

Patrick Cariou

January 12, 2010

<p style="text-align: center;">237</p> <p>1 Cariou</p> <p>2 A. A few people that I didn't like very</p> <p>3 much, so I didn't sell them the prints.</p> <p>4 Q. You didn't like them as people?</p> <p>5 A. As people.</p> <p>6 Q. You met with them?</p> <p>7 A. No. I knew who they were and I</p> <p>8 wasn't interested for them to get.</p> <p>9 Q. So who -- can you give me the names</p> <p>10 of the people that called you?</p> <p>11 A. No, I couldn't remember.</p> <p>12 Q. How did you know them?</p> <p>13 A. Through our, you know, through</p> <p>14 people.</p> <p>15 Q. Your professional affiliations?</p> <p>16 A. Yeah.</p> <p>17 Q. When you say a few, is that less</p> <p>18 than five?</p> <p>19 A. Yeah, it's less than five.</p> <p>20 Q. And approximately when did they call</p> <p>21 you, did they call you during the exhibition or</p> <p>22 at some point afterwards?</p> <p>23 A. At some point afterwards.</p> <p>24 Q. And so there was no other interest</p> <p>25 in your work after the Gallery 213 exhibition?</p>	<p style="text-align: center;">239</p> <p>1 Cariou</p> <p>2 that correct?</p> <p>3 A. Yeah.</p> <p>4 Q. And the only place that I might do</p> <p>5 that, as an interested person, to be able to</p> <p>6 contact you, is through the website that you</p> <p>7 maintain, correct?</p> <p>8 A. I don't even maintain this website.</p> <p>9 You know, it was made like eight years ago, and</p> <p>10 I don't -- I think that the e-mail on the</p> <p>11 website goes to my website, to my mailbox.</p> <p>12 But yeah, I guess it's a way to</p> <p>13 contact me if you want to.</p> <p>14 Q. But when you say it's been up for</p> <p>15 eight years and you don't really maintain it,</p> <p>16 yet what we do see are all of your subsequent</p> <p>17 projects and books, you know, the Polynesian,</p> <p>18 Trench Town Love?</p> <p>19 A. Polynesian was done after.</p> <p>20 Trench Town Love was done in 2000.</p> <p>21 Q. Right.</p> <p>22 A. And the few pictures you can see of</p> <p>23 Gypsies are the first, the very first one of the</p> <p>24 project, so.</p> <p>25 Q. Maybe I didn't make myself clear,</p>
<p style="text-align: center;">238</p> <p>1 Cariou</p> <p>2 MR. BROOKS: Objection to the form.</p> <p>3 You can answer.</p> <p>4 A. Well, it wasn't -- the thing is it</p> <p>5 was all made really clear they were not for</p> <p>6 sale, they were not available to buy. So people</p> <p>7 who went to the show didn't even try to buy</p> <p>8 them. They knew they were not for sale.</p> <p>9 Q. But you did get some expressions of</p> <p>10 interest notwithstanding that?</p> <p>11 A. Yeah.</p> <p>12 Q. And those handful of people, less</p> <p>13 than five, were the only inquiries you got --</p> <p>14 A. Yeah.</p> <p>15 Q. -- as a result of the Gallery 213</p> <p>16 exhibition?</p> <p>17 A. Absolutely.</p> <p>18 Q. You've said that during the period</p> <p>19 2000 to until you had the conversations with</p> <p>20 Ms. Celle you were not represented by a gallery</p> <p>21 at that time, is that correct?</p> <p>22 A. Yeah.</p> <p>23 Q. So the only place that someone could</p> <p>24 approach you about the possible purchase of one</p> <p>25 of your prints was to contact you directly, is</p>	<p style="text-align: center;">240</p> <p>1 Cariou</p> <p>2 and I apologize, it's getting late in the day,</p> <p>3 is that what I was trying to say is that you are</p> <p>4 adding new content to your website?</p> <p>5 A. No.</p> <p>6 Q. No?</p> <p>7 A. No, I have not since the day it's</p> <p>8 been up I have not add one picture.</p> <p>9 MS. BART: Can we mark that exhibit,</p> <p>10 please, the website.</p> <p>11 We're going to mark as the next</p> <p>12 exhibit -- I think we're up to 11 -- your</p> <p>13 website.</p> <p>14 (Defendant's Exhibit 11, printout of</p> <p>15 Patrick Cariou website, was marked for</p> <p>16 identification, as of this date.)</p> <p>17 Q. Mr. Cariou, I'm handing you what's</p> <p>18 been marked as Defendant's Exhibit 11. And this</p> <p>19 is a printout of the entirety of your web page.</p> <p>20 And as you know, when you click on</p> <p>21 the images of your web page the way it's</p> <p>22 designed is it travels, the images travel to</p> <p>23 the right.</p> <p>24 A. Yeah.</p> <p>25 Q. So in order to capture all of the</p>

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<p style="text-align: center;">253</p> <p>1 Cariou</p> <p>2 your production that you actually have started</p> <p>3 some photographs about the Rude Boys?</p> <p>4 A. Mm-hmm.</p> <p>5 Q. Is that a culture that you're now</p> <p>6 focusing on?</p> <p>7 A. Well, Trenched – I mean part of</p> <p>8 Trench Town Love is about the Rude Boys. You</p> <p>9 know, it's downtown Kingston, it's much more</p> <p>10 urban, and it's a whole different vibe.</p> <p>11 Q. And was that part of the payoff for</p> <p>12 letting you get to take pictures of the</p> <p>13 Rastafarians?</p> <p>14 A. It's just, you know, Jamaica is</p> <p>15 hectic and it's, you know, it could be a violent</p> <p>16 culture. And to survive you have to fight your</p> <p>17 way in. So, yeah.</p> <p>18 And the same time I did enjoy my</p> <p>19 time with the Rastas, but I had to move around</p> <p>20 too.</p> <p>21 Q. To stay away from the Rude Boys?</p> <p>22 A. No, to go see someone else, you</p> <p>23 know, simply.</p> <p>24 Q. I'm sorry, I don't understand.</p> <p>25 A. I'm in one place, I have to go on</p>	<p style="text-align: center;">255</p> <p>1 Cariou</p> <p>2 Bates Number C245 –</p> <p>3 A. Mm-hmm, yeah.</p> <p>4 Q. – through 253?</p> <p>5 A. Okay.</p> <p>6 Q. Yes?</p> <p>7 A. Yes.</p> <p>8 Q. And so can you show me on this</p> <p>9 report what the total sales have been over the</p> <p>10 life of Yes Rasta since Powerhouse has been</p> <p>11 publishing your book?</p> <p>12 (Witness looks at exhibit.)</p> <p>13 Q. If you look at C252?</p> <p>14 A. 252 or 253?</p> <p>15 Q. It gives you like a summary?</p> <p>16 A. If we take 252 it's 2,630 books.</p> <p>17 Q. Oh, I see. I think that 251 and 253</p> <p>18 are a spreadsheet that must go like this, it</p> <p>19 must go this way, laterally.</p> <p>20 So Yes Rasta, if you go across the</p> <p>21 line, where are you seeing the total – 2,630?</p> <p>22 A. Yeah.</p> <p>23 Q. And for a total sales of \$80,154?</p> <p>24 A. Yeah.</p> <p>25 Q. Is that correct?</p>
<p style="text-align: center;">254</p> <p>1 Cariou</p> <p>2 the other side of the island because I have to</p> <p>3 meet another Rasta that I know of. In between</p> <p>4 it's not going to be easy, just by – just the</p> <p>5 fact of driving in Jamaica is complicated.</p> <p>6 Q. Yes.</p> <p>7 A. You know, and so on and so forth,</p> <p>8 and finding food and, you know, et cetera,</p> <p>9 et cetera.</p> <p>10 Q. Has anyone – and forgive me if I've</p> <p>11 asked you this question before – has anyone</p> <p>12 contacted you through this website about the</p> <p>13 possible purchase of any images?</p> <p>14 A. No.</p> <p>15 MS. BART: Let's mark this as the</p> <p>16 next exhibit, please.</p> <p>17 (Defendant's Exhibit 13, sales</p> <p>18 records, was marked for identification, as</p> <p>19 of this date.)</p> <p>20 Q. Mr. Cariou, I'm handing you what's</p> <p>21 been marked as Defendant's Exhibit 13. And I</p> <p>22 believe these are the sales records to which</p> <p>23 your counsel referred to previously, is that</p> <p>24 correct?</p> <p>25 And for the record, they bear</p>	<p style="text-align: center;">256</p> <p>1 Cariou</p> <p>2 A. Yes.</p> <p>3 Q. Now, looking at this document does</p> <p>4 this refresh your recollection as to – remember</p> <p>5 I asked you earlier about the channels of</p> <p>6 distribution where the book was sold – we see</p> <p>7 Barnes super, Barnes small?</p> <p>8 A. Yeah, I can read Amazon, MusicLand,</p> <p>9 Tower, yeah. But no, it doesn't refresh my</p> <p>10 memory. I don't have any memory about that.</p> <p>11 Q. Okay. Do you know whether based on</p> <p>12 the way the royalty statements you've received</p> <p>13 in the past, does this tell you who has sold</p> <p>14 your books and how many?</p> <p>15 A. Who has sold my book? No, I have no</p> <p>16 idea.</p> <p>17 Q. And would we be able to get that</p> <p>18 information from Powerhouse?</p> <p>19 A. I suppose so.</p> <p>20 Q. If you look at the document that's</p> <p>21 marked C253?</p> <p>22 A. Yeah.</p> <p>23 Q. This is a royalty report.</p> <p>24 Now, this document, which is dated</p> <p>25 as of December 2007, says the total books sold</p>



