Q. Sam Orlofsky works for you?</p> <p>7 A. Yes, he does.</p> <p>8 Q. These other people -- and I'm not</p> <p>9 going to read all the names, but the other</p> <p>10 people listed on this Exhibit 49 -- A, were they</p> <p>11 all Gagosian employees, and, B, were any of them</p> <p>12 involved in curating the show?</p> <p>13 A. I don't recall which of them were</p> <p>14 involved specifically, no.</p> <p>15 Q. Are they all Gagosian employees, to</p> <p>16 your knowledge?</p> <p>17 A. I would assume so.</p> <p>18 Q. You mentioned a Candy Coleman</p> <p>19 before, do you recall that?</p> <p>20 A. Yes.</p> <p>21 Q. And she's -- her name seems to be in</p> <p>22 the middle of this list of addressees, do you</p> <p>23 see that?</p> <p>24 A. I do.</p> <p>25 Q. If I asked you this before, I</p>	<p>1 Gagosian</p> <p>2 museum status. So it's a mix of people, but you</p> <p>3 always want to include customers.</p> <p>4 Q. And do you also want to include</p> <p>5 celebrities to generate some buzz for the show?</p> <p>6 A. Yeah --</p> <p>7 MS. BART: Objection, form, and</p> <p>8 asked and answered.</p> <p>9 Q. You can answer.</p> <p>10 A. Yeah. Yeah.</p> <p>11 Q. So in connection with this</p> <p>12 particular show -- withdrawn.</p> <p>13 MR. BROOKS: Let's mark as</p> <p>14 Plaintiff's Exhibit 50 an e-mail -- this</p> <p>15 is a string of e-mails in October 2008.</p> <p>16 (Plaintiff's Exhibit 50, string of</p> <p>17 e-mails, was marked for identification, as</p> <p>18 of this date.)</p> <p>19 Q. The first e-mail appears to be from</p> <p>20 Barbara Wilhelm Dwek, D-W-E-K. Is she somebody</p> <p>21 who works at the gallery at which the show took</p> <p>22 place?</p> <p>23 A. At that time I believe she did.</p> <p>24 Q. And there's an e-mail above that</p> <p>25 from Karen Ho saying these are the people</p>
<p>Page 59</p> <p>1 Gagosian</p> <p>2 apologize, but where does she work?</p> <p>3 A. Los Angeles.</p> <p>4 Q. I think you said that, right.</p> <p>5 Were celebrities invited to this</p> <p>6 dinner?</p> <p>7 A. I don't recall.</p> <p>8 Q. Were people from MOMA invited?</p> <p>9 A. Most likely.</p> <p>10 Q. And that would be an acronym for the</p> <p>11 Museum of Modern Art?</p> <p>12 A. Correct.</p> <p>13 Q. Were people from the Guggenheim and</p> <p>14 Whitney museums invited?</p> <p>15 A. I would assume so.</p> <p>16 Q. And then it says and other clients</p> <p>17 who will, capital letters, buy his work. Did</p> <p>18 you play a role in making sure that the clients</p> <p>19 who were invited would be likely to buy</p> <p>20 Mr. Prince's work?</p> <p>21 MS. BART: Objection, form.</p> <p>22 A. Well, you want to invite a range of</p> <p>23 people, some of them because they're friends of</p> <p>24 the artist, some of them because they're known</p> <p>25 to collect the work, others because they have a</p>	<p>Page 61</p> <p>1 Gagosian</p> <p>2 Barbara wants to invite to the dinner after</p> <p>3 receiving LG's e-mail. And it says yes or no.</p> <p>4 And then Melissa Lazarov wrote Karen Ho saying</p> <p>5 will run these names by LG for approval.</p> <p>6 MS. BART: Will you run these</p> <p>7 e-mails.</p> <p>8 MR. BROOKS: I'm sorry, you're</p> <p>9 right. Will you run these names by LG</p> <p>10 for approval. Thank you.</p> <p>11 BY MR. BROOKS:</p> <p>12 Q. And then the final e-mail at the top</p> <p>13 of the chain is from Vanessa Riding. Again, her</p> <p>14 position?</p> <p>15 A. Personal assistant.</p> <p>16 Q. To you?</p> <p>17 A. Yes.</p> <p>18 Q. And it says before Larry approves</p> <p>19 this list he would like to know if you have sold</p> <p>20 any art to these people. If so, he would like</p> <p>21 to see proof. Do you have any recollection of</p> <p>22 that?</p> <p>23 A. No.</p> <p>24 Q. You don't know what kind of proof</p> <p>25 you were requesting?</p>

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<p>1 Gagosian</p> <p>2 MS. BART: Objection, form.</p> <p>3 A. Well, I mean it could just be she</p> <p>4 could just call me, you know, I mean she</p> <p>5 wouldn't have to present me with an invoice.</p> <p>6 I would take her word for it on the phone.</p> <p>7 It's just a way of limiting the number of</p> <p>8 guests. Every salesperson wants to invite a</p> <p>9 bunch of their friends, so we try to vet them a</p> <p>10 little bit.</p> <p>11 Q. Vet them in terms of what?</p> <p>12 A. In terms of whether they're going to</p> <p>13 contribute either commercially or in some other</p> <p>14 way.</p> <p>15 MR. BROOKS: I'd like to mark as</p> <p>16 Plaintiff's Exhibit 51 another chain of</p> <p>17 e-mails dated October 31st, 2008.</p> <p>18 (Plaintiff's Exhibit 51, e-mail</p> <p>19 chain, was marked for identification, as</p> <p>20 of this date.)</p> <p>21 Q. I think this might be a new name,</p> <p>22 Andrea Crane with a C?</p> <p>23 A. Right.</p> <p>24 Q. Does she work for Gagosian</p> <p>25 Galleries?</p>	<p>1 Gagosian</p> <p>2 appears to be a copy of the invitation to</p> <p>3 the Canal Zone show.</p> <p>4 (Plaintiff's Exhibit 52, copy of</p> <p>5 invitation to Canal Zone show, was marked</p> <p>6 for identification, as of this date.)</p> <p>7 Q. Mr. Gagosian, do you recognize and</p> <p>8 can you identify Plaintiff's Exhibit 52?</p> <p>9 A. Appears to be a facsimile of the</p> <p>10 invitation.</p> <p>11 Q. Have you heard this particular</p> <p>12 individual who's depicted in the invitation</p> <p>13 referred to as the blue, B-L-U-E, Rasta man?</p> <p>14 A. Yeah --</p> <p>15 MS. BART: Has he heard that?</p> <p>16 MR. BROOKS: Yes.</p> <p>17 A. What do you mean have I heard it?</p> <p>18 Q. Have you heard that?</p> <p>19 A. I don't remember.</p> <p>20 Q. This invitation, is this the same</p> <p>21 thing as what you were describing before as</p> <p>22 being an announcement card?</p> <p>23 A. Correct.</p> <p>24 Q. And these were mailed out before the</p> <p>25 show?</p>
Page 63	Page 65
<p>1 Gagosian</p> <p>2 A. Yes, she does.</p> <p>3 Q. What does she do?</p> <p>4 A. She's -- she works in our</p> <p>5 impressionist department and she's a</p> <p>6 salesperson.</p> <p>7 Q. And she was one of the people who</p> <p>8 wanted to invite certain people to the dinner,</p> <p>9 is that correct?</p> <p>10 A. Apparently.</p> <p>11 Q. At the top it says that Karen Ho is</p> <p>12 saying I spoke to Andrea Crane and the other</p> <p>13 invites are collectors and their parents are the</p> <p>14 wealthiest people in Holland worth 5 billion.</p> <p>15 Do you have any recollection of that?</p> <p>16 A. No.</p> <p>17 Q. Do you know who those people are?</p> <p>18 MS. BART: Objection. I'm going to</p> <p>19 instruct the witness not to disclose the</p> <p>20 name of the clients.</p> <p>21 A. I don't recall. I don't know who</p> <p>22 they are actually.</p> <p>23 MR. BROOKS: We talked about the</p> <p>24 invitation before briefly, so I'd like to</p> <p>25 mark as Plaintiff's Exhibit 52 what</p>	<p>1 Gagosian</p> <p>2 A. Right.</p> <p>3 Q. Do you know how many were mailed</p> <p>4 out?</p> <p>5 A. I don't know the exact number.</p> <p>6 Q. Would it be correct to say it was</p> <p>7 thousands?</p> <p>8 MS. BART: Objection, form, and</p> <p>9 caution the witness not to guess.</p> <p>10 A. I really don't -- I don't know how</p> <p>11 many we mail out. I really don't know that</p> <p>12 number.</p> <p>13 Q. Did you review the invitation before</p> <p>14 it was mailed out?</p> <p>15 A. I always do.</p> <p>16 Q. Did you have any input into which</p> <p>17 image should be used in the invitation?</p> <p>18 A. Usually.</p> <p>19 Q. And in this case?</p> <p>20 A. I always have input. It's not --</p> <p>21 I don't always have the last word however.</p> <p>22 Q. Do you know where that image was</p> <p>23 taken from?</p> <p>24 MS. BART: Objection, form.</p> <p>25 A. I really don't know.</p>