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1 Cariou	1 Cariou
2 are 2,338. Do you see that?	2 total amount --
3 A. No.	3 A. Me too.
4 Q. It's way at the bottom.	4 Q. You need to exercise that audit
5 MR. BROOKS: On the last page.	5 right.
6 Q. On this page.	6 A. Yeah.
7 A. Yeah, okay, total books sold.	7 Q. So is the total that you received to
8 3,453 or 5,791?	8 date \$8,087.75, and what we're seeing on the
9 Q. Is the total?	9 prior page for the \$80,154 was actually the
10 A. Yeah, total books sold, 5,791.	10 gross sales as opposed to the amount that you've
11 Q. Do you see the document where it	11 made?
12 says sales last period, it's four or five boxes	12 A. Yeah, that's -- definitely, the
13 down, and it says 391 sold below cost?	13 80,000 is the gross sales.
14 A. Yeah.	14 Q. And do you know when -- because we
15 Q. And there we have a list price	15 see here this is a document that's dated
16 of \$60?	16 October 2009, and it's showing the list price of
17 A. List price, yeah.	17 the book at \$60, but when you look at the web
18 Q. See that right underneath it?	18 page for Powerhouse it lists it for \$100 a book,
19 A. Yeah, yeah.	19 do you know when the price increased?
20 Q. So what this chart is telling us is	20 A. I have no idea. I haven't talked to
21 that there have been 391 that have been sold	21 them in a while. Otherwise --
22 below cost, correct?	22 MR. BROOKS: Okay, you answered.
23 A. Probably, yeah.	23 You have no idea.
24 Q. Okay. And what you made for that	24 A. Okay.
25 group is \$293.25, correct?	25 Q. Is there a reason why you haven't
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1 Cariou	1 Cariou
2 A. Correct, I guess, yeah.	2 spoken with them for a while?
3 Q. And the trade sales up at the top	3 A. I was finishing up my Gypsy book and
4 are \$6,033.60, and direct sales, is that direct	4 it takes a lot of travel.
5 sales would be off of their website?	5 Q. I can imagine.
6 A. I don't know what is direct sales.	6 Has anyone ever contacted you
7 Q. So you don't know if those came off	7 through the PatrickCariou.com website about this
8 of the website sales for Powerhouse?	8 lawsuit?
9 A. I have no idea.	9 A. Contacted me through -- I received a
10 MR. BROOKS: Holly, when you make a	10 mail through my mailbox, but not through my
11 copy of this exhibit for everyone would	11 website. I mean I don't even know if my website
12 you mind -- and we should have done	12 works as far as --
13 this -- white out or black out his Social	13 Q. The link?
14 Security number?	14 A. Yeah. Actually there is a link
15 MS. BART: Oh, goodness, yes. Let's	15 between the e-mail address for the website which
16 all do that right now.	16 goes directly to the mailbox I use.
17 Mr. Cariou, may I please have that	17 So I've, yeah, actually been
18 copy that you are holding?	18 contacted.
19 MR. BROOKS: When you make a copy	19 Q. And who has contacted you?
20 of it make it of a document without the	20 A. It was an organization from
21 number.	21 somewhere in -- where was it -- Anguilla I
22 (Discussion off the record.)	22 think.
23 BY MS. BART:	23 Q. And what was the subject of the
24 Q. So the total -- I'm just trying to	24 inquiry?
25 understand how much you've received -- is the	25 A. It was a letter of protest against



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<p>1 Cariou</p> <p>2 that was on the other web page.</p> <p>3 A. Yeah, I just realized it.</p> <p>4 Q. Now?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. So that was one that was</p> <p>7 written by Powerhouse.</p> <p>8 And did you participate in the</p> <p>9 writing of this particular description?</p> <p>10 A. No.</p> <p>11 Q. Do you want to take a minute to read</p> <p>12 this -- I guess we can read it into the record</p> <p>13 since it's so short. It's described as:</p> <p>14 With a penchant for adventure it is</p> <p>15 no wonder photographer Patrick Cariou,</p> <p>16 whose first book Surfers drew tidal waves</p> <p>17 of praise, journeyed to Jamaica, a land</p> <p>18 which he calls, quote, pure madness and</p> <p>19 one of the most dangerous places on earth</p> <p>20 that is not at war. There he entered the</p> <p>21 secluded world of the Rastafarians, a</p> <p>22 world culture and religion closed to</p> <p>23 outsiders. Cariou slowly gained their</p> <p>24 trust and they began to let him take their</p> <p>25 picture. With bold black and white</p>	<p>1 Cariou</p> <p>2 language, it was just posted?</p> <p>3 A. I must have read it once quickly and</p> <p>4 liked it and said yeah, that's fine, and that</p> <p>5 was it, you know.</p> <p>6 Q. And so this was written in or about</p> <p>7 2002 when the book was first published?</p> <p>8 A. Yeah.</p> <p>9 Q. Now, if you look --</p> <p>10 MR. BROOKS: The book was published</p> <p>11 in 2000.</p> <p>12 MS. BART: What did I say?</p> <p>13 MR. BROOKS: 2002.</p> <p>14 MS. BART: I meant 2000.</p> <p>15 BY MS. BART:</p> <p>16 Q. If you will look back at Defendant's</p> <p>17 Exhibit 14 you will see in all caps that it says</p> <p>18 limited availability, please inquire, and then</p> <p>19 there's a phone number that's given.</p> <p>20 Do you see that there, right</p> <p>21 underneath the title?</p> <p>22 A. Yeah.</p> <p>23 Q. Do you know why people who want to</p> <p>24 purchase this book have to call as opposed to</p> <p>25 being able to just purchase it?</p>
266	268
<p>1 Cariou</p> <p>2 portraits and landscapes Cariou indelibly</p> <p>3 captured the strict separatist</p> <p>4 jungle-dwelling fruit-of-the-land</p> <p>5 lifestyle popularized by Reggae legends</p> <p>6 Bob Marley, Peter Tosh, and Burning Spear</p> <p>7 in never-before-seen images until now. In</p> <p>8 Yes Rasta, the phrase spoken by true</p> <p>9 Rastafari when greeting each other,</p> <p>10 Cariou's direct classical photographs</p> <p>11 reveal men whose style and attitude are as</p> <p>12 distinctive as their dreadlocks, men who</p> <p>13 have left the modern world of Babylon in</p> <p>14 pursuit of their own independence, men</p> <p>15 whose lives are intertwined with the</p> <p>16 tropical landscape and whose rituals,</p> <p>17 symbols, philosophies, religion, medicine,</p> <p>18 agriculture, family structure, and</p> <p>19 remarkable strength make the definitive</p> <p>20 statement of self-reliance.</p> <p>21 Do you think that that is an</p> <p>22 accurate description of your book?</p> <p>23 A. Yeah, it is.</p> <p>24 Q. This was not something though that</p> <p>25 you had an opportunity to comment on the</p>	<p>1 Cariou</p> <p>2 A. In a bookstore?</p> <p>3 Q. Or clicking on the website?</p> <p>4 A. Because they probably have only a</p> <p>5 few boxes left, I would say. That would be --</p> <p>6 I think that's what it is.</p> <p>7 Q. It's not tied in any way then to the</p> <p>8 lawsuit?</p> <p>9 A. Oh, no.</p> <p>10 Q. Do you know if this page on the</p> <p>11 Powerhouse website has always described the</p> <p>12 number of available copies as limited</p> <p>13 availability?</p> <p>14 A. It must have been, yeah.</p> <p>15 Q. But you don't --</p> <p>16 A. I mean I don't know when they</p> <p>17 started to do that. But you're going to have to</p> <p>18 ask them about that because I have no idea</p> <p>19 about, you know -- I'm busy, I have things to</p> <p>20 do, I'm not with them all the time, you know.</p> <p>21 Q. And you don't know how many copies</p> <p>22 Powerhouse still has available for sale?</p> <p>23 A. No idea.</p> <p>24 MS. BART: Let's mark as the next</p> <p>25 exhibit this document, please.</p>



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<p>1 Cariou</p> <p>2 like or what you thought the contents should</p> <p>3 contain?</p> <p>4 A. Yes, I thought Perry Henzell was the</p> <p>5 guy, the ultimate, and I was totally convinced</p> <p>6 that I would get him, and I did.</p> <p>7 MS. BART: Let's mark this as the</p> <p>8 next exhibit.</p> <p>9 (Defendant's Exhibit 18, document,</p> <p>10 was marked for identification, as of this</p> <p>11 date.)</p> <p>12 Q. The court reporter has handed you</p> <p>13 what's been marked as Defendant's Exhibit 18.</p> <p>14 Have you ever seen this document</p> <p>15 before?</p> <p>16 A. No.</p> <p>17 Q. This came from your production. You</p> <p>18 don't know what this is at all?</p> <p>19 A. No, not at all.</p> <p>20 Q. And you've not seen it before?</p> <p>21 A. No.</p> <p>22 MS. BART: At this time I'd like to</p> <p>23 supplement what was previously marked as I</p> <p>24 believe Defendant's Exhibit 11 to include</p> <p>25 the specific pages from the website for</p>	<p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. You can set that aside or give it to</p> <p>4 the court reporter.</p> <p>5 Mr. Cariou, in your description of</p> <p>6 your work you have talked about doing this for a</p> <p>7 long period of time. How long have you been a</p> <p>8 professional photographer?</p> <p>9 A. About 24 years.</p> <p>10 Q. And did you take any special</p> <p>11 schooling to become a professional photographer?</p> <p>12 A. No.</p> <p>13 Q. Do you have a college education?</p> <p>14 A. No.</p> <p>15 Q. Would you consider yourself to be</p> <p>16 a self-trained photographer?</p> <p>17 A. No, I actually started as an</p> <p>18 assistant. I was assisting some of the, you</p> <p>19 know, greatest photographers at that time.</p> <p>20 Q. And who were you assistant to?</p> <p>21 A. Peter Limberg, Paulo Roversi, you</p> <p>22 know, major fashion photographers.</p> <p>23 Q. And do you consider yourself</p> <p>24 primarily to be a fashion photographer?</p> <p>25 A. No.</p>
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<p>1 Cariou</p> <p>2 Yes Rasta, so I will hand this to the</p> <p>3 witness and ask counsel to just add this</p> <p>4 to the packet for Exhibit 11.</p> <p>5 (Discussion off the record.)</p> <p>6 MR. BROOKS: So what are we calling</p> <p>7 this? Are we calling this 11A?</p> <p>8 MS. BART: No, we're just adding it</p> <p>9 to 11. We just said on the record that I</p> <p>10 was going to ask everyone to supplement it</p> <p>11 by just adding it to it.</p> <p>12 Mr. Brooks, you asked earlier about</p> <p>13 the link, and it's order now when you</p> <p>14 click on Yes Rasta it takes you to the</p> <p>15 page with Powerhouse.</p> <p>16 MR. BROOKS: Okay.</p> <p>17 MS. BART: And that was right on the</p> <p>18 first page of Defendant's Exhibit 11.</p> <p>19 BY MS. BART:</p> <p>20 Q. Mr. Cariou, the only question I have</p> <p>21 about those - I'd asked you this before - but</p> <p>22 those are the photographs that appear on your</p> <p>23 web page?</p> <p>24 A. Yeah.</p> <p>25 Q. For Yes Rasta?</p>	<p>1 Cariou</p> <p>2 Q. How would you describe your</p> <p>3 profession as a photographer?</p> <p>4 A. I'm a portraitist.</p> <p>5 Q. That is your specialty?</p> <p>6 A. That's what I do, yeah.</p> <p>7 Q. So whether it's for your own books</p> <p>8 or whether it's for fashion, that is your style</p> <p>9 of photography?</p> <p>10 A. Yes.</p> <p>11 Q. And you learned that trade through</p> <p>12 other specialists or experts in the area of</p> <p>13 portraiture?</p> <p>14 A. Well, you know, I developed my own</p> <p>15 style over the years. You know, they taught me</p> <p>16 a lot on photography but, you know, and then</p> <p>17 after that I had to develop my own thing.</p> <p>18 Q. Your website shows that you've done</p> <p>19 photographic work for a travel magazine, is that</p> <p>20 correct?</p> <p>21 A. Yes, it's correct.</p> <p>22 Q. And is it Conde Nast Travel that you</p> <p>23 did a spread for?</p> <p>24 A. Yeah.</p> <p>25 Q. And that was of Jamaica or it was</p>

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



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Patrick Cariou

January 12, 2010

<p style="text-align: center;">285</p> <p>1 Cariou</p> <p>2 conception is – and I have produced three books</p> <p>3 of portraits, the Gypsies is the fourth one, and</p> <p>4 that's the end of a circle when that particular</p> <p>5 body of work on portraiture is ready to be out</p> <p>6 in the world.</p> <p>7 Then I'll go to landscape or I'll</p> <p>8 go to, you know, still life or different type of</p> <p>9 photography.</p> <p>10 But for the past 20 years I've been</p> <p>11 doing serious portraiture, but I don't – I'm</p> <p>12 not in a rush. I never really thought of, in</p> <p>13 essence, recognition. I like things to slowly,</p> <p>14 you know –</p> <p>15 Q. Germinate?</p> <p>16 A. – mature.</p> <p>17 Q. Mature?</p> <p>18 A. Yeah.</p> <p>19 Q. And by that you mean your work or</p> <p>20 your style to mature?</p> <p>21 A. No, the pictures that are done</p> <p>22 already to mature. You don't look at that book</p> <p>23 now the same way you were looking at it when it</p> <p>24 comes out, when it came out, and you will not</p> <p>25 look at that book in 20 years the way you look</p>	<p style="text-align: center;">287</p> <p>1 Cariou</p> <p>2 someone else. We'll see.</p> <p>3 Q. Are you talking to other people</p> <p>4 about that?</p> <p>5 A. Yeah, yeah.</p> <p>6 Q. And are you in active negotiations</p> <p>7 for that publishing, the publishing of the Gypsy</p> <p>8 book?</p> <p>9 A. Sort of. I'm still working a little</p> <p>10 bit on the layout. There's still things that</p> <p>11 I'm not completely happy with, so – I'm talking</p> <p>12 to people.</p> <p>13 Q. And what companies or individuals,</p> <p>14 publishers –</p> <p>15 MR. BROOKS: I don't think that's</p> <p>16 relevant.</p> <p>17 MS. BART: Well, I think it is</p> <p>18 relevant to show – it is relevant because</p> <p>19 it shows that he still has a viable</p> <p>20 commercial career.</p> <p>21 So I'd like to know who he's</p> <p>22 speaking to. It's my last –</p> <p>23 MR. BROOKS: I'm not going to let</p> <p>24 him speak to people that he doesn't have</p> <p>25 contracts with yet. I'm not going to let</p>
<p style="text-align: center;">286</p> <p>1 Cariou</p> <p>2 at it now.</p> <p>3 You know, things change around,</p> <p>4 aesthetics change, people change. And that's</p> <p>5 why I've never been in a rush to sell prints</p> <p>6 or – whenever I could, you know.</p> <p>7 Q. And what changed for you in 2008</p> <p>8 that caused you to be open to the possibility of</p> <p>9 Ms. Cella representing you, like you were ready?</p> <p>10 A. The completion of Gypsies, the fact</p> <p>11 that I have spent eight years doing the Gypsy</p> <p>12 book. It's done. It's not published yet, but</p> <p>13 there is the mock-up and all the pictures are</p> <p>14 done.</p> <p>15 And those four books will be my</p> <p>16 four books of portraits, and then I'll go on</p> <p>17 something else. You know, and that was the</p> <p>18 time –</p> <p>19 Q. I see. It was the completion of the</p> <p>20 books?</p> <p>21 A. Yeah, that was the completion of</p> <p>22 those four books.</p> <p>23 Q. And is Powerhouse publishing the</p> <p>24 Gypsy book?</p> <p>25 A. Maybe. I'm not sure. It could be</p>	<p style="text-align: center;">288</p> <p>1 Cariou</p> <p>2 him do it. It's confidential.</p> <p>3 MR. HAYES: So you're directing him</p> <p>4 not to answer?</p> <p>5 MR. BROOKS: Yes.</p> <p>6 CQ MS. BART: Let's certify that</p> <p>7 question, please.</p> <p>8 BY MS. BART:</p> <p>9 Q. Mr. Cariou, we're really not trying</p> <p>10 to pry into your personal business, we're trying</p> <p>11 to understand your profession.</p> <p>12 Can you tell me if these publishers</p> <p>13 with whom you're actively engaged in dialogue</p> <p>14 are recognized publishing houses?</p> <p>15 A. Yes, they are.</p> <p>16 Q. And are they international in scope?</p> <p>17 A. Yes, they are.</p> <p>18 Q. Has your Surfer collection ever been</p> <p>19 displayed, exhibited in a gallery?</p> <p>20 A. It was displayed with the Rastas in</p> <p>21 Paris in Gallery 213, yeah.</p> <p>22 Q. So it was –</p> <p>23 A. Yeah, it was a dual thing.</p> <p>24 Q. Have you exhibited any images from</p> <p>25 the Surfer book in any other –</p>



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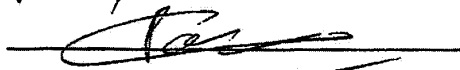
Patrick Cariou

January 12, 2010

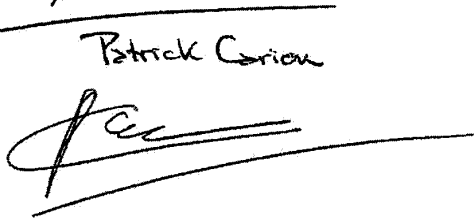
<p style="text-align: center;">289</p> <p>1 Cariou</p> <p>2 A. No.</p> <p>3 Q. No museum?</p> <p>4 A. No.</p> <p>5 Q. What about Trench Town Love, have</p> <p>6 any of the images from that book –</p> <p>7 A. Trench Town Love has been exhibited</p> <p>8 in a museum last summer in Paris.</p> <p>9 Q. Which museum?</p> <p>10 A. It's called La Villette, and the</p> <p>11 exhibition was called Creole Factory.</p> <p>12 Q. Creole?</p> <p>13 A. Creole Factory.</p> <p>14 Q. And when was the Trench Town – when</p> <p>15 were those exhibited in La Villette?</p> <p>16 A. Last summer.</p> <p>17 Q. And for how long?</p> <p>18 A. For two months.</p> <p>19 Q. Was that a one-person exhibition or</p> <p>20 were you –</p> <p>21 A. No.</p> <p>22 Q. Let me finish.</p> <p>23 A. Sorry.</p> <p>24 Q. Or were you part of a bigger</p> <p>25 collection?</p>	<p style="text-align: center;">291</p> <p>1 Cariou</p> <p>2 A. I might have. Yeah, for Surfer I</p> <p>3 might have.</p> <p>4 Q. And do you know what publications</p> <p>5 you were interviewed in?</p> <p>6 A. I don't remember. That was quite a</p> <p>7 bit ago, you know.</p> <p>8 Q. Have you had the Surfer images</p> <p>9 appraised or valued by anyone?</p> <p>10 A. No.</p> <p>11 Q. Same question for Trench Town Love?</p> <p>12 A. No.</p> <p>13 MS. BART: I have just a few more</p> <p>14 questions, but if you don't mind I'd like</p> <p>15 to just step outside with Mr. Hayes for</p> <p>16 one second and then I think we can wrap</p> <p>17 this up.</p> <p>18 THE WITNESS: Sure.</p> <p>19 (Recess taken: 5:41 p.m.)</p> <p>20 (Proceedings resumed: 5:46 p.m.)</p> <p>21 BY MS. BART:</p> <p>22 Q. I only have a couple more questions</p> <p>23 and we can call it a day, Mr. Cariou, save for</p> <p>24 the certified questions.</p> <p>25 Have you spoken with any of the</p>
<p style="text-align: center;">290</p> <p>1 Cariou</p> <p>2 A. It was a group show. It was a huge</p> <p>3 group show.</p> <p>4 Q. Was there a particular genre of work</p> <p>5 that was being exhibited as part of that show?</p> <p>6 A. Yeah. It was all based on the fact</p> <p>7 of being Creole. That was the theme of the</p> <p>8 exhibition. So you had photographs from 80 or</p> <p>9 sculpture from – it was all about the islands</p> <p>10 basically.</p> <p>11 Q. The islands?</p> <p>12 And the Yes Rasta was not part of</p> <p>13 that?</p> <p>14 A. No.</p> <p>15 Q. And the focus on the Creole that is</p> <p>16 it was focusing on that sort of ethnicity, that</p> <p>17 sort of genre?</p> <p>18 A. Yeah.</p> <p>19 Q. That sort of culture, if you will?</p> <p>20 A. Exactly.</p> <p>21 Q. Have you ever been interviewed for</p> <p>22 your Trench Town Love works?</p> <p>23 A. No, I don't think so.</p> <p>24 Q. Surfer, were you interviewed as part</p> <p>25 of Surfer?</p>	<p style="text-align: center;">292</p> <p>1 Cariou</p> <p>2 Rastafarians whose images appear in the</p> <p>3 Yes Rasta photos about the Canal Zone</p> <p>4 exhibition?</p> <p>5 A. No, I have not.</p> <p>6 Q. And have you spoken to them about</p> <p>7 this lawsuit?</p> <p>8 A. No, I have not.</p> <p>9 Q. If you are successful on your claims</p> <p>10 do you intend to share any portion of your</p> <p>11 recovery with the Rastafarians whose images</p> <p>12 appear in the Yes Rasta book?</p> <p>13 MR. BROOKS: He's not answering that</p> <p>14 question. I direct him not to answer.</p> <p>15 CQ MS. BART: Let's certify that</p> <p>16 question as well.</p> <p>17 I'd also like to have a proffer now</p> <p>18 as to why you won't let him answer that</p> <p>19 question?</p> <p>20 MR. BROOKS: It's irrelevant.</p> <p>21 MS. BART: I think it's highly</p> <p>22 relevant.</p> <p>23 MR. BROOKS: You think it is and I</p> <p>24 think it's not, that's why.</p> <p>25 MS. BART: I'm finished with my</p>

ACKNOWLEDGEMENT OF DEPONENT

I declare that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof.

Signed on the 20 day of
February, 2010

Patrick Cariou

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February
20/02/, 2010.

Patrick Cariou

Subscribed and sworn to on the _____ day of _____, 20____ before me,

Notary Public,
In and for the State of _____

ERRATA SHEET

CASE NAME: PATRICK CARIOU v. RICHARD PRINCE, ET AL.