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<p>1 Gagosian</p> <p>2 Q. I think you said you weren't sure if</p> <p>3 celebrities were invited to the dinner, correct,</p> <p>4 this particular dinner?</p> <p>5 A. I guess I meant I didn't know which</p> <p>6 ones. I don't remember. I don't remember if</p> <p>7 they were or who. I don't remember.</p> <p>8 Q. Let me try to help you --</p> <p>9 A. If you give me a name --</p> <p>10 Q. -- recollect.</p> <p>11 A. -- maybe I can respond.</p> <p>12 Q. Let's talk about musical artists</p> <p>13 first. Bono?</p> <p>14 A. I don't remember.</p> <p>15 Q. Mick Jagger?</p> <p>16 A. I don't remember.</p> <p>17 Q. Sir Paul McCartney?</p> <p>18 A. I don't remember.</p> <p>19 Q. Jon Bon Jovi?</p> <p>20 A. I don't remember.</p> <p>21 Q. You know him, right?</p> <p>22 A. I know all those people.</p> <p>23 Q. Beyoncé?</p> <p>24 A. I don't remember.</p> <p>25 Q. Kanye West?</p>	<p>1 Gagosian</p> <p>2 Q. And what does he do?</p> <p>3 A. He's a financial guy in New York.</p> <p>4 Q. A private equity fund?</p> <p>5 A. Yes.</p> <p>6 Q. Henry Kravis?</p> <p>7 A. Yeah.</p> <p>8 Q. He was invited?</p> <p>9 A. You know, I don't -- let me tell</p> <p>10 you, I don't remember -- I don't remember who</p> <p>11 was on the guest list, but those are names that</p> <p>12 are typically on our guest lists. So I would</p> <p>13 assume they were invited, but I don't have a</p> <p>14 specific recollection.</p> <p>15 Q. How about, do you know who Steven</p> <p>16 A. Cohen is?</p> <p>17 A. I do.</p> <p>18 Q. Does he have a company called SAC, a</p> <p>19 hedge fund?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. Is he a fairly substantial</p> <p>22 collector?</p> <p>23 MS. BART: Objection, form.</p> <p>24 A. Yes, he is.</p> <p>25 Q. Sorry?</p>
Page 67	Page 69
<p>1 Gagosian</p> <p>2 MS. BART: I'm sorry, I couldn't</p> <p>3 hear the name.</p> <p>4 Q. Kanye West?</p> <p>5 A. Let me just say these people, all</p> <p>6 these people could have been invited but I don't</p> <p>7 have a specific recollection.</p> <p>8 Q. Let me ask you about actors.</p> <p>9 Leonardo DiCaprio?</p> <p>10 A. I don't recall.</p> <p>11 Q. Tobey Maguire.</p> <p>12 A. I don't recall.</p> <p>13 Q. Philip Seymour Hoffman?</p> <p>14 A. I don't recall.</p> <p>15 Q. Renée Zellweger?</p> <p>16 A. I don't recall.</p> <p>17 Q. Penelope Cruz?</p> <p>18 A. I just don't have a memory like</p> <p>19 that. You can list a hundred names, I just</p> <p>20 don't remember who's on the list and who's not.</p> <p>21 Q. Let me ask you about people from</p> <p>22 finance. Do you recall these people being</p> <p>23 invited? Leon Black?</p> <p>24 A. He would -- he's on most of our --</p> <p>25 on our list.</p>	<p>1 Gagosian</p> <p>2 A. Yes, he's a substantial collector.</p> <p>3 Q. For instance, he owns Damien Hirst's</p> <p>4 Shark?</p> <p>5 MS. BART: Objection, form.</p> <p>6 Q. Correct?</p> <p>7 A. Yes, he owns it.</p> <p>8 Q. And Damien Hirst was invited to the</p> <p>9 show, right, to the dinner?</p> <p>10 A. Yeah, we represent Damien Hirst, so</p> <p>11 we almost always invite artists that we</p> <p>12 represent.</p> <p>13 Q. Do you represent John Currin?</p> <p>14 A. Yes, I do.</p> <p>15 Q. C-U-R-R-I-N.</p> <p>16 Was he invited?</p> <p>17 A. Most likely.</p> <p>18 Q. Did Steven A. Cohen buy any of the</p> <p>19 pieces that were part of the Canal Zone show?</p> <p>20 A. Yes, he did.</p> <p>21 Q. Do you remember which one or ones?</p> <p>22 A. I believe he bought one. I don't</p> <p>23 recall the title of it.</p> <p>24 Q. And who is Michael Evans, do you</p> <p>25 know?</p>

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<p>1 Gagosian</p> <p>2 A. I think he's a collector, yeah.</p> <p>3 Q. Did he buy one of the Canal Zone</p> <p>4 paintings?</p> <p>5 A. I don't remember specifically.</p> <p>6 Q. Do you sometimes invite people who</p> <p>7 are famous just for being famous to these shows,</p> <p>8 if you know what I mean?</p> <p>9 MS. BART: Objection, form. I don't</p> <p>10 know what you mean.</p> <p>11 A. I don't understand the question.</p> <p>12 MR. BROOKS: Let's see if he knows.</p> <p>13 BY MR. BROOKS:</p> <p>14 Q. Do you know who Baby Jane Holzer is?</p> <p>15 A. She's an art collector.</p> <p>16 Q. Was she invited?</p> <p>17 A. She could have been.</p> <p>18 MS. BART: Don't guess.</p> <p>19 A. I don't remember. I don't remember</p> <p>20 any of these names.</p> <p>21 Q. How about Nikki and Paris Hilton?</p> <p>22 A. That would surprise me.</p> <p>23 Q. How about Mary-Kate and Ashley</p> <p>24 Olsen?</p> <p>25 A. Possible.</p>	<p>1 Gagosian</p> <p>2 (Discussion off the record.)</p> <p>3 Q. So we're not marking this. It was</p> <p>4 marked Tuesday.</p> <p>5 A. This is a guest list.</p> <p>6 Q. That's what I'm going to ask you.</p> <p>7 This is a --</p> <p>8 MS. BART: You've got 35 and 30 and</p> <p>9 23.</p> <p>10 MR. BROOKS: That's a mistake. It</p> <p>11 should be just -- can you give us back</p> <p>12 some.</p> <p>13 MS. BART: Yes. Here you go.</p> <p>14 MR. BROOKS: Okay. Thank you for</p> <p>15 pointing that out.</p> <p>16 MS. BART: No problem. Here you go.</p> <p>17 BY MR. BROOKS:</p> <p>18 Q. Okay. So now you should just have</p> <p>19 Plaintiff's 35 in front of you, which is a</p> <p>20 seven-page document. Do you recognize it?</p> <p>21 A. Yeah.</p> <p>22 Q. This is the guest list from that</p> <p>23 show?</p> <p>24 A. It seems to be.</p> <p>25 Q. And do you see Nikki and Paris</p>
Page 71	Page 73
<p>1 Gagosian</p> <p>2 Q. Why would it surprise you if Nikki</p> <p>3 and Paris Hilton were --</p> <p>4 A. Because they wouldn't be the type of</p> <p>5 people I would invite to an opening.</p> <p>6 Q. How about the Bush daughters, Lauren</p> <p>7 and Barbara Bush, the daughters of President</p> <p>8 George W. Bush?</p> <p>9 A. They could have been. We know them.</p> <p>10 Q. Tom Brady?</p> <p>11 A. I don't remember. I just don't</p> <p>12 remember these names.</p> <p>13 Q. All right. I'm going to show you</p> <p>14 Exhibit --</p> <p>15 MS. BART: I'm going to object to</p> <p>16 this line of questioning, asking him to</p> <p>17 testify about his memory about a guest</p> <p>18 list. But --</p> <p>19 A. Yeah, I don't get the -- I'm not</p> <p>20 a lawyer, but I don't understand what the</p> <p>21 importance is.</p> <p>22 MS. BART: Well; that's --</p> <p>23 Q. All right. I'm going to show you</p> <p>24 what was marked Tuesday when Mr. Prince</p> <p>25 testified as Plaintiff's Exhibit 35.</p>	<p>1 Gagosian</p> <p>2 Hilton? It's alphabetical.</p> <p>3 A. There they are.</p> <p>4 Q. I don't want to belabor this and</p> <p>5 spend a lot of time with it --</p> <p>6 MS. BART: Good.</p> <p>7 Q. -- but if you look at this, can you</p> <p>8 recall which people, let's say on the first</p> <p>9 page, actually attended at the dinner rather</p> <p>10 than simply being invited, if you can</p> <p>11 remember --</p> <p>12 A. Rather than what?</p> <p>13 Q. Actually attended the dinner rather</p> <p>14 than simply being invited to the dinner?</p> <p>15 MS. BART: You want him to go</p> <p>16 through this?</p> <p>17 Q. No, I mean on just the first page,</p> <p>18 do you remember some -- specifically people that</p> <p>19 were there?</p> <p>20 A. I really don't have a recollection.</p> <p>21 MS. BART: You shouldn't guess.</p> <p>22 A. I don't know.</p> <p>23 Q. No, I don't want you to guess.</p> <p>24 A. There's no way I can remember that.</p> <p>25 Q. All right. Do you recall if you</p>