DEPONENT NAME: PATRICK CARIOU

DEPOSITION DATE: JANUARY 12, 2010

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Witness Signature

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Facsimile: (212) 972-8798

Attorneys for Plaintiff Patrick Cariou

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
PATRICK CARIOU,	:
	:
Plaintiff,	:
	:
-against-	:
	:
RICHARD PRINCE, GAGOSIAN	:
GALLERY, INC., LAWRENCE GAGOSIAN,	:
and RIZZOLI INTERNATIONAL	:
PUBLICATIONS, INC.	:
	:
Defendants.	:
-----X	

Case No.: 08 CIV 11327 (DAB)
PLAINTIFF PATRICK CARIOU'S
ANSWERS AND OBJECTIONS TO
DEFENDANTS GAGOSIAN GALLERY,
INC'S AND LAWRENCE GAGOSIAN'S
INTERROGATORIES

Plaintiff Patrick Cariou by his attorneys, SCHNADER HARRISON SEGAL & LEWIS LLP, hereby responds to defendants GAGOSIAN GALLERY, INC.'s and LAWRENCE GAGOSIAN's, (collectively "GAGOSIAN DEFENDANTS"), Interrogatories pursuant to Federal Rules of Civil Procedure 26 and 33 and Local Civil Rule 33.3. Plaintiff reserves his right to supplement his Answers and Objections to Gagosian Defendants' Interrogatories if he learns that in some material respect the response given was incomplete or incorrect. Plaintiff responds to the Interrogatories as follows:

Interrogatory No. 1

To the extent not reflected in any document produced by You in response to the Document Requests, provide the name and last known address and telephone number of each person or entity:

- a. with whom You have entered into an agreement to license any right in any of the Photographs, and for each such agreement, state the total amount of cash or in kind consideration You have received in connection with such license;
- b. with whom You have entered into an agreement to publish, distribute, market, offer for sale, or otherwise exploit, *Yes Rasta* or any of the Photographs, and for each agreement, state the total amount of cash or in kind consideration You have received in connection with such agreements;
- c. who has purchased an original or copy, in any format, of any of the Photographs, and for each such person, state the amount of cash paid or in kind consideration paid given for each such Photograph;
- d. who has knowledge or information of any aspect of the creation, publication, distribution or exploitation of the Photographs or *Yes Rasta*, and for each such person or entity state the subjects of that information;
- e. other than Your attorney with whom You have discussed the creation, exploitation and publication of the Photographs or *Yes Rasta*;
- f. assisted You or contributed to the creation of the Photographs;
- g. with whom you have discussed any allegation in the Amended Complaint;

- h. each person or entity who has asserted a claim against You that by photographing the subjects in any of the Photographs or publishing *Yes Rasta*, you have infringed or violated any right of any such person or entity.

Response No. 1(a)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by Local Civil Rule 33.3. Without waiving the foregoing objection, Plaintiff states that he has not entered into any agreements with any individuals or entities to license any right in any of the Photographs.

Response No. 1(b)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by Local Civil Rule 33.3. Without waiving the foregoing objection, Plaintiff states that he entered into an agreement with PowerHouse Books, a division of PowerHouse Cultural Entertainment, Inc., to, *inter alia*, publish, copyright and sell *Yes Rasta*. A copy of this Agreement previously was produced as a matter of initial disclosure.

Response No. 1(c)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by Local Civil Rule 33.3. Without waiving the foregoing objection, Plaintiff states that individuals paid for original photographs taken by Plaintiff which eventually were published in *Yes Rasta* as follows: Caroline de Maigret paid \$1,500.00 Euros per photograph for two original photographs; Nicolas Laurent Olivier Girard paid \$1,500.00 Euros per photograph for three original photographs; and Salina Hori paid \$2,000 Euros for one original photograph.

Response to No. 1(d)

Plaintiff Patrick Cariou objects to this Interrogatory on the grounds that the phrase “any aspect of the creation, publication, distribution or exploitation” is undefined, rendering the Interrogatory vague and ambiguous. Plaintiff further objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by Local Civil Rule 33.3. Without waiving the foregoing objections, Plaintiff states that Richard Foulster, proprietor of a photographic development company located in New York City, The Small Dark Room, and Paul Ritter, art director of *Yes Rasta*, assisted him in developing and compiling the photographs eventually published in *Yes Rasta*.

Response to No. 1(e)

Plaintiff Patrick Cariou objects to this Interrogatory on the grounds that the phrase “the creation, exploitation and publication” is undefined, rendering the Interrogatory vague and ambiguous, and that the Interrogatory is overly broad. Plaintiff further objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by Local Civil Rule 33.3, and is cumulative and duplicative of Interrogatory No. 1(d). Without waiving the foregoing objections, Plaintiff states that he does not have information or belief sufficient to answer this Interrogatory.

Response to No. 1(f)

Plaintiff Patrick Cariou objects to this Interrogatory on the grounds that the phrase “assisted You or contributed to the creation” is undefined, rendering the Interrogatory vague and ambiguous. Plaintiff further objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by Local Civil Rule 33.3. Without waiving the

foregoing objections, Plaintiff states that he does not have information or belief sufficient to answer this Interrogatory.

Response to No. 1(g)

Plaintiff Patrick Cariou objects to this Interrogatory on the grounds that the phrase "any allegation in the Amended Complaint" is overly broad. Plaintiff further objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by Local Civil Rule 33.3. Without waiving the foregoing objections, Plaintiff states that he discussed certain aspects of the facts underlying some of the allegations levied in the Amended Complaint with Michael Elkin, an attorney practicing in New York City, and Thierry Daher, an acquaintance residing in New York City.

Response to No. 1(h)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by Local Civil Rule 33.3. Without waiving the foregoing objection, Plaintiff states that no individuals or entities have asserted a claim against him in any manner related to the Photographs or *Yes Rasta*.

Interrogatory No. 2

Provide the name and last known business address and telephone number for each person or entity with whom you have been employed, or have provided photographic or other services as a contractor, consultant or otherwise during the period January 1, 2000 through the present, and for the purpose of computing categories of alleged damages, for each such person or entity state:

- a. the position held or nature of the services provided;

- b. the period in which You were employed by, or provided services to each such person or entity;
- c. whether such employment, consulting, contracting or other arrangement was on a full-time basis and if not, the number of hours worked each week; and
- d. the total amount of remuneration or in kind consideration you received from each employer or in connection with each such consulting, contractor, or other engagement.

Response No. 2(a)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3.

Without waiving the foregoing objection, Plaintiff states that he worked with an agent operating out of New York City, Jean Gabriel Kauss, from 2003 through 2008. Mr. Kauss was responsible, in part, for obtaining employment for Plaintiff from various periodical and other business outlets during this period, including without limitation, *EADS*, *Vogue* and *The New York Times Magazine*.

Response No. 2(b)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3.

Without waiving the foregoing objection, Plaintiff states that his professional relationship with Mr. Kauss lasted from 2003 until 2008.

Response No. 2(c)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3. Plaintiff further objects to this Request on the grounds that it is vague, ambiguous and overly broad. Without waiving the foregoing objection, Plaintiff states that from 2003 through 2008 he worked with an agent operating out of New York City, Jean Gabriel Kauss, for variable hours each week.

Response No. 2(d)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3. Without waiving the foregoing objection, Plaintiff states that he does not have information or belief sufficient to answer this Interrogatory.

Interrogatory No. 3

To the extent not reflected in any document produced by you in response to the Document Requests, provide:

- a. the date on which, and the means by which, You first became aware of the Artwork and the Canal Zone exhibition;
- b. the total amount of cash or other consideration You have received in connection with any of the Photographs and *Yes Rasta*;
- c. the date on which you first launched the website www.patrickcariou.com and the number of times the website is accessed each year;

- d. the total number of copies of *Yes Rasta* and the number of Photographs You have sold or given away each year since 2000 as a professional courtesy or marketing effort and for each copy, state the amount of cash or other consideration You received;
- e. the total amount of cash or in kind consideration you received from the sale, license or other exploitation of other Photographic work;
- f. the date and location of each exhibition of any of the Photographs and for every such exhibition state the total amount of cash or other consideration You received in connection with [sic] such exhibit;
- g. the total amount [sic] remuneration or other consideration You have received in connection with other Photographic Work;
- h. the dates on which any other Photographic Work was published, exhibited, or displayed and the location of each such exhibit or display.

Response No. 3(a)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3. Without waiving the foregoing objection, Plaintiff states that he first became aware of the unauthorized use of his copyrighted photographs by Richard Prince in the Canal Zone Exhibition on or around November 15, 2008, when he was informed of the Canal Zone Exhibition by his friend, Francesco Solari.

Response No. 3(b)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3. Plaintiff also objects to this Interrogatory on the grounds that the phrase "in connection with any of the Photographs and *Yes Rasta*" is undefined, rendering the Interrogatory vague and ambiguous. Without waiving the foregoing objections, Plaintiff states that documents reflecting the information sought by this Interrogatory were produced to all Defendants on October 2, 2009.

Response No. 3(c)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3. Without waiving the foregoing objection, Plaintiff states that he does not have information or belief sufficient to answer this Interrogatory.

Response No. 3(d)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3. Without waiving the foregoing objection, Plaintiff states that he does not have information or belief sufficient to answer this Interrogatory.

Response No. 3(e)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3.

Without waiving the foregoing objection, Plaintiff states that he does not have information or belief sufficient to answer this Interrogatory.

Response No. 3(f)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3.

Without waiving the foregoing objection, Plaintiff states that photographs taken by him of Rastafarians, some, if not all, of which were published in *Yes Rasta*, were displayed at the Patrick Cariou Exhibition in Galerie 213 in Paris, France from September through October of 2000.

Response No. 3(g)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3.

Without waiving the foregoing objection, Plaintiff states that he does not have information or belief sufficient to answer this Interrogatory.

Response No. 3(h)

Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3.

Plaintiff further objects to this Interrogatory on the grounds that the phrase "any other Photographic Work was published, exhibited, or displayed" is overly broad. Without waiving the foregoing objections, Plaintiff states that he does not have information or belief sufficient to answer this Interrogatory.

Interrogatory No. 4

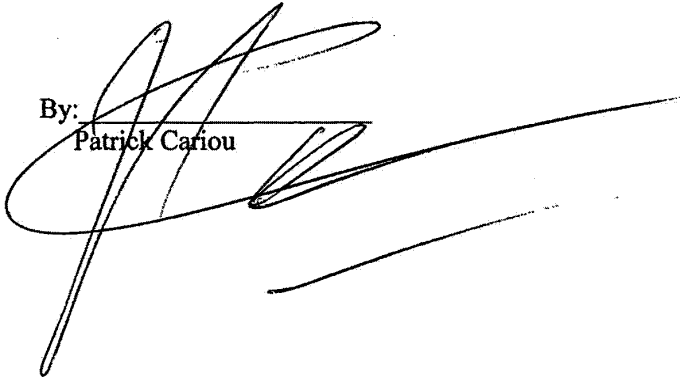
Identify each person other than counsel who assisted with the preparation of, or contributed content for, Your responses to these Interrogatories.

Response to No. 4


Plaintiff Patrick Cariou objects to this Interrogatory as it calls for information beyond the permissible scope of discovery as delineated by F.R.C.P. 26(b) and Local Civil Rule 33.3.

Without waiving the foregoing objection, Plaintiff states that no individuals assisted Plaintiff with the preparation of, or contributed content for, his responses to these Interrogatories other than his legal representatives or those individuals or entities otherwise listed in the abovementioned responses.

I, Patrick Cariou, the Plaintiff in the within action, hereby swear or affirm that I have read the foregoing Answers and Objections to Defendants Gagosian Gallery, Inc's and Lawrence Gagosian's Interrogatories and that the contents thereof are true and correct to the best of my knowledge, information and belief.

By: 
Patrick Cariou

Dated: October 5, 2009

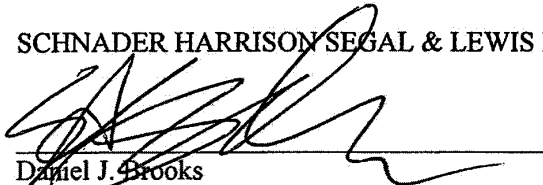

CYNTHIA A. MURRAY
Notary Public, State of New York
No. 02MU6123272
Qualified in NEW YORK County
Commission Expires MARCH 7, 2013

Dated: New York, New York
October 5, 2009

AS TO OBJECTIONS:

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP



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Eric A. Boden
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Facsimile: (212) 972-8798
Attorneys for Plaintiff Patrick Cariou

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PATRICK CARIOU, :
 :
 :
 Plaintiff, :
 :
 -against- :
 :
 RICHARD PRINCE, GAGOSIAN GALLERY, :
 INC., LAWRENCE GAGOSIAN, and :
 RIZZOLI INTERNATIONAL :
 PUBLICATIONS, INC. :
 :
 Defendants.:
-----X

AFFIDAVIT OF SERVICE
08 CIV 11327 (DAB)

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Claudia P. Manchola, being duly sworn, deposes and says:

That she is not a party to this action, is over eighteen (18) years of age, resides in Queens County, Elmhurst, New York and that on the fifth (5th) day of October, 2009, she served the within **PLAINTIFF PATRICK CARIOU'S ANSWERS AND OBJECTIONS TO DEFENDANTS GAGOSIAN GALLERY, INC'S AND LAWRENCE GAGOSIAN'S INTERROGATORIES** upon:

Hollis Gonerka Bart, Esq.
Dara G. Hammerman, Esq.
WITHERS BERGMAN LLP
430 Park Avenue, 10th Floor
New York, NY 10022-3505

Steven M. Hayes, Esq.
HANLY CONROY BIERSTEIN
SHERIDAN FISHER & HAYES LLP
112 Madison Avenue
New York, NY 10016-7416

John B. Sherman, Esq.
WEISMAN CELLER SPETT &
MODLIN P.C.
445 Park Avenue, No. 1500
New York, NY 10022

by depositing a true copy of same securely enclosed in a federal express package for overnight delivery in an official depository under the exclusive care and custody of the Federal Express Service Department within the State of New York.



CLAUDIA P. MANCHOLA

Sworn to before me this
5th day of October, 2009.



Notary Public

CYNTHIA A. MURRAY
Notary Public, State of New York
No. 02MU6123272
Qualified in NEW YORK County
Commission Expires MARCH 7, 2013



FOR IMMEDIATE RELEASE:

powerHouse Books announces the publication of

Yes Rasta

Photographs by Patrick Cariou

Essay by Perry Henzell

With a penchant for adventure, is it no wonder photographer Patrick Cariou—whose first book, *SURFERS*, drew tidal waves of praise—journeyed to Jamaica, a land he calls “pure madness, and one of the most dangerous places on earth that is not at war.” There he encountered the secluded world of the Rastafarians, a world, culture, and religion closed to outsiders. Cariou slowly gained their trust, and they began to let him take their picture. With bold black-and-white portraits and landscapes, Cariou indelibly captured the strict, separatist, jungle-dwelling fruit-of-the-land lifestyle popularized by reggae legends Bob Marley, Peter Tosh, and Burning Spear in portraits never seen until now.

In YES RASTA—the phrase spoken by true Rastafari when greeting each other—Cariou’s direct, classical photographs reveal men whose style and attitude are as distinctive as their dreadlocks. Men who have left the modern world of Babylon in pursuit of their own independence. Men whose lives are intertwined with the tropical landscape, and whose rituals, symbols, philosophies, religion, medicine, agriculture, family structure, and remarkable strength make THE definitive statement of self-reliance.

Patrick Cariou’s first book, *SURFERS* (powerHouse Books, 1998), was described by *Vanity Fair* as “awesomely beautiful.” Cariou’s work has appeared in *Vogue Hommes International*, *Conde Nast Traveler*, *GQ*, and *Marie Claire*, among others. Cariou lives and works in New York City.

Perry Henzell is best known as the producer of the classic cult film *The Harder They Come*. Born in Jamaica, Henzell founded Vista Productions and made over 200 commercials there during the ‘60s. He is also the author of the novel *Power Game*. Henzell is currently casting *The Harder They Come 2*.

PHOTOGRAPHY / REGGAE CULTURE

Hardcover, 10.25 x 12.75 inches, 176 pages, 105 tritone photographs
ISBN: 1-57687-073-1 \$60.00


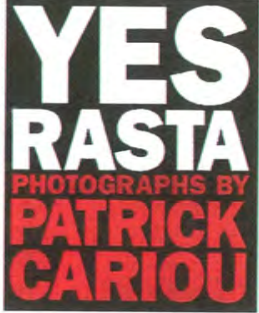




For more information, please contact Sara Rosen, Publicity Director
powerHouse Books, 68 Charlton Street, New York, NY 10014
Tel: 212-604-9074, Fax: 212-366-5247, email: sara@powerHouseBooks.com

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PH0001

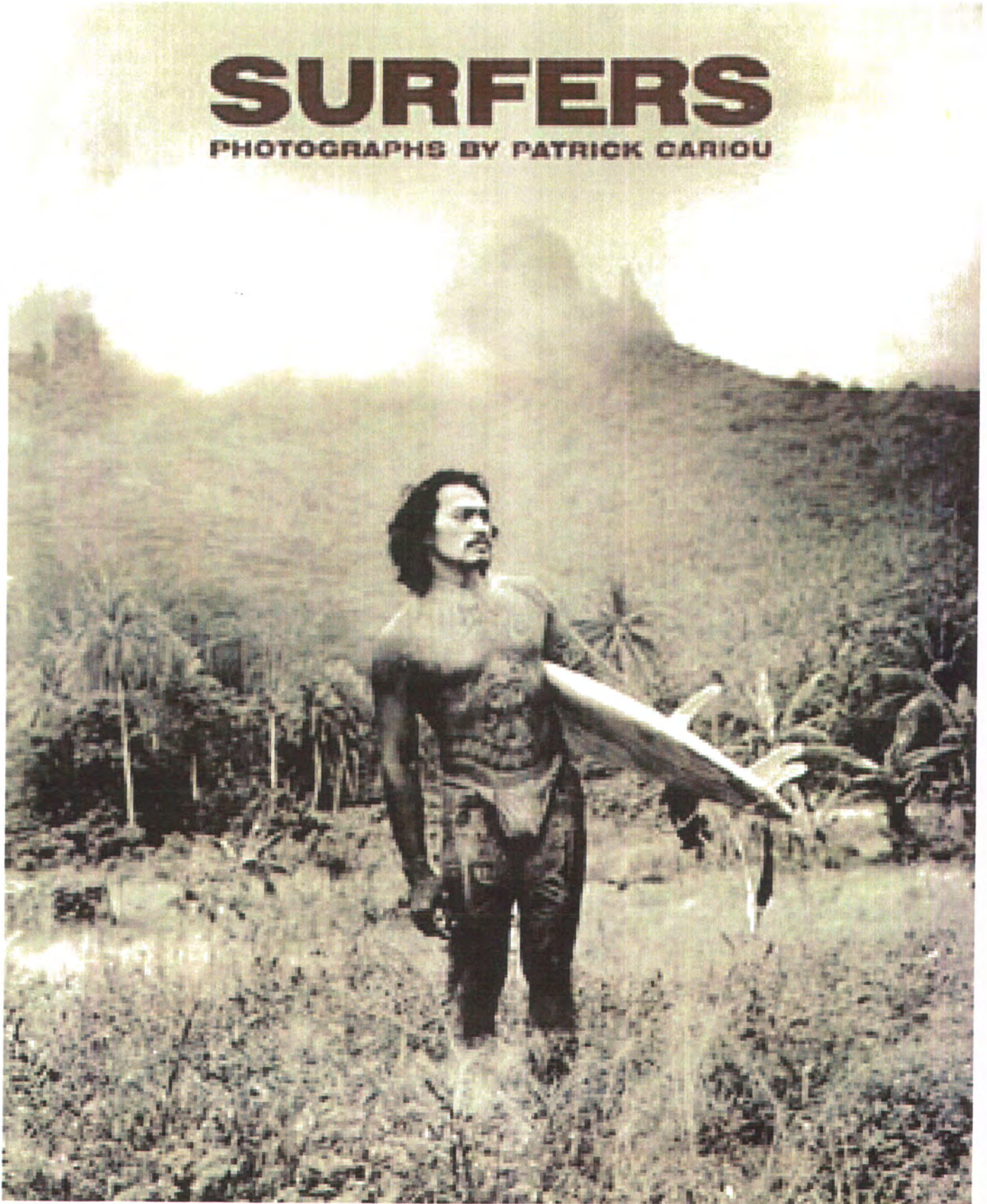


 <p>SURFERS PHOTOGRAPHS BY PATRICK CARIOU</p> <p>Surfers Book</p>	 <p>YES RASTA PHOTOGRAPHS BY PATRICK CARIOU</p> <p>Yes Rasta Book</p>	 <p>Magazine Work</p>	 <p>Polynesian Project</p>
 <p>Gypsy Project</p>	<p>Contact</p> <p>Surfers Book Text Yes Rasta Text Trenchtown Love Text</p>	<p>Order Now</p> <p>Surfers Yes Rasta Trenchtownlove</p>	 <p>TRENCHTOWN LOVE</p> <p>Trenchtown Love</p>