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<p>1 Gagosian 2 attended that particular dinner? 3 MS. BART: Objection, form, and 4 asked and answered. 5 Q. At the Gramercy Park Hotel? 6 A. I did. I think so. 7 Q. I've noticed a number of models on 8 this list; Tom Brady's wife, Elle Macpherson; 9 Kate Moss; Christy Turlington; Lauren Hutton; 10 what's the reason for inviting models to a 11 dinner for an art opening? 12 A. They look good at a dinner table. 13 Q. Do you know who Alberto Mugarbi is? 14 A. He's an art dealer and friend of 15 mine. 16 Q. Do you know if he was at the dinner? 17 Do you know if he was at the dinner? 18 A. I don't recall specifically. 19 Q. Do you know if he bought one of the 20 works in the Canal Zone show? 21 A. That I don't remember. 22 Q. Do you know who Jeanne, J-E-A-N-N-E, 23 Greenberg hyphen Rohatyn, R-O-H-A-T-Y-N, is? 24 A. I know who she is. 25 Q. And who is she?</p>	<p>1 Gagosian 2 Do you know if a painting was held 3 for him or purchased by him? 4 A. I don't think he bought one. 5 I don't recall him buying one. 6 Q. Do you recall holding some of 7 the paintings for Leonardo DiCaprio and 8 Tobey Maguire? 9 A. Yes, I do. 10 Q. Do you know if either of them bought 11 any of these Richard Prince paintings? 12 A. When you say either of them who are 13 you referring to? 14 Q. Leonardo DiCaprio and Tobey Maguire? 15 A. I don't think they bought -- at the 16 end of the day they didn't buy. 17 Q. The painting or paintings that were 18 held, were they held for them jointly? 19 MS. BART: Objection, form. 20 Q. If you remember. 21 A. My recollection is that they were 22 going to buy one painting jointly. 23 Q. Is that unusual? 24 A. Extremely -- 25 MS. BART: Objection, form.</p>
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<p>1 Gagosian 2 A. She's an art dealer and collector. 3 Q. And did she buy one of the Richard 4 Prince Canal Zone paintings? 5 A. She did buy one. 6 Q. Do you remember which one? 7 A. No, I don't. 8 Q. And Philip and Stavros Niarchos, 9 they're on the list, do you know if either of 10 them attended? 11 A. It's a father and son. I don't 12 remember. Maybe Stavros. 13 Q. Are they in shipping? 14 A. It's a family business. I don't 15 really know what they do. 16 Q. Did either of them buy a Richard 17 Prince Canal Zone painting, if you know? 18 Did either of them buy a Richard 19 Prince Canal Zone painting? 20 A. Philip. Philip did. 21 Q. And is he the father or the son? 22 A. He's the father. 23 Q. And do you know Mark Jacobs? 24 A. I do. 25 Q. He's a designer?</p>	<p>1 Gagosian 2 Q. You can answer. 3 A. Extremely. 4 Q. All right. Could you look at 5 the invitation again one more time? It's 6 Exhibit 52. 7 Do you know if at the end of the 8 show excess invitations were left over? 9 Do you understand what I'm saying? 10 A. Usually that's the case. 11 Q. And are they then usually discarded? 12 A. No, not as a rule. I think we -- 13 I think we hold onto them. I don't think we 14 throw them away. 15 Q. Do you ever sell them? 16 A. I think we have from time to time. 17 Q. To what types of entities do you 18 sell them to? 19 MS. BART: Objection, form. Are we 20 talking about this invitation or -- 21 MR. BROOKS: Yes. 22 MS. BART: -- are we talking about 23 invitations generally? 24 MR. BROOKS: First in general and 25 then I'll get to this one.</p>

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1 Gagosian
 2 remember?
 3 MS. BART: Objection, form.
 4 A. There was, yeah, a large collage
 5 piece that Richard made.
 6 Q. And was the subject -- withdrawn.
 7 Were the images in the collage
 8 Rastafarians?
 9 MS. BART: Objection, form.
 10 Q. You can answer.
 11 A. Yes.
 12 Q. And do you recall what the other
 13 paintings were about, if you remember?
 14 A. They were not paintings about
 15 Rastafarians, as I recall, they were different
 16 subject matter.
 17 Q. Did it have anything -- did those
 18 paintings have anything to do with this pitch,
 19 which apparently was displayed on the wall of
 20 that exhibition?
 21 A. It's possible. I don't recall.
 22 Q. Do you recall the pitch -- and I'm
 23 just using Mr. Prince's term -- being on the
 24 wall of that exhibition?
 25 A. I think so. I mean I know he was

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1 Gagosian
 2 debating whether to put it on or not. I think
 3 it ended up -- I don't remember if it ended up
 4 being on the wall or not. He was kind of torn
 5 about it.
 6 MR. BROOKS: Let's mark as -- so now
 7 we go back to number 54.
 8 (Plaintiff's Exhibit 54, e-mail, was
 9 marked for identification, as of this
 10 date.)
 11 Q. This is in September of 2008. And
 12 Allison McDonald is saying that Melissa Lazarov
 13 I guess had requested that she send the Ding
 14 Dong the Witch is Dead text to you to read.
 15 It's attached but not final.
 16 Do you have a recollection of that
 17 happening in or about September 2008?
 18 A. No, I don't.
 19 Q. Again, I may have asked you this
 20 before, but do you recall reading it before it
 21 went into final?
 22 A. I don't remember.
 23 MS. BART: The it?
 24 Q. The Ding Dong the Witch is Dead?
 25 A. I don't remember.

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1 Gagosian
 2 Q. When you found out -- withdrawn.
 3 How did you find out that James Frey
 4 was going to be the author of this essay in the
 5 Canal Zone catalog?
 6 A. I think Richard informed me.
 7 Q. Did you know who James Frey was
 8 then?
 9 A. Yes, I did.
 10 Q. Did you know he had written a memoir
 11 called A Million Little Pieces?
 12 A. Yes.
 13 Q. That turned out not to be a memoir?
 14 A. I don't know what constitutes a
 15 memoir.
 16 Q. Did you ever see -- did you see him
 17 on the Oprah Winfrey show?
 18 A. I don't watch Oprah.
 19 Q. Do you know about that episode?
 20 A. It's pretty famous. Yes, I do.
 21 Q. Despite that, you didn't have an
 22 objection to him being the person writing the
 23 essay I take it?
 24 MS. BART: Objection, form, and
 25 argumentative.

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1 Gagosian
 2 A. Absolutely not.
 3 MR. HAYES: I'm going to step out
 4 for just a minute, but keep going.
 5 MR. BROOKS: You sure?
 6 MR. HAYES: Yeah. Is it okay if I
 7 step out for a minute?
 8 MR. BROOKS: It's okay with me.
 9 I don't mind taking a break.
 10 MR. HAYES: Pardon?
 11 MR. BROOKS: I don't mind taking a
 12 short break.
 13 MS. BART: Why don't we just take a
 14 short break --
 15 MR. HAYES: I don't want to
 16 interrupt --
 17 THE WITNESS: Why are we taking a
 18 break? Let's keep going.
 19 MS. BART: All right. Well, if
 20 you're all right to keep going --
 21 MR. BROOKS: I think I might have to
 22 have the same --
 23 MS. BART: You need to take a break?
 24 MR. BROOKS: I think I need to also.
 25 I didn't take one -- I'm going to do my

Page 114	Page 116
<p>1 Gagosian 2 best to expedite this. You're not going 3 to be here all day. 4 THE VIDEOGRAPHER: 12:13. Off the 5 record. 6 (Recess taken: 12:13 p.m.) 7 (Proceedings resumed: 12:16 p.m.) 8 THE VIDEOGRAPHER: 12:16. On the 9 record. 10 MR. BROOKS: Can you read back the 11 last question and answer, unless it's very 12 long. 13 I remember. I asked you if it was 14 okay -- 15 (Record read.) 16 BY MR. BROOKS: 17 Q. Did you want Mr. Frey's name to be 18 on the title page of the Canal Zone exhibition 19 book? 20 A. I don't think I had any opinion on 21 that. 22 MR. BROOKS: Let's mark as 23 Plaintiff's Exhibit 55 an e-mail dated 24 September 25th, 2008. 25 MS. BART: Someone's at the door.</p>	<p>1 Gagosian 2 front of him. 3 A. I don't remember. 4 Q. Okay. Now, down about eight lines 5 it says, Please include, quote, essay, unquote, 6 or, quote, text by James Frey, unquote, in the 7 title page, they want the book to come up if you 8 Google James Frey. Do you see that? 9 A. I do. 10 Q. And do you have any recollection of 11 making that wish known to anyone? 12 A. No. 13 MS. BART: I note that the Re line 14 reads, Subject, Richard Prince printing 15 layout notes from M. Laz. 16 MR. BROOKS: Right. And it says, 17 M. Laz LG notes on Prince right beneath 18 the subject line. 19 BY MR. BROOKS: 20 Q. Were you involved at all in the 21 pricing of the paintings that were part of the 22 Canal Zone show? 23 A. Yes. 24 Q. Can you tell us generally what role 25 you played in the pricing of the paintings?</p>
Page 115	Page 117
<p>1 Gagosian 2 (Interruption.) 3 (Plaintiff's Exhibit 55, e-mail 4 dated September 25, 2008, was marked for 5 identification, as of this date.) 6 (Witness looks at exhibit.) 7 Q. Mr. Gagosian, this I think is a new 8 name I haven't seen before, Darlina Goldak, 9 G-O-L-D-A-K. Does she also work for you, if you 10 know? 11 A. I guess so. 12 Q. It says at the top, M. Laz, that's 13 Melissa Lazarov? 14 A. Mm-hmm, yes. 15 Q. And then it says, LG notes on 16 Prince. First, it says they would like the blue 17 man Rasta -- withdrawn -- they would like the 18 blue Rasta man on the cover. 19 Do you remember I asked you this 20 before if the figure on Exhibit 52 had ever been 21 known as a blue Rasta man? 22 A. I don't know. 23 MS. BART: Hold on. 24 Q. You still don't know? Okay. 25 MS. BART: Let's get Exhibit 52 in</p>	<p>1 Gagosian 2 A. It's the same role I play usually 3 with every artist. We have a conversation and 4 discuss where we think the appropriate price 5 level should be. And I sometimes also discuss 6 it with other people in the gallery just to get 7 different points of view and try to come up with 8 what seems like the right number. 9 MR. BROOKS: I'm going to mark as 10 Plaintiff's 56 a series of e-mails. 11 (Plaintiff's Exhibit 56, series of 12 e-mails, was marked for identification, as 13 of this date.) 14 MS. BART: Again, this is a 15 compilation as opposed to a single 16 sequence for the record? 17 MR. BROOKS: I don't know. It 18 looks that way. Well, I think I have to 19 withdraw that. I think the first two are 20 related to each other. 21 MS. BART: The Re lines are 22 different. 23 BY MR. BROOKS: 24 Q. Do you have 3123 through 31 -- 3123, 25 3124, and 3150, are those the pages?</p>