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SURFERS

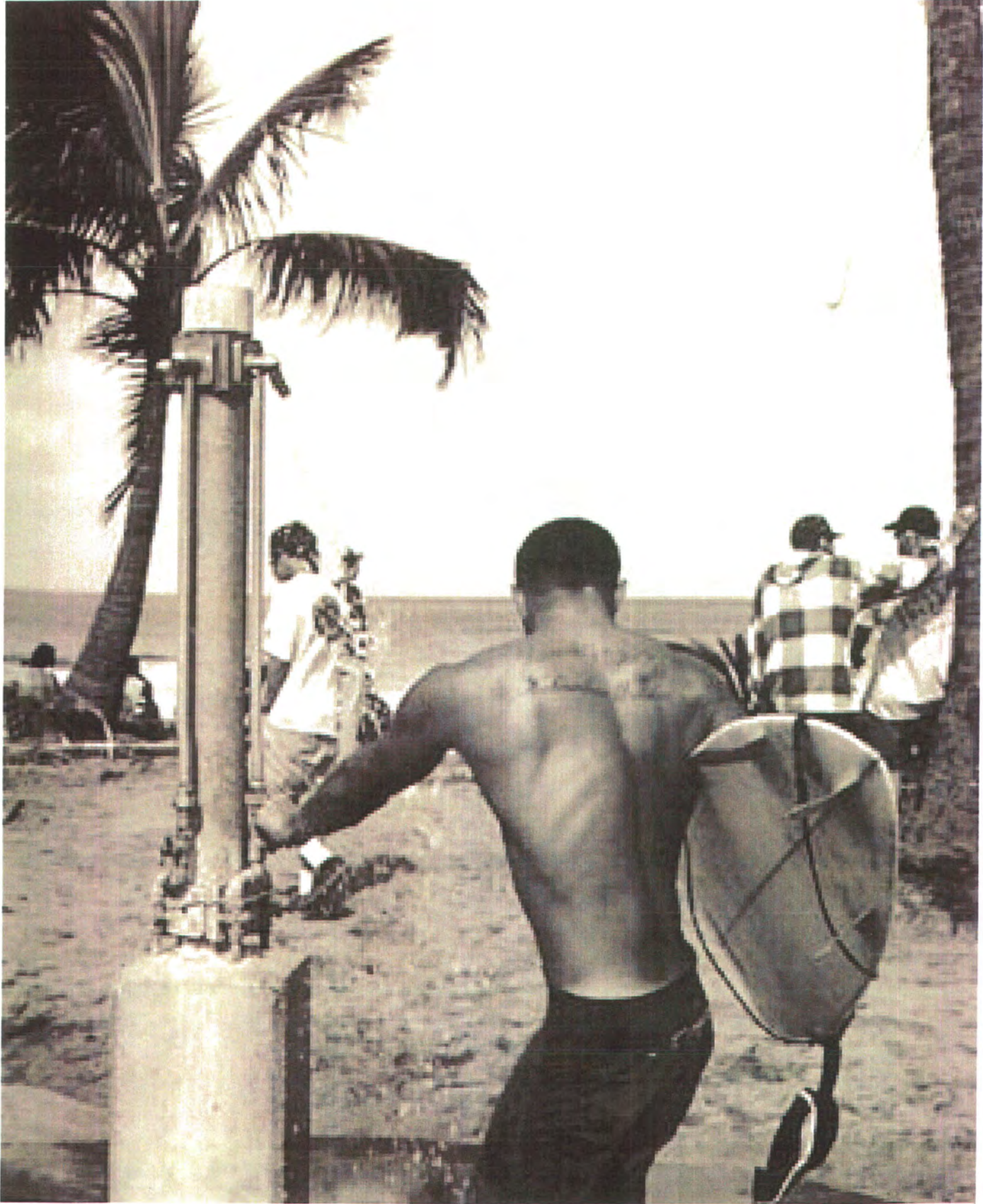
PHOTOGRAPHS BY PATRICK CARIOU



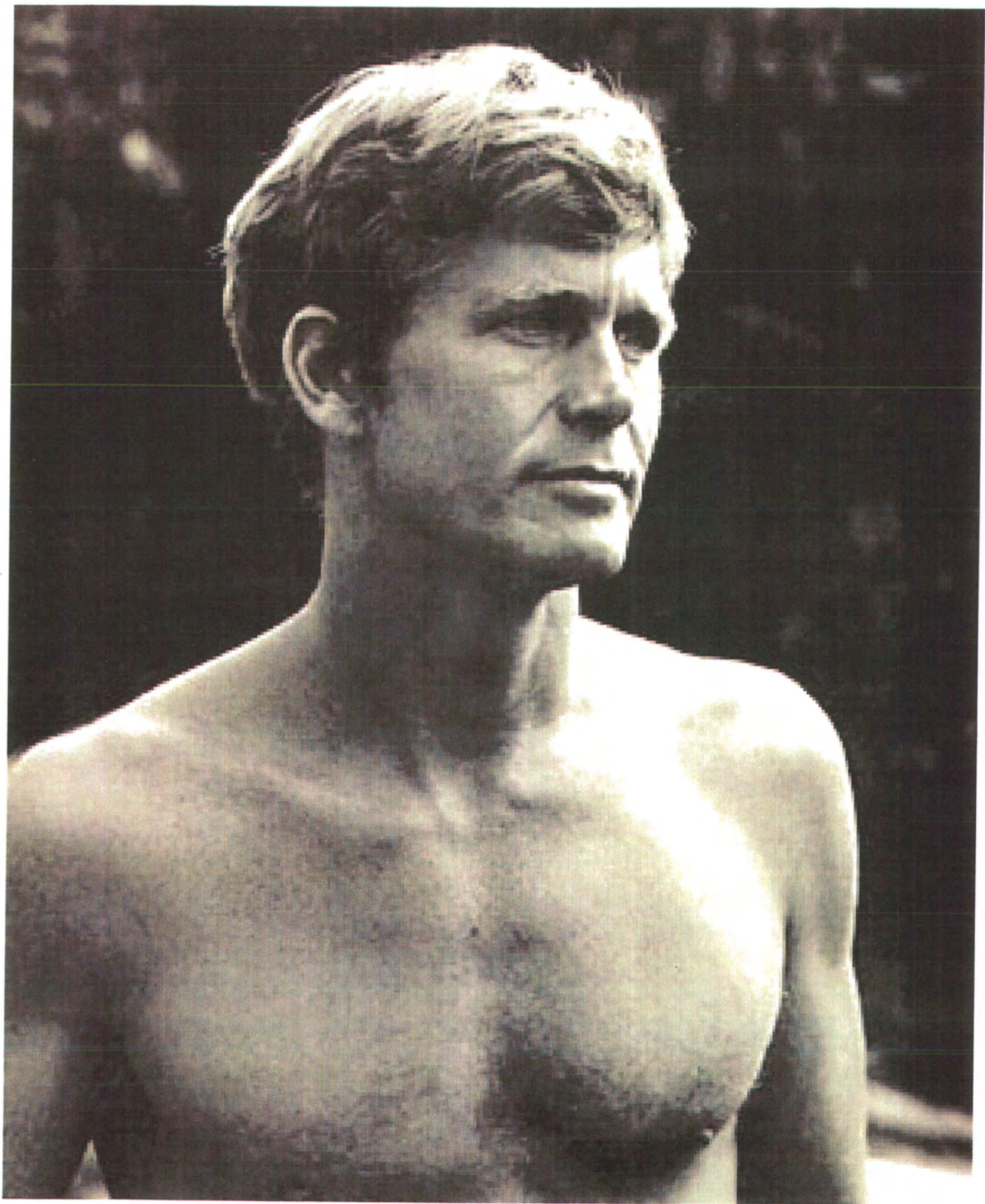
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A-626