Page 122	Page 124
<p>1 Gagosian 2 I'm going to spell this, S-I-M-U-N-O -- 3 A. Simunovic. 4 Q. How do you pronounce it? 5 A. Simunovic. 6 Q. Simunovic, V-I-C. 7 He works for you? 8 A. Yes, he does. 9 Q. He says he's meeting with the guy 10 who bought apparently two paintings. I'm trying 11 to sell him more prints. I will give him a 12 preview of the upcoming show which he'll see in 13 person when we come to New York on November 10. 14 Is there any way to visit Richard's studio in 15 Rensselaerville the week of November 10? Studio 16 visits are a major seduction for this guy. 17 Do you recall getting that e-mail? 18 A. I don't have a specific recollection 19 of it. 20 Q. And do you recall responding to 21 Mr. Simunovic -- 22 A. Simunovic. 23 Q. -- saying, Only if he buys another 24 painting, do you recall that? 25 A. No.</p>	<p>1 Gagosian 2 A. That's correct. 3 Q. Do you know where they're located? 4 A. I think some are in storage. I 5 don't know specific locations. 6 Q. Are any of them available for public 7 viewing currently, the unsold ones? 8 A. I don't know. 9 Q. I take it your company has a storage 10 facility? 11 MS. BART: Objection to form. 12 Q. Somewhere? 13 A. Yes. 14 Q. Do you have a photographer who works 15 for you, his first name is Rob, and I'm not 16 finding his last name right now? 17 A. Yes, I do. 18 Q. What's his last name? 19 A. McKeever. 20 Q. I asked if he works for you. He 21 works for your company, is that right? 22 A. That's right. 23 Q. Okay. 24 MR. BROOKS: We're going to mark as 25 Plaintiff's Exhibit 58 a series of e-mails</p>
Page 123	Page 125
<p>1 Gagosian 2 Q. Do you recall who this guy is? 3 A. No, I don't. 4 Q. And at the top Nick Simunovic wrote 5 that she said everything else was sold. Do you 6 have any idea what that refers to? 7 A. Honestly, I don't. 8 Q. Did you keep track before the show 9 started of the amount of inventory that remained 10 of these paintings? 11 MS. BART: And these being the Canal 12 Zone? 13 MR. BROOKS: You're right. 14 Q. These Canal Zone paintings? 15 A. I don't understand the question. 16 Q. I'm going to rephrase it. 17 The show opened on November 8, 2008. 18 Prior to that were you doing anything personally 19 to keep track of how many of the paintings still 20 had not been sold? 21 A. I always did with every show. 22 I mean -- 23 Q. At this point in time, right now as 24 we sit here today, some of the paintings have 25 not been sold, correct?</p>	<p>1 Gagosian 2 that were produced by the Gagosian 3 defendants. 4 (Plaintiff's Exhibit 58, series of 5 e-mails, was marked for identification, as 6 of this date.) 7 MS. BART: I'll note for the record 8 that these are just a composite grouping 9 of e-mails. 10 BY MR. BROOKS: 11 Q. Mr. Gagosian, let me know when 12 you're ready. 13 A. I'm ready. 14 Q. Okay. The first page of Exhibit 58, 15 before we get to what it shows, at the bottom 16 Rob has written, I still need to shoot these, 17 can I do them on Friday at Crozier? 18 Is that your Rob McKeever? 19 A. Yes. 20 Q. And do you have a practice of having 21 him photograph each of the paintings before it 22 goes in a show? 23 MS. BART: Objection, form. 24 Q. You can answer. 25 A. Yes.</p>

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<p>1 Gagosian</p> <p>2 Q. Do you know if he did it in this</p> <p>3 case?</p> <p>4 A. I would assume so.</p> <p>5 Q. Is that how you were able to send</p> <p>6 JPEGs to various people?</p> <p>7 MS. BART: Objection, form, and</p> <p>8 mischaracterizes his prior testimony.</p> <p>9 Q. You can answer.</p> <p>10 A. Yeah. Yes.</p> <p>11 Q. Now, this indicates that Steven</p> <p>12 Cohen purchased Especially Around Midnight, do</p> <p>13 you see that?</p> <p>14 A. Where are we, what page?</p> <p>15 Q. There's like a chart at the top --</p> <p>16 A. Oh, yeah.</p> <p>17 Q. The last entry indicates Steven</p> <p>18 Cohen purchased Especially Around Midnight, do</p> <p>19 you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Is that your recollection?</p> <p>22 A. I know he painted -- purchased a</p> <p>23 painting. I don't recall the title.</p> <p>24 Q. Okay. And the location given for</p> <p>25 that particular painting is CFA21. Do you have</p>	<p>1 Gagosian</p> <p>2 one of your two galleries in Chelsea?</p> <p>3 A. Yes, it is.</p> <p>4 Q. Is that the gallery where the Canal</p> <p>5 Zone exhibition took place?</p> <p>6 A. Yes.</p> <p>7 Q. On the next page Betsy Biscone,</p> <p>8 Mr. Prince's studio manager, is writing to</p> <p>9 Melissa Lazarov and copying you to the effect</p> <p>10 that Mr. Jones was sold to somebody for</p> <p>11 2-million dollars. Do you see that?</p> <p>12 A. Yes, I do.</p> <p>13 Q. And then it has instructions for</p> <p>14 invoicing that person. Do you see that?</p> <p>15 It's been redacted, but there</p> <p>16 appears --</p> <p>17 A. Yes, I see it.</p> <p>18 Q. And then the invoice is supposed to</p> <p>19 be faxed to that person. Do you see that?</p> <p>20 A. Yeah, I do.</p> <p>21 Q. And then the work should be sent</p> <p>22 to the above-mentioned address, which has been</p> <p>23 redacted, in other words, deleted, in DE.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>
<p>Page 127</p> <p>1 Gagosian</p> <p>2 any idea what that refers to?</p> <p>3 A. Not really.</p> <p>4 Q. And then it also indicates that --</p> <p>5 A. Oh, wait, I think I do actually.</p> <p>6 Q. What is it?</p> <p>7 A. Crozier Fine Art on 21st Street,</p> <p>8 their 21st Street location.</p> <p>9 Q. So that's where Rob was going to go</p> <p>10 to film, to photograph these?</p> <p>11 A. That I don't know.</p> <p>12 Q. And what does Crozier Fine Art have</p> <p>13 to do with your business, your company?</p> <p>14 A. They're a commercial art storage</p> <p>15 company.</p> <p>16 Q. Then the document also indicates</p> <p>17 that Michael Evans and Lise, L-I-S-E, Evans</p> <p>18 bought Mr. Jones, does that accord with your</p> <p>19 recollection?</p> <p>20 A. I don't have a recollection, but I</p> <p>21 take it at face value.</p> <p>22 Q. Did you know they bought something?</p> <p>23 A. I had -- I think I remember.</p> <p>24 Q. And there, the location for that</p> <p>25 one, 555 West 24th Street, is that your gallery,</p>	<p>Page 129</p> <p>1 Gagosian</p> <p>2 Q. Could you turn to the next page,</p> <p>3 please. This is from Melissa Lazarov saying</p> <p>4 that you just met with somebody who was going to</p> <p>5 buy two Richard Prince paintings, Back to the</p> <p>6 Garden and Cookie Crumble. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Oh, and a third one, a Rasta</p> <p>9 collage. Do you see those three?</p> <p>10 A. Yes, I do.</p> <p>11 Q. Now, do you know who that person</p> <p>12 was?</p> <p>13 A. I don't recall.</p> <p>14 Q. Do you know if somebody bought those</p> <p>15 three works?</p> <p>16 A. I don't recall.</p> <p>17 Q. Could you turn to the next page,</p> <p>18 please. Who is Rupert Burgess?</p> <p>19 A. He is -- he's an art adviser.</p> <p>20 Q. And it says, Dear Rupert -- this is</p> <p>21 from Melissa Lazarov -- Larry met with somebody</p> <p>22 and they are purchasing the attached. Please</p> <p>23 advise how you want me to invoice.</p> <p>24 And then, again, it refers to the</p> <p>25 same three works as the previous page, Back to</p>

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<p>1 Gagosian 2 MR. BROOKS: Well, let me -- that's 3 a bad question. 4 A. That's a bad question. 5 Q. Let me rephrase it. 6 A. I'm just agreeing. 7 Q. I agree. 8 Did this investigation have to do 9 with evasion on Mr. Waksal's part of sales tax 10 in connection with purchases of art from your 11 gallery? 12 MS. BART: Objection, form. And 13 I'll note specifically the use of the word 14 invasion -- evasion. 15 MR. BROOKS: Yes, I did. 16 A. So what are you asking again? 17 MR. BROOKS: I'm going to ask the 18 court reporter to read it again. And your 19 lawyer has objected, so she can object 20 again if she wants as many times as she 21 wants, but I'd like you to answer the 22 question. And then that's the last 23 question I have on this issue. 24 (Record read.) 25 MS. BART: Then there was an</p>	<p>1 Gagosian 2 Q. Did you barter a Larry Rivers 3 painting in exchange for some of these Richard 4 Prince Canal Zone paintings? 5 A. Yes, we did. 6 MS. BART: We being? 7 A. Richard and I made a trade, yeah. 8 Q. I don't know if barter is the right 9 word. You exchanged? 10 A. Yeah, trade, yeah. 11 Q. And the painting that you gave him 12 was called Dying and Dead Veteran, by Larry 13 Rivers? 14 A. Correct. 15 Q. 1961 or something? 16 A. Right. 17 Q. Is that right? 18 A. That's right. 19 Q. Were you the owner of that painting? 20 MS. BART: Objection, form. 21 A. Yes, I was. 22 Q. How much did you pay for it? 23 A. I don't remember. 24 Q. How much is it worth? 25 A. I don't know.</p>
Page 135	Page 137
<p>1 Gagosian 2 objection to form. 3 A. That was the point of the 4 investigation, sales tax by Waksal. 5 Q. Okay. 6 MR. BROOKS: Let's mark as 7 Plaintiff's 59 a couple of additional 8 e-mails -- actually, one e-mail dated 9 September 11, 2008. 10 (Plaintiff's Exhibit 59, e-mail 11 dated September 11, 2008, was marked for 12 identification, as of this date.) 13 Q. It appears you were CCed on this 14 e-mail, Mr. Gagosian. Do you see that? 15 A. Yes. 16 Q. And the subject is Evans RP 17 purchase, and attached is the Mr. Jones 18 painting, right? 19 A. Right. 20 Q. Do you know Mr. Evans? 21 MS. BART: Objection, form. 22 A. No, I don't. 23 Q. Do you know if he lives in Delaware? 24 A. I don't know him. I don't know 25 where he lives.</p>	<p>1 Gagosian 2 Q. How much did you think it was worth 3 when you traded it? 4 MS. BART: Objection, form, calls 5 for speculation. 6 A. Three, four million I think. 7 I don't know. It's hard to say. 8 Q. Mr. Rivers passed away, right? 9 A. A few years ago. 10 MR. BROOKS: As Plaintiff's 11 Exhibit 60 let's mark two pages Bates 12 stamped PR127 and 128. 13 (Plaintiff's Exhibit 60, PR127 and 14 128, was marked for identification, as of 15 this date.) 16 Q. Mr. Gagosian, take your time, but 17 I just want to tell you we obtained these two 18 pages from Mr. Prince's counsel in this case. 19 A. Okay. 20 Q. So there are five images here. The 21 first one is the Larry Rivers painting, correct? 22 A. That's right. 23 Q. Is this one of a series of veterans 24 paintings that Mr. Rivers did? 25 A. Yes, it is.</p>