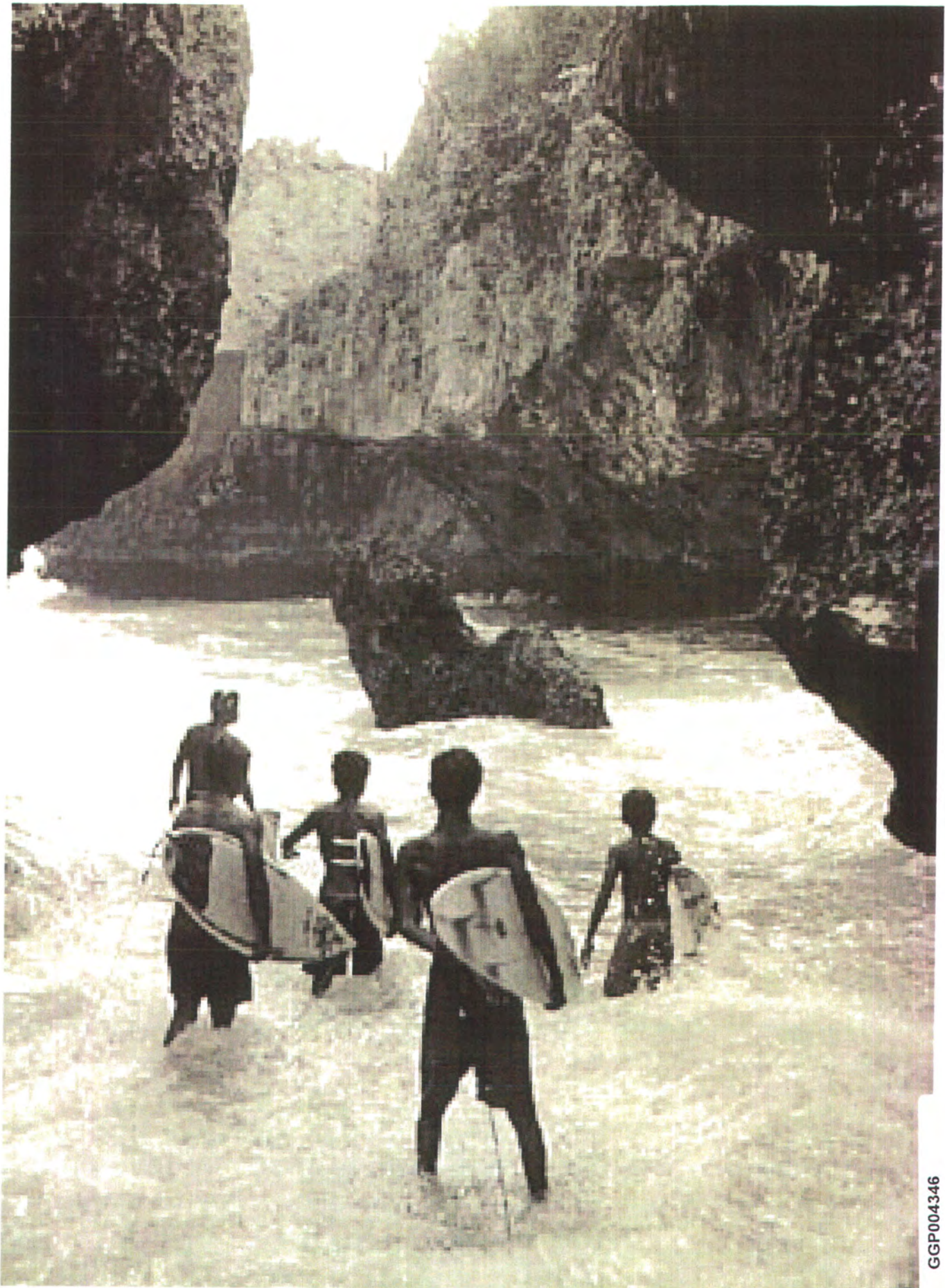


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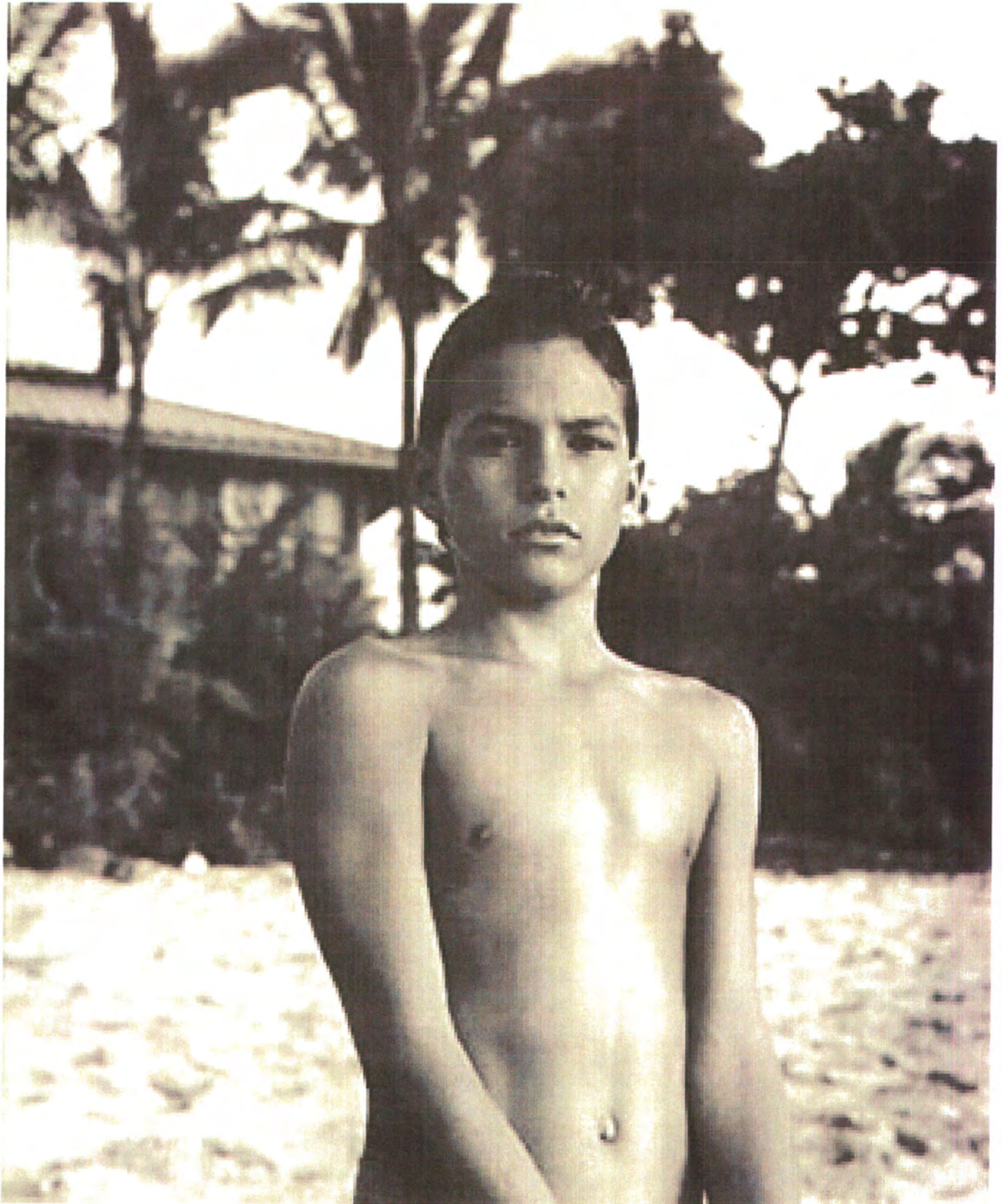
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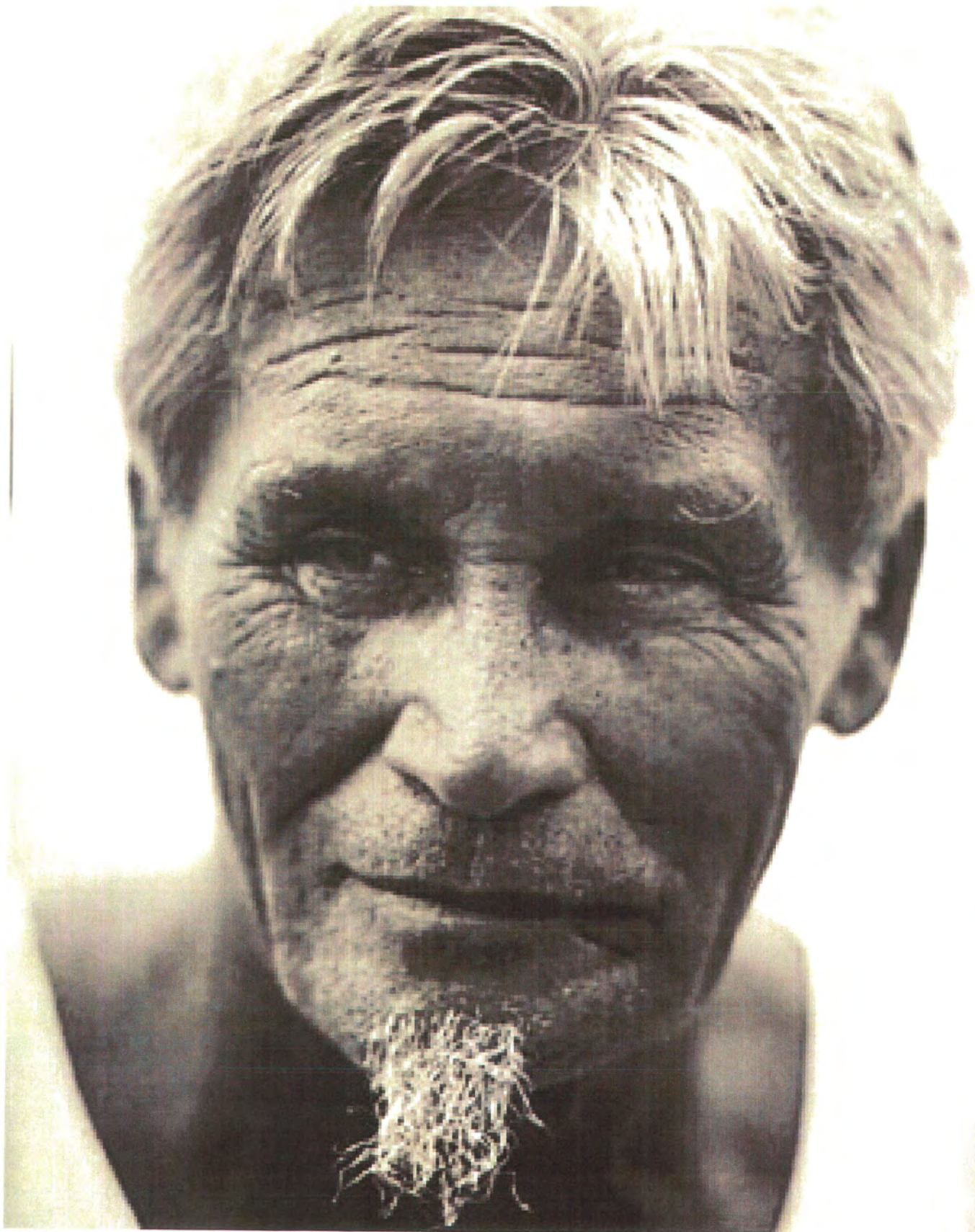


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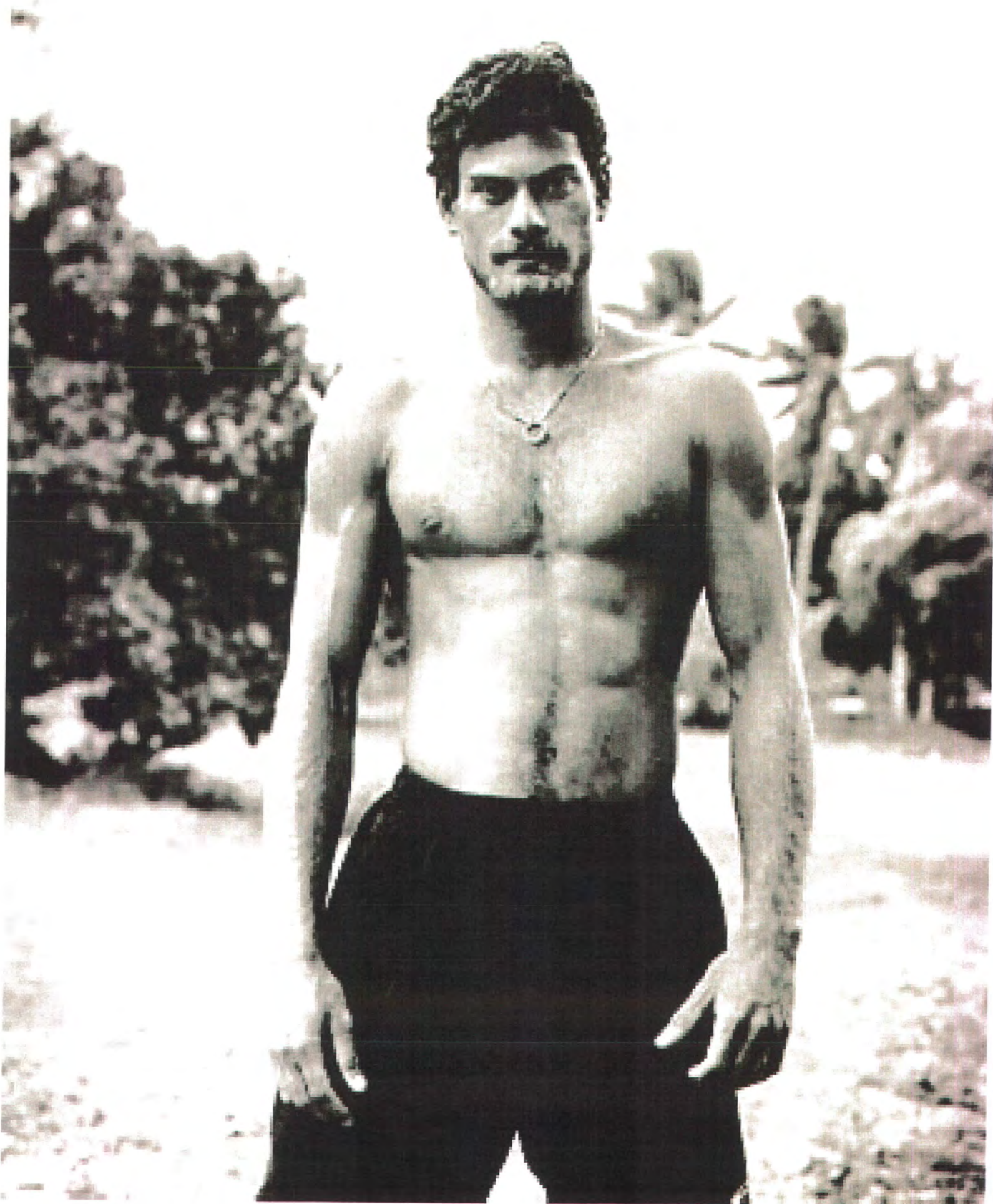