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1 Gagosian
 2 Q. So therefore the other three don't
 3 have an asking price right now?
 4 A. They do not.
 5 Q. Are they in storage?
 6 A. I believe they're all in storage.
 7 Q. If you look back at Exhibit 58, we
 8 were looking at that before. The last three
 9 pages which we looked at before indicate sales
 10 of Back to the Garden, Cookie Crumbles, and an
 11 untitled Rasta 2008 dot 0044. Do you remember
 12 we looked at this?
 13 A. Right.
 14 Q. And there were two different prices
 15 given?
 16 A. Right.
 17 Q. Do you know if these paintings were
 18 actually sold?
 19 MS. BART: Objection, form, and
 20 asked and answered.
 21 Q. You can answer.
 22 A. What did I answer?
 23 Q. I don't know, because I'm not sure
 24 I asked it.
 25 A. I believe they were sold.

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1 Gagosian
 2 MS. BART: Hold on one second.
 3 (Discussion off the record.)
 4 MS. BART: I think the witness would
 5 like to clarify the record.
 6 BY MR. BROOKS:
 7 Q. Go ahead.
 8 A. I don't know if it's relevant, but
 9 they were not sold for money, they were sold
 10 through exchange. I didn't receive any funds.
 11 Q. Now, are you talking about Back to
 12 the Garden?
 13 A. These three pictures.
 14 MS. BART: That you just made
 15 reference to.
 16 A. That we just referenced.
 17 Q. Okay, but just for the record --
 18 A. They were not sold for money. It
 19 was an exchange.
 20 Q. Okay. You're talking about Back to
 21 the Garden --
 22 A. I'm talking about the three
 23 paintings on this invoice.
 24 Q. Cookie Crumbles and an untitled --
 25 A. Right.

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1 Gagosian
 2 Q. Oh, okay. They were exchanged?
 3 A. That's right.
 4 Q. And with whom were they exchanged?
 5 A. A client.
 6 Q. And what did you get in exchange?
 7 A. I got a sculpture.
 8 Q. What did Mr. Prince get?
 9 A. Mr. Prince got the money. I paid
 10 him money and I got a sculpture.
 11 Q. Somebody else, who -- and I take it
 12 your counsel is directing you not to identify
 13 the other person, is that right?
 14 MS. BART: We would prefer not.
 15 A. That's been my instruction in
 16 general, not to identify people.
 17 Q. It's not important for this
 18 question, so I'm not -- I don't really care.
 19 It doesn't matter. Somebody --
 20 MS. BART: Mr. X.
 21 Q. -- we'll call him again Mr. X --
 22 well, let's call him Mr. Y because we already
 23 had Mr. X.
 24 Mr. Y gave you a sculpture? I mean
 25 I'm not sure I'm following you. What did Mr. Y

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1 Gagosian
 2 give you?
 3 A. I'll tell you exactly what happened,
 4 okay. Mr. Y was interested in buying some of
 5 these paintings, but then they decided that they
 6 were having a cash flow issue or whatever and so
 7 they suggested that I take a work of art that
 8 they owned in lieu of cash payment as an even
 9 exchange for those three paintings.
 10 Q. So Mr. Y or they, whoever -- is it
 11 more than one person? You can tell me that.
 12 A. There's one person.
 13 Q. One person. So Mr. Y --
 14 A. Right.
 15 Q. -- got those three paintings --
 16 A. That's right.
 17 Q. Back to the Garden, Cookie
 18 Crumbles --
 19 A. Right.
 20 Q. -- and one of the untitled
 21 paintings?
 22 A. That's right.
 23 Q. And in exchange you got a sculpture?
 24 A. That's right.
 25 Q. By whom?

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1 Gagosian
 2 A. Richard Serra.
 3 Q. And what's the value of that
 4 sculpture?
 5 MS. BART: Objection, form.
 6 A. Three to four-million dollars.
 7 Q. And who owns the Richard Serra
 8 sculpture now?
 9 A. I own it.
 10 MS. BART: Personally?
 11 Q. And what did -- personally?
 12 A. I mean the gallery owns it.
 13 Q. What did Mr. Prince get?
 14 A. He got his percentage of the
 15 agreed-upon prices.
 16 Q. Okay. I think I understand.
 17 Thank you.
 18 I'm going to show you what was
 19 marked Tuesday as Plaintiff's Exhibit 36.
 20 Before we get into this document,
 21 when did you exchange Cookie Crumbles, Back to
 22 the Garden, and the untitled Rasta for the
 23 sculpture?
 24 A. I don't -- I don't know the exact
 25 time.

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1 Gagosian
 2 Q. Was it this year?
 3 A. It was probably early in the year.
 4 I would just -- I'm just guessing.
 5 MS. BART: Don't guess.
 6 A. I don't recall. I don't recall.
 7 Q. Just going back to Exhibit 58
 8 briefly. This exchange about those three
 9 paintings having been sold was in September
 10 2008, does that help you at all?
 11 A. What are you -- does it help me with
 12 what?
 13 Q. To remember -- I could be
 14 misspeaking. Hold on a second.
 15 Yeah, September 2008 is -- these
 16 e-mails in Exhibit 58 say it was in September
 17 2008 that Back to the Garden, Cookie Crumbles,
 18 and the untitled Rasta were sold. Does that --
 19 it might not --
 20 A. It doesn't really help in this
 21 particular case because initially it was going
 22 to be a cash transaction, and then there was
 23 quite a bit of time, and then they said we don't
 24 have the cash, will you do this.
 25 Q. Okay, I got it.

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1 Gagosian
 2 So now in Exhibit 36 the first page
 3 of Exhibit 36 is entitled February 2009 Sales
 4 Accounting. Do you have any idea what that is?
 5 It's on the Gagosian Gallery
 6 letterhead.
 7 MS. BART: It's this page right
 8 here.
 9 A. Oh. This is a reconciliation of
 10 sales I guess.
 11 Q. Is it a form your company sends out
 12 normally?
 13 A. I'm not familiar with the form.
 14 MR. BROOKS: We're going to have to
 15 take a short break.
 16 THE WITNESS: That's all we do is
 17 break here.
 18 MR. BROOKS: Well, he's run out of
 19 film.
 20 THE VIDEOGRAPHER: 1:01 p.m. Off
 21 the record. End of tape 2.
 22 (Recess taken: 1:01 p.m.)
 23 (Proceedings resumed: 1:12 p.m.)
 24 THE VIDEOGRAPHER: 1:12. On the
 25 record. Beginning of tape 3.

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1 Gagosian
 2 BY MR. BROOKS:
 3 Q. I had shown you Plaintiff's
 4 Exhibit 36, and if you look through it, it shows
 5 sales and moneys transmitted to Mr. Prince.
 6 For instance, let's just take the
 7 first one on the second page, it shows -- it
 8 seems to show that the Canal Zone painting was
 9 sold for 1.2 million and that Mr. Prince
 10 received 60 percent of that, namely \$720,000.
 11 Do you see that?
 12 Do you see that?
 13 A. Yeah.
 14 Q. Okay. And it goes on from there
 15 painting by painting, and then also there are
 16 some sheets like this -- and I'm referring to
 17 PR000120 -- which seem to summarize at least
 18 some of these sales -- for instance, this is
 19 that Mr. Jones painting we talked about before,
 20 sold for 2 million that Mr. Prince would get
 21 60 percent of that 1.2 million.
 22 Do you see that?
 23 A. Yes.
 24 Q. Are these documents familiar to you
 25 at all?

Neri

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

PATRICK CARIOU,

Plaintiff,

Index No.:

vs.

08 CIV 11327 (DAB)

RICHARD PRINCE, GAGOSIAN

GALLERY, INC., LAWRENCE

GAGOSIAN, and RIZZOLI

INTERNATIONAL PUBLICATIONS,

INC.,

Defendants.

-----X

DEPOSITION OF LOUISE NERI

New York, New York

Thursday, December 17, 2009

Reported by:
Bryan Nilsen, RPR
JOB NO. 305996-B

Page 14

1 Neri
 2 Q. Towards the bottom of the e-mail
 3 there's a heading that says additional Eden Rock
 4 slash pitch material written March 2008, and
 5 there are four items and then I guess kind of a
 6 summary, did you read that too?
 7 A. Yes.
 8 Q. Did that in any way help you prepare
 9 the press release?
 10 A. Yes.
 11 MS. BART: Objection, form.
 12 Q. Did it?
 13 You can answer.
 14 A. Yes.
 15 Q. Okay. After some point after
 16 October 7th, 2008, when you said I definitely
 17 want to talk to Richard, did you talk to him
 18 about this Canal Zone exhibition?
 19 A. I don't remember. I think it wasn't
 20 necessary. I only talk to the artist if
 21 absolutely necessary for me to do so.
 22 Q. How many drafts or versions of the
 23 press release did you go through?
 24 MS. BART: Objection, form.
 25 Q. You can answer.

Page 15

1 Neri
 2 A. I don't recall.
 3 Q. Do you understand what I'm saying,
 4 what I'm asking?
 5 A. I do understand.
 6 Q. So it could have been one, just one
 7 final draft, or more than one?
 8 A. Usually I do one or two, maybe three
 9 that have very few changes, but just fiddling
 10 around when I'm writing. They're not full
 11 drafts that are different from each other.
 12 Q. Did anyone give you comments on your
 13 first draft of the press release?
 14 A. Yes.
 15 Q. Who?
 16 A. We have a process in the gallery
 17 whereby we have a review process. Melissa
 18 Lazarov, Richard would have seen that press
 19 release.
 20 Q. Richard Prince?
 21 A. Mm-hmm.
 22 Q. Who else?
 23 A. I think that was it.
 24 Q. Did you get comments from either of
 25 them?

Page 16

1 Neri
 2 A. Yes, I did.
 3 Q. Did you make changes?
 4 A. Very few from memory. There was a
 5 section on utopia which at one point was taken
 6 out and then was put in again, and that's
 7 documented.
 8 Q. Did you review any -- besides the
 9 pitch, which is text, did you review any images
 10 of any of the paintings in the Canal Zone
 11 exhibition in connection with preparing --
 12 A. Yes, I did.
 13 Q. -- the press release?
 14 MS. BART: Let him finish.
 15 Q. And where did you view those?
 16 A. As reproductions, as JPEGs.
 17 Q. As JPEGs?
 18 A. Mm-hmm.
 19 Q. And so you saw them where?
 20 Where were you when you saw them?
 21 A. Probably in my office.
 22 Q. You did not go up to Mr. Prince's
 23 studio?
 24 A. Never.
 25 Q. How many JPEGs, do you remember how

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1 Neri
 2 many you saw?
 3 A. I can't recall. A few. Probably
 4 five.
 5 Q. Some of those images had pictures of
 6 Rastafarians, correct?
 7 MS. BART: Objection, form.
 8 MR. HAYES: Objection, form.
 9 Q. You can answer.
 10 You can answer.
 11 A. Yes, they did. Or I would say men
 12 with dreadlocks. I don't know if they were
 13 strictly Rastafarians.
 14 Q. Okay, so let's call them men with
 15 dreadlocks.
 16 Did you ever attempt to ascertain
 17 where those images came from, the ones with the
 18 men with dreadlocks?
 19 A. No.
 20 Q. Did you ever ask him?
 21 A. No.
 22 Q. Having worked with Mr. Prince before
 23 and knowing him, you knew he was known as an
 24 appropriation artist, correct?
 25 MS. BART: Objection, form.

Page 18

1 Neri
 2 MR. HAYES: Objection, form.
 3 Q. You can answer.
 4 A. Yes.
 5 Q. You knew he had a practice of
 6 appropriating images created by others and
 7 including them in his work, right?
 8 MR. HAYES: Objection, form.
 9 MS. BART: Objection, form.
 10 Q. You can answer.
 11 A. Yes.
 12 Q. Do you know if anyone at Gagosian
 13 Gallery attempted in this case to make sure that
 14 the images appropriated in the Canal Zone
 15 paintings were not copyright protected?
 16 MS. BART: Objection, form.
 17 MR. HAYES: Form.
 18 Q. You can answer.
 19 A. I don't know.
 20 Q. Let's talk about the press release
 21 then. I'm going to hand you what's been marked
 22 as Exhibit 31.
 23 Here's Exhibit 31. Do you know what
 24 Exhibit 31 is or what it is a copy of?
 25 A. It looks like a copy -- it looks

Page 19

1 Neri
 2 like a website copy.
 3 Q. Whose website?
 4 A. Our website, Gagosian Gallery
 5 website.
 6 Q. Do the first two pages of Exhibit 31
 7 appear to be your press release as taken off the
 8 website?
 9 A. Yes.
 10 Q. Now, let me ask you this. On the
 11 first page do you see where it says artist info
 12 and it says view on the right?
 13 A. Yes.
 14 Q. Are you familiar with the Gagosian
 15 Gallery website?
 16 A. Yes.
 17 Q. If you were to click on that where
 18 it says view artist info, view, what would you
 19 get?
 20 A. It depends. You would either get a
 21 view of available works, or in the case of an
 22 exhibition you would have a view of the
 23 exhibition. In certain cases we shoot videos
 24 of the show.
 25 Q. In this case please look at the

Page 20

1 Neri
 2 third page of Exhibit 31. There appears to be
 3 some biographical information about Mr. Prince,
 4 correct?
 5 A. Yes.
 6 Q. Do you know if that's the artist
 7 info that's being referred to on the first page
 8 of Exhibit 31?
 9 A. I don't understand your question,
 10 I'm sorry.
 11 Q. You don't understand my question?
 12 A. No.
 13 Q. Do you know if you clicked on --
 14 A. Oh, sorry, I see it.
 15 Could you repeat the question?
 16 Q. Does the third page of Exhibit 31
 17 appear to be the artist info referred to on the
 18 first page?
 19 MS. BART: Objection, form.
 20 A. It appears to be. I can't tell you
 21 for sure.
 22 Q. Did you write the third page of
 23 Exhibit 31?
 24 A. Yes.
 25 Q. You personally?

Page 21

1 Neri
 2 A. Yes.
 3 Q. You did?
 4 A. Yes.
 5 Q. Did you write it in connection with
 6 the Canal Zone exhibition?
 7 A. No.
 8 Q. Do you know when you wrote it?
 9 A. Within the year. I write a lot of
 10 material for the gallery on artists as we
 11 require information for many different reasons
 12 and we often reuse the information.
 13 Q. Do you think you wrote the
 14 description of Mr. Prince, the third page of
 15 Exhibit 31, before the press release, which is
 16 the first two pages of Exhibit 31?
 17 A. Yes.
 18 MS. BART: Objection to form.
 19 Q. The answer is what?
 20 A. Yes.
 21 Q. Now, one other question before we
 22 get to the text.
 23 On the left it says press release,
 24 is that a reference to this press release, the
 25 first two pages?

Page 22

1 Neri
 2 A. Yes.
 3 Q. And then underneath that it says
 4 view work, do you know what you would have
 5 gotten in late 2008 if you clicked view work?
 6 MS. BART: Objection, form, and
 7 asked and answered.
 8 MR. BROOKS: Not of this witness.
 9 MS. BART: Mm-hmm.
 10 MR. BROOKS: No, I asked her what
 11 would happen if you clicked on artist
 12 info.
 13 MS. BART: No.
 14 MR. BROOKS: Yes, I did.
 15 BY MR. BROOKS:
 16 Q. What would happen if you clicked on
 17 view work?
 18 A. You might see images from the
 19 exhibition or you might see general work.
 20 I can't be sure.
 21 Q. Let me show you --
 22 A. Depending on when it was done.
 23 Q. Let me show you what was marked as
 24 Exhibit 105 previously.
 25 The first two pages are the same

Page 23

1 Neri
 2 press release, right?
 3 MS. BART: Except that the date, the
 4 printout date is 12/14/2009 and this one
 5 says 12/8/2008.
 6 Q. All right. It's the same press
 7 release, right?
 8 MS. BART: Take a look.
 9 A. Yes, it's the same press release.
 10 Q. And if you look at the third page of
 11 Exhibit 105 what does that appear to be?
 12 A. Installation shots of an exhibition.
 13 Q. Of the Canal Zone exhibition?
 14 A. They're too small for me to really
 15 see there, but --
 16 Q. Why don't you look at the subsequent
 17 pages which are bigger copies of those images?
 18 MS. BART: And, again, just for
 19 the record, these pages are dated
 20 December 14th, 2009.
 21 MR. BROOKS: Right. We just printed
 22 it out from Google.
 23 MS. BART: But this witness has
 24 testified she doesn't know what it looked
 25 like in 2008.

Page 24

1 Neri
 2 MR. BROOKS: Well, she hasn't looked
 3 at it yet.
 4 BY MR. BROOKS:
 5 Q. So look through those and tell us
 6 what those are shots of.
 7 A. The car that was exhibited in
 8 gallery 108.
 9 Q. In the Canal Zone exhibition?
 10 A. Yes.
 11 Q. What else?
 12 A. It's basically an exhibition
 13 walkthrough.
 14 Q. Of the Canal Zone exhibition?
 15 A. Yes.
 16 Q. Thank you.
 17 Can I have that back, please?
 18 MS. BART: Sure.
 19 Q. On Exhibit 31 there's an image at
 20 the very top, it looks like somebody sitting on
 21 a donkey, do you see that, among other things?
 22 MS. BART: Objection, form.
 23 You can't see that from this
 24 photocopied image.
 25 MR. BROOKS: You need better glasses

Page 25

1 Neri
 2 then.
 3 MS. BART: You can't see that. I
 4 have glasses on.
 5 MR. BROOKS: Well, let's see if she
 6 can see it. It doesn't matter if you can
 7 see it.
 8 BY MR. BROOKS:
 9 Q. Do you see the image?
 10 MS. BART: Objection, form.
 11 MR. HAYES: Objection, form.
 12 A. I would not be able to tell what it
 13 was from this photocopy.
 14 Q. Do you see the image?
 15 A. Not really, no.
 16 Q. Is it better in 105, Exhibit 105?
 17 A. Yes.
 18 Q. You see a man sitting on a donkey?
 19 A. Yes.
 20 Q. I won't swear it's a donkey --
 21 A. Or the back of a donkey.
 22 Q. Some kind of --
 23 A. A mule maybe.
 24 Q. Who knows.
 25 Take a look at the Canal Zone

McDonald

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

PATRICK CARIOU,

Plaintiff, Index No.:

vs.

08 CIV 11327 (DAB)

RICHARD PRINCE, GAGOSIAN

GALLERY, INC., LAWRENCE

GAGOSIAN, and RIZZOLI

INTERNATIONAL PUBLICATIONS,

INC.,

Defendants.

-----x

DEPOSITION OF ALISON MCDONALD

New York, New York

Thursday, December 17, 2009

Reported by:
Bryan Nilsen, RPR
JOB NO. 305996-A

Page 26

1 McDonald
 2 said \$80 for a copy of that book?
 3 A. No.
 4 Q. When the exhibition commenced on
 5 Saturday, November 8th, was there a dinner that
 6 night at the Gramercy Park Hotel?
 7 A. There was a dinner. I don't
 8 remember if it was at the Gramercy Park Hotel.
 9 Q. Did you go?
 10 A. No.
 11 Q. Do you know how many people went?
 12 A. No.
 13 Q. Do you know what the purpose of the
 14 dinner was, if any?
 15 A. To celebrate the opening of an
 16 exhibition.
 17 Q. Did you have anything to do with
 18 planning the dinner?
 19 A. We printed a card for the dinner but
 20 not for planning the dinner.
 21 Q. Did you play any role at all in
 22 inviting people to come to the dinner?
 23 A. No.
 24 MS. BART: One moment, please.
 25 (Discussion off the record.)

Page 27

1 McDonald
 2 MS. BART: I think the witness wants
 3 to correct the record.
 4 Your question as posed was somewhat
 5 vague in that you said did you play any
 6 role in the inviting of people, and I
 7 think she answered no.
 8 But I think so that the record
 9 stands corrected I think she was going to
 10 correct her answer.
 11 A. We printed the invitation.
 12 Q. Right. Okay.
 13 When you say we, I mean I think
 14 I asked you if you personally played a role?
 15 A. I printed the card that was sent out
 16 for the invitation.
 17 Q. Printed it on what?
 18 A. Paper with ink.
 19 Q. But did you do it in your office on
 20 a copying machine?
 21 A. No.
 22 Q. How did you print the invitations?
 23 A. We put the text in an InDesign
 24 document and sent that document to a printer.
 25 MR. BROOKS: Let's mark as

Page 28

1 McDonald
 2 Plaintiff's Exhibit 103 a card stamped
 3 GGP001696A.
 4 (Plaintiff's Exhibit 103, invitation
 5 GGP001696A, was marked for identification,
 6 as of this date.)
 7 Q. Ms. McDonald, you've been handed a
 8 document that's been marked as Plaintiff's
 9 Exhibit 103. Is that the invitation you were
 10 just testifying about a few minutes ago?
 11 A. Yes.
 12 Q. There seems to be a blank line there
 13 to put in somebody's name, is that right?
 14 A. Yes.
 15 Q. Were these invitations mailed out?
 16 A. I don't know. I imagine, yeah.
 17 MS. BART: No, he doesn't want you
 18 to guess or imagine.
 19 A. I don't know.
 20 Q. Do you know if there was an
 21 invitation list?
 22 A. I don't know.
 23 Q. Okay, I guess I'll hold on to these.
 24 In addition to that invitation that
 25 we just looked at, Exhibit 103, was there an

Page 29

1 McDonald
 2 announcement of the exhibition with a photograph
 3 on it, do you know?
 4 A. Yes.
 5 MR. BROOKS: Let's mark as
 6 Plaintiff's Exhibit 104 a document that's
 7 been produced and Bates stamped GGP00139A
 8 and 140A front and back.
 9 (Plaintiff's Exhibit 104, GGP00139A
 10 and 140A, was marked for identification,
 11 as of this date.)
 12 Q. You've been handed Plaintiff's
 13 Exhibit 104. Do you know what it is?
 14 A. Yes.
 15 Q. Can you tell us?
 16 A. An announcement card for the
 17 exhibition.
 18 Q. Do you know if these announcement
 19 cards were mailed out?
 20 A. Yes.
 21 Q. Do you know to whom they were mailed
 22 out, I don't mean the names of all the people,
 23 but what types of people, if you know?
 24 MS. BART: Objection, form.
 25 MR. HAYES: Objection, form.

Page 30	Page 32
<p>1 McDonald</p> <p>2 MR. SHERMAN: Objection, form.</p> <p>3 Q. You can answer.</p> <p>4 A. Yes.</p> <p>5 Q. Can you tell me?</p> <p>6 A. We have a mailing list of about</p> <p>7 7,500 people.</p> <p>8 Q. So these announcement cards were</p> <p>9 mailed to people on that list?</p> <p>10 MS. BART: Objection, form.</p> <p>11 Q. You can answer.</p> <p>12 A. Yes.</p> <p>13 Q. Do you notice on the front of the</p> <p>14 announcement card an image of a man, do you see</p> <p>15 him?</p> <p>16 A. I see a painting in a studio, yeah.</p> <p>17 The painting has a man in it, yes.</p> <p>18 Q. I couldn't hear what you said.</p> <p>19 MR. BROOKS: Read it back.</p> <p>20 (Record read.)</p> <p>21 BY MR. BROOKS:</p> <p>22 Q. Why don't you look in that book, the</p> <p>23 Canal Zone book, and I think if you look at</p> <p>24 page C00148 perhaps you will find something.</p> <p>25 MS. BART: You're going to have to</p>	<p>1 McDonald</p> <p>2 Q. And if you look at C148 the same</p> <p>3 seems to be true, there's a picture propped up</p> <p>4 on two cans of paint, right?</p> <p>5 MS. BART: Objection, form.</p> <p>6 MR. HAYES: Objection, form.</p> <p>7 Q. You can answer.</p> <p>8 A. There is a painting on two cans of</p> <p>9 paint.</p> <p>10 Q. So you're saying that the photo is</p> <p>11 from a different angle, but is it correct that</p> <p>12 the image in Exhibit 104 in the announcement is</p> <p>13 maybe a different photo of the same painting</p> <p>14 that's propped on the two cans in C148?</p> <p>15 A. Yes.</p> <p>16 Q. But it's from a different angle?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And do you know if the</p> <p>19 painting that's shown on C148 in the insert in</p> <p>20 the book, do you know if that painting was</p> <p>21 actually exhibited at the Canal Zone exhibition?</p> <p>22 A. I don't know.</p> <p>23 Q. Could you look at the very first</p> <p>24 painting in the book, you have to go back to the</p> <p>25 beginning.</p>
<p>Page 31</p> <p>1 McDonald</p> <p>2 give us maybe the page number of the</p> <p>3 actual catalog.</p> <p>4 MR. BROOKS: It's in the second</p> <p>5 insert I think. It's C00148. I think</p> <p>6 there's a Post-it there with that number.</p> <p>7 MS. BART: We're there.</p> <p>8 MR. BROOKS: That is the number,</p> <p>9 okay.</p> <p>10 BY MR. BROOKS:</p> <p>11 Q. So you said something about a</p> <p>12 picture in a studio, is this what you're</p> <p>13 referring to, the C148?</p> <p>14 MS. BART: Objection, form.</p> <p>15 A. This is a different picture.</p> <p>16 Q. This is a different picture than the</p> <p>17 announcement card?</p> <p>18 A. Yes.</p> <p>19 Q. How do you know that?</p> <p>20 A. It's a different angle.</p> <p>21 Q. Okay. But if you look at the</p> <p>22 announcement card there's a painting that</p> <p>23 appears to be propped up on two cans of paint,</p> <p>24 right?</p> <p>25 A. Yes.</p>	<p>Page 33</p> <p>1 McDonald</p> <p>2 (Witness looks at exhibit.)</p> <p>3 Q. No, no, not on the cover.</p> <p>4 Number 1, it's called Graduation.</p> <p>5 It's on page C95.</p> <p>6 MS. BART: C96?</p> <p>7 Q. Well, 95 says Graduation, right?</p> <p>8 Correct?</p> <p>9 A. Yes.</p> <p>10 MS. BART: There's no number on</p> <p>11 these.</p> <p>12 Q. Doesn't it say 1, Graduation?</p> <p>13 A. Graduation, yes.</p> <p>14 MS. BART: But there's no Bates</p> <p>15 number on it.</p> <p>16 Q. Right. That's C95.</p> <p>17 Now, the next page is a painting</p> <p>18 called Graduation, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Now, absent the paint cans, is that</p> <p>21 painting Graduation the same image that's</p> <p>22 depicted on the announcement?</p> <p>23 MS. BART: Objection, form.</p> <p>24 Q. You can answer.</p> <p>25 A. Yes.</p>

Page 42

1 McDonald
 2 one?
 3 MR. BROOKS: I'm done with that
 4 page, yes, but she should keep the book.
 5 BY MR. BROOKS:
 6 Q. Did you ever ask anyone where the
 7 images of the Rastafarians that are in many of
 8 these Canal Zone paintings came from?
 9 MS. BART: Objection, form.
 10 MR. HAYES: Objection, form.
 11 Q. You can answer.
 12 A. No.
 13 Q. Did you ever hear anyone explaining
 14 where they came from?
 15 MS. BART: Objection, form.
 16 A. No.
 17 Q. Have you ever seen this book, it's
 18 called Yes Rasta?
 19 A. No.
 20 Q. Okay, you can give it back to me.
 21 Thank you.
 22 Were there newspaper advertisements
 23 for the Canal Zone exhibition?
 24 A. Yes.
 25 Q. Do you remember where the

Page 43

1 McDonald
 2 advertisements were placed?
 3 A. The Art Newspaper, Financial Times,
 4 and New York Times.
 5 Q. How about W?
 6 A. The magazine? Yes, W.
 7 Q. How about Art Forum, Art in America,
 8 and Art and Auction?
 9 MS. BART: Objection.
 10 A. Yes.
 11 Q. All three?
 12 A. There were more than -- did you
 13 say W?
 14 Q. I just said -- no, after W I said
 15 Art Forum?
 16 A. Yes.
 17 Q. Were there ads there?
 18 A. One ad, yes.
 19 Q. And Art in America, was there an ad
 20 for the Canal Zone exhibition there?
 21 A. Yes.
 22 Q. And how about Art and Auction?
 23 A. Yes.
 24 Q. One ad in each of them?
 25 A. Yes.

Page 44

1 McDonald
 2 Q. In the New York Times were there two
 3 ads?
 4 A. I don't remember.
 5 Q. Was there an ad just for the Canal
 6 Zone exhibition in the New York Times?
 7 A. I remember it was on a list of other
 8 exhibitions the gallery was having in the
 9 New York Times ad.
 10 Q. Right. One other, right, a painter
 11 with a Japanese name?
 12 A. I think it was Hiroshi Sugimoto.
 13 Q. To your knowledge did Mr. Gagosian
 14 review the ads before they were placed in the
 15 newspapers?
 16 A. Yes.
 17 Q. That's a yes?
 18 A. Yes.
 19 Q. Do you know if Mr. Prince reviewed
 20 the ads?
 21 A. I don't know for sure, no.
 22 Q. I'm going to hand you a series of
 23 e-mails that have been collectively marked as
 24 Plaintiff's Exhibit 45 previously.
 25 The first page of Exhibit 45

Page 45

1 McDonald
 2 GGP001991 talks about an announcement card and
 3 adverts, and something -- it says Larry reviewed
 4 the options and wants to run the attached ad,
 5 parenthesis, AF Prince placeholder, closed
 6 parenthesis, in Art Forum, et cetera.
 7 Do you know what the Prince
 8 placeholder, it's all in capital letters, do you
 9 know what that is?
 10 A. She's referring to the file name
 11 that's attached.
 12 Q. And is that an image that ran in the
 13 advertisements?
 14 MS. BART: Objection, form.
 15 MR. HAYES: Objection, form.
 16 A. That was attached to the e-mail.
 17 I'd have to check.
 18 Q. Do you know if the image in the
 19 advertisements was an image of the same
 20 Rastafarian who is in the announcement card
 21 Exhibit 104?
 22 MR. HAYES: Objection, form.
 23 MS. BART: Objection, form.
 24 And I'd like to, since this doesn't
 25 have this witness's name on it, I'd ask

Page 46

1 McDonald
 2 her to see if she's ever seen this before,
 3 the exhibit.
 4 MR. BROOKS: I understand.
 5 BY MR. BROOKS:
 6 Q. Do you know?
 7 A. The same painting was used in the
 8 ad.
 9 Q. I know. I'm asking you?
 10 A. Yes.
 11 Q. It was? Okay.
 12 A. In the magazine ads.
 13 Q. What about the newspaper ads?
 14 A. No.
 15 Q. What was used in the newspaper ads?
 16 MS. BART: Objection, form.
 17 A. Text only.
 18 Q. No picture?
 19 A. No paintings.
 20 Q. So which were the magazine ad or
 21 ads?
 22 MS. BART: Objection, form.
 23 I don't understand. What do you
 24 mean?
 25 Q. Okay, we'll come back to it.

Page 47

1 McDonald
 2 Look at the second page of
 3 Exhibit 45, please. Do you see it says but LG
 4 wants to make sure the ad is large and very
 5 clear because it has two shows on it, do you see
 6 that?
 7 A. Yes.
 8 Q. And then below that there's an
 9 e-mail from Nicole Heck October 17th saying
 10 run the attached again in NYT on Friday,
 11 October 24th, and then below that it says Prince
 12 and Sugimoto both open the week after that, does
 13 he want to run one ad announcing both on Friday,
 14 November 7th.
 15 Do you recall whether an ad was
 16 taken in the New York Times for both of those
 17 shows, Prince and Sugimoto?
 18 A. Yes.
 19 Q. And you don't think there were
 20 any images, just printed words in that ad in
 21 The Times?
 22 MS. BART: Objection, form, and
 23 asked and answered.
 24 Q. You can answer.
 25 A. Yes.

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1 McDonald
 2 Q. Could you look at page GGP002282,
 3 which is part of that same Exhibit 45.
 4 This is about the advertisement in
 5 W Magazine?
 6 A. Yes.
 7 Q. And there you say an image was used,
 8 a photo of the same Rastafarian that was in the
 9 announcement card?
 10 MS. BART: Objection, form.
 11 MR. HAYES: Objection, form.
 12 Q. You can answer.
 13 A. It's a different painting in the
 14 W ad.
 15 Q. But the same Rastafarian, right?
 16 MS. BART: Objection, form.
 17 MR. HAYES: Objection, form.
 18 A. I don't remember.
 19 Q. Okay. Did Larry Gagosian and
 20 Richard Prince approve the ad in W Magazine?
 21 MR. HAYES: Objection, form.
 22 MS. BART: Join.
 23 A. Larry approved. I did not have any
 24 interaction with Richard Prince for approval.
 25 Q. Now, on the next page, which is

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1 McDonald
 2 GGP002418, it says I told Nicole Larry likes the
 3 Prince ad with just, all capital letters, the
 4 Rasta man, not the one in the studio. For the
 5 announcements he likes the Rasta man poster on
 6 two paint cans with no books in the picture.
 7 Do you remember seeing a copy of
 8 this e-mail?
 9 A. No.
 10 Q. Is it correct though that the
 11 announcement had the picture in the studio on
 12 the paint can without books?
 13 MS. BART: Objection, form.
 14 Q. And I'm showing you Exhibit 104?
 15 A. Yes.
 16 Q. And the advertisement just had a
 17 Rastafarian, not the one in the studio, is that
 18 right?
 19 MS. BART: Objection, form.
 20 MR. HAYES: Objection, form.
 21 A. It had that same painting in the ad,
 22 yes.
 23 Q. Which ad?
 24 A. Which ad?
 25 Q. Yes.

Page 50	Page 52
<p>1 McDonald</p> <p>2 A. The Art Forum, Art in America, Art</p> <p>3 and Auction.</p> <p>4 Q. They had a painting, a picture of</p> <p>5 the same painting?</p> <p>6 A. Yes.</p> <p>7 Q. But the New York Times didn't?</p> <p>8 MS. BART: Objection, form, and</p> <p>9 asked and answered.</p> <p>10 Q. Is that what you're saying?</p> <p>11 MS. BART: Third time.</p> <p>12 A. No image was in the New York Times.</p> <p>13 Q. What about the Financial Times?</p> <p>14 A. No.</p> <p>15 Q. I'm going to show you a document</p> <p>16 which has previously been marked as Exhibit 52.</p> <p>17 Is that the image that was used in</p> <p>18 some of the ads anyway?</p> <p>19 MS. BART: Can we just have one of</p> <p>20 the extras that you have there, please?</p> <p>21 I think John needs one, right?</p> <p>22 MR. BROOKS: You do?</p> <p>23 MR. SHERMAN: Yes.</p> <p>24 A. I don't --</p> <p>25 MS. BART: Just one minute. I want</p>	<p>1 McDonald</p> <p>2 magazine ads.</p> <p>3 She's testified to a number of ads,</p> <p>4 some of which had images she said from</p> <p>5 the same painting, and I want to know if</p> <p>6 Exhibit 52 is the image that was used</p> <p>7 in the ads in Art Forum, Art in America,</p> <p>8 Art and Auction, the Art Newspaper, and W.</p> <p>9 MS. BART: We'll take it under</p> <p>10 advisement.</p> <p>11 But just so that I understand I know</p> <p>12 what you're asking me, are you talking</p> <p>13 about the entirety that includes the title</p> <p>14 that says Richard Prince at the top, or</p> <p>15 are you talking about the cutout in the</p> <p>16 middle, in other words, are you talking</p> <p>17 about the entirety?</p> <p>18 I don't know what you're asking.</p> <p>19 MR. BROOKS: Well, this is how it</p> <p>20 was produced to me by you.</p> <p>21 MS. BART: That's irrelevant.</p> <p>22 You're asking us for a stipulation,</p> <p>23 Mr. Brooks, and I'm asking you, are you</p> <p>24 saying just the thing in the middle or are</p> <p>25 you talking about the entirety --</p>
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<p>1 McDonald</p> <p>2 to hear the question back. I'm not sure</p> <p>3 there was one.</p> <p>4 MR. BROOKS: There was.</p> <p>5 Can you read the question back,</p> <p>6 please.</p> <p>7 (Record read.)</p> <p>8 MS. BART: Object to form.</p> <p>9 Q. You can answer.</p> <p>10 A. I don't remember. I don't remember.</p> <p>11 Q. Does it look like what was used in</p> <p>12 the ads --</p> <p>13 MS. BART: Objection.</p> <p>14 Q. -- as you've been describing it?</p> <p>15 MS. BART: Objection, form.</p> <p>16 MR. HAYES: Objection, form.</p> <p>17 MS. BART: The witness isn't here to</p> <p>18 speculate.</p> <p>19 Q. You can answer.</p> <p>20 A. It's the same type. I don't know --</p> <p>21 I don't remember this.</p> <p>22 RQ MR. BROOKS: Okay. If the witness</p> <p>23 doesn't know I'm going to request that</p> <p>24 Gagosian tell us whether Exhibit 52 is the</p> <p>25 image that was used in newspaper and</p>	<p>1 McDonald</p> <p>2 MR. BROOKS: The entirety. But if</p> <p>3 the ad didn't say Richard Prince and only</p> <p>4 had the image, then you can tell me that.</p> <p>5 I just want to find out.</p> <p>6 MS. BART: We'll take it under</p> <p>7 advisement.</p> <p>8 MR. BROOKS: Well, I'm certainly</p> <p>9 entitled to know what images were used in</p> <p>10 the newspaper and magazine ads.</p> <p>11 If this witness can't -- I mean I</p> <p>12 think it's clear from her testimony that</p> <p>13 this is exactly what was used since there</p> <p>14 are no paint cans, it's not in the studio,</p> <p>15 it's the same painting. If it's not --</p> <p>16 MS. BART: Well, you don't know</p> <p>17 because it's cut off at the bottom, so --</p> <p>18 MR. BROOKS: Well, that's how it was</p> <p>19 produced to me by you. So that's the best</p> <p>20 I can do, I'm sorry.</p> <p>21 MS. BART: No, this is how it was</p> <p>22 originally made. We didn't cut anything</p> <p>23 off, Mr. Brooks.</p> <p>24 MR. BROOKS: Well, okay.</p> <p>25 MS. BART: We'll take your request</p>