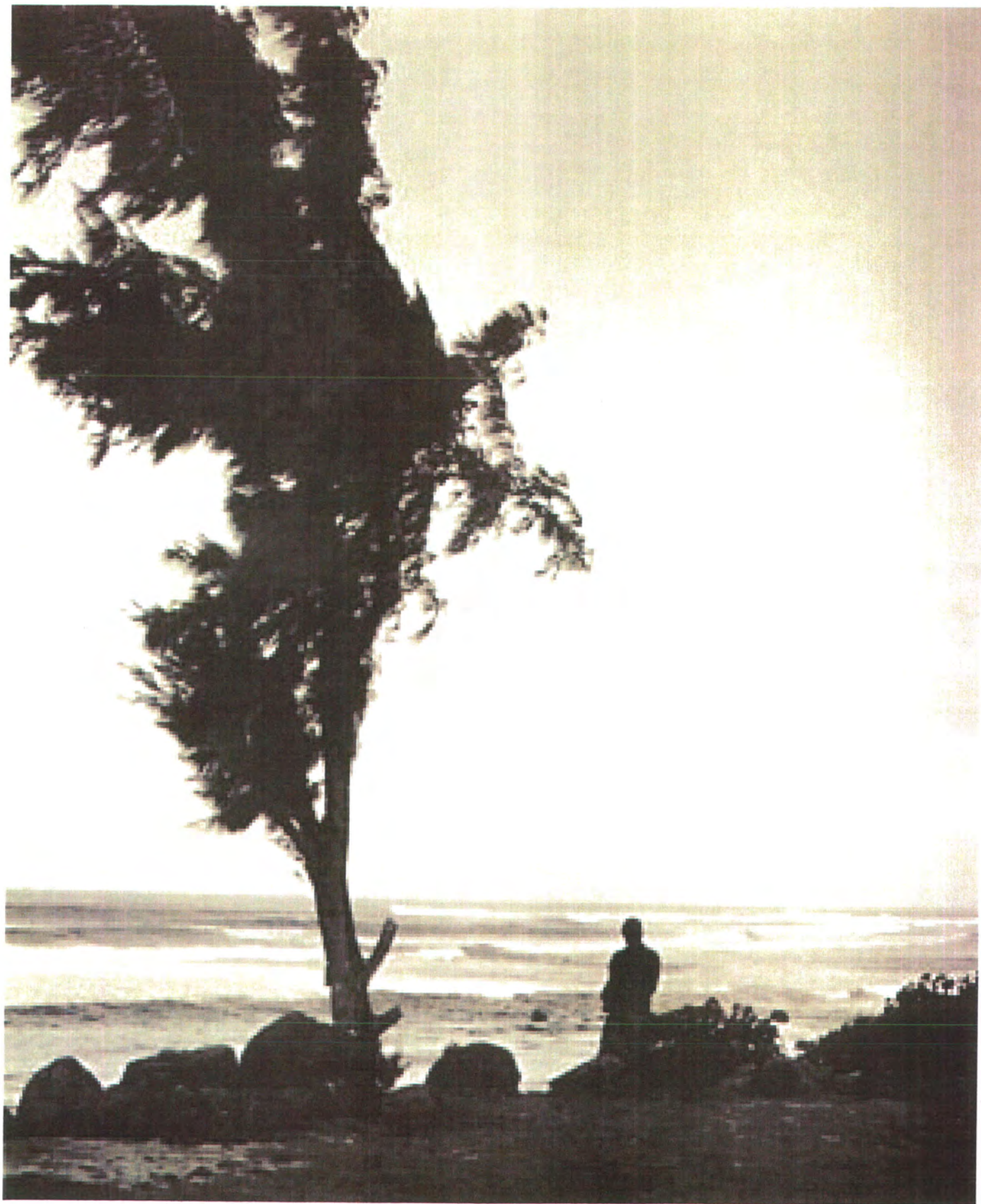




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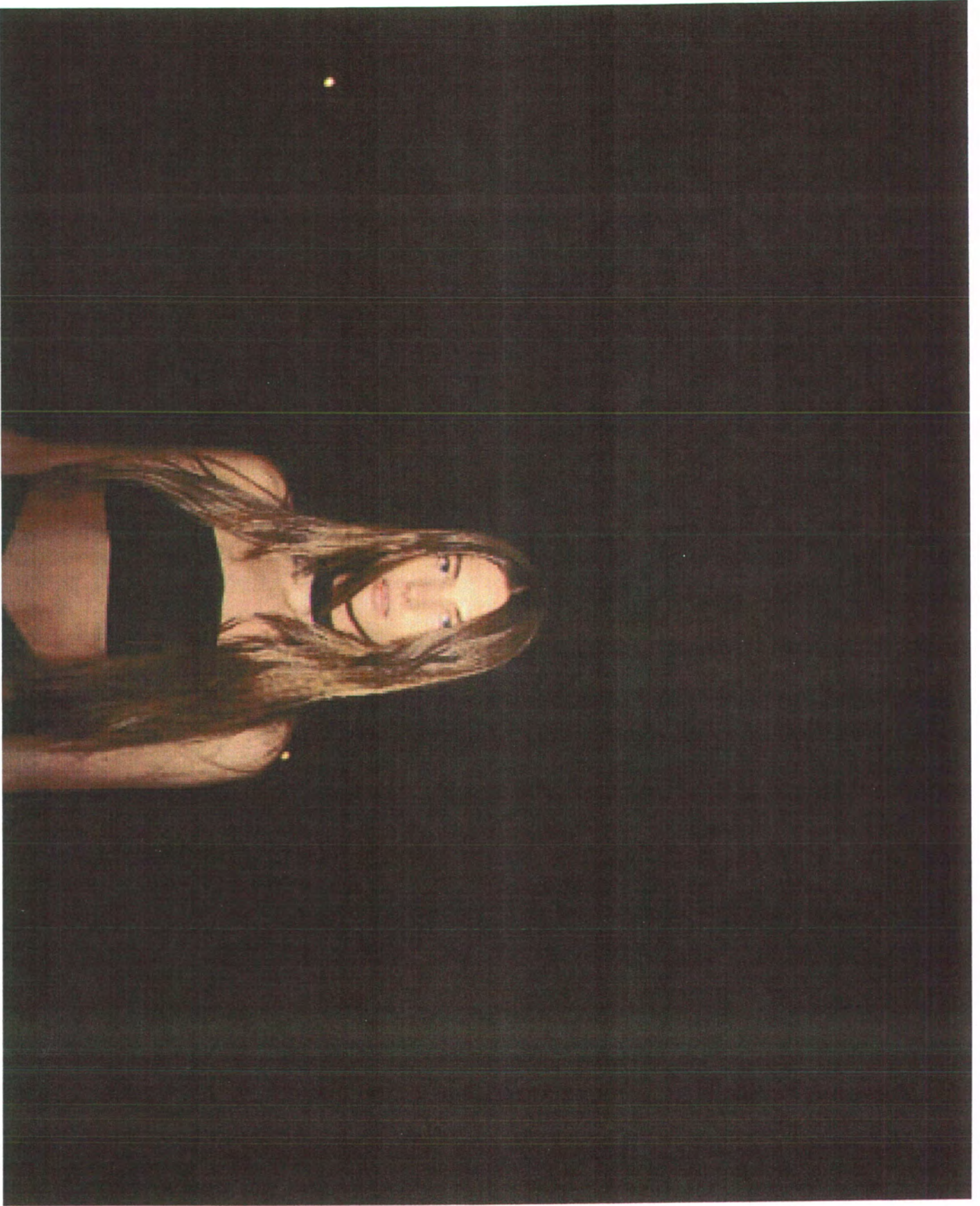
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GGP004358

A-641



GGP004359

DANCE HALL QUEEN

Jamaican dance hall music has its own vibrant rhythms and dress code - mix it up in luxury, stripes, patterns and a host of bonding. Photographed by Patrick Carro



High Fashion
 night club
 dress \$115
 Candy Alexander
 1000 Ave. 100
 1000 Ave. 100
 1000 Ave. 100
 1000 Ave. 100
 1000 Ave. 100

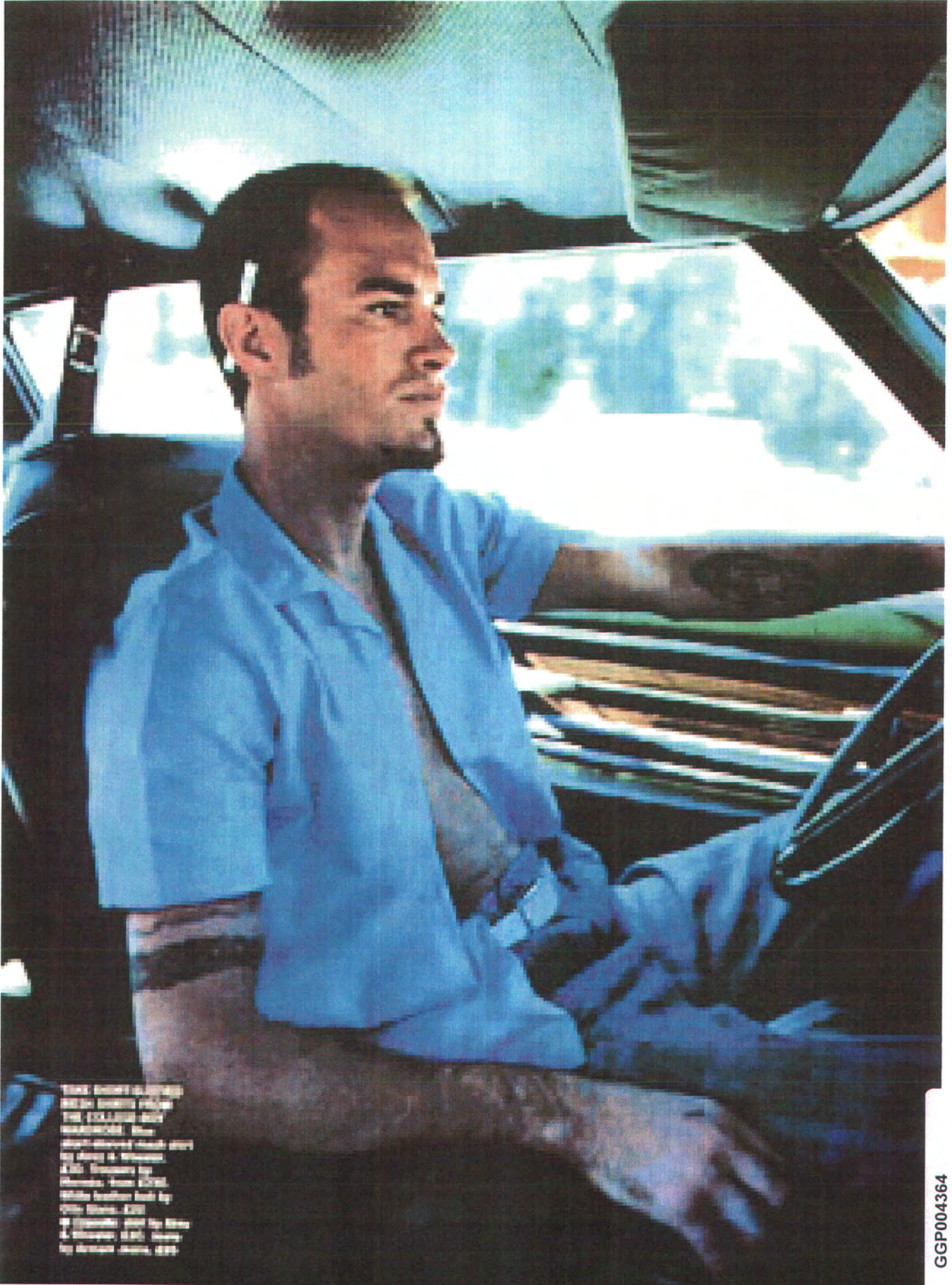
11 OCTOBER 1997 AMM

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A-644



GGP004362



THESE CLOTHING ITEMS
ARE THE PROPERTY OF
THE CLOTHING STORE
MANAGER. They
should always be used
by the store manager.
If you are a manager,
please, please, please
do not use them.
White leather suit by
John Galt, 1991
or (possibly) 1992 by John
G. Galt, 1991, from
the 1991 store, 1991

A-647



GGP004365

A-648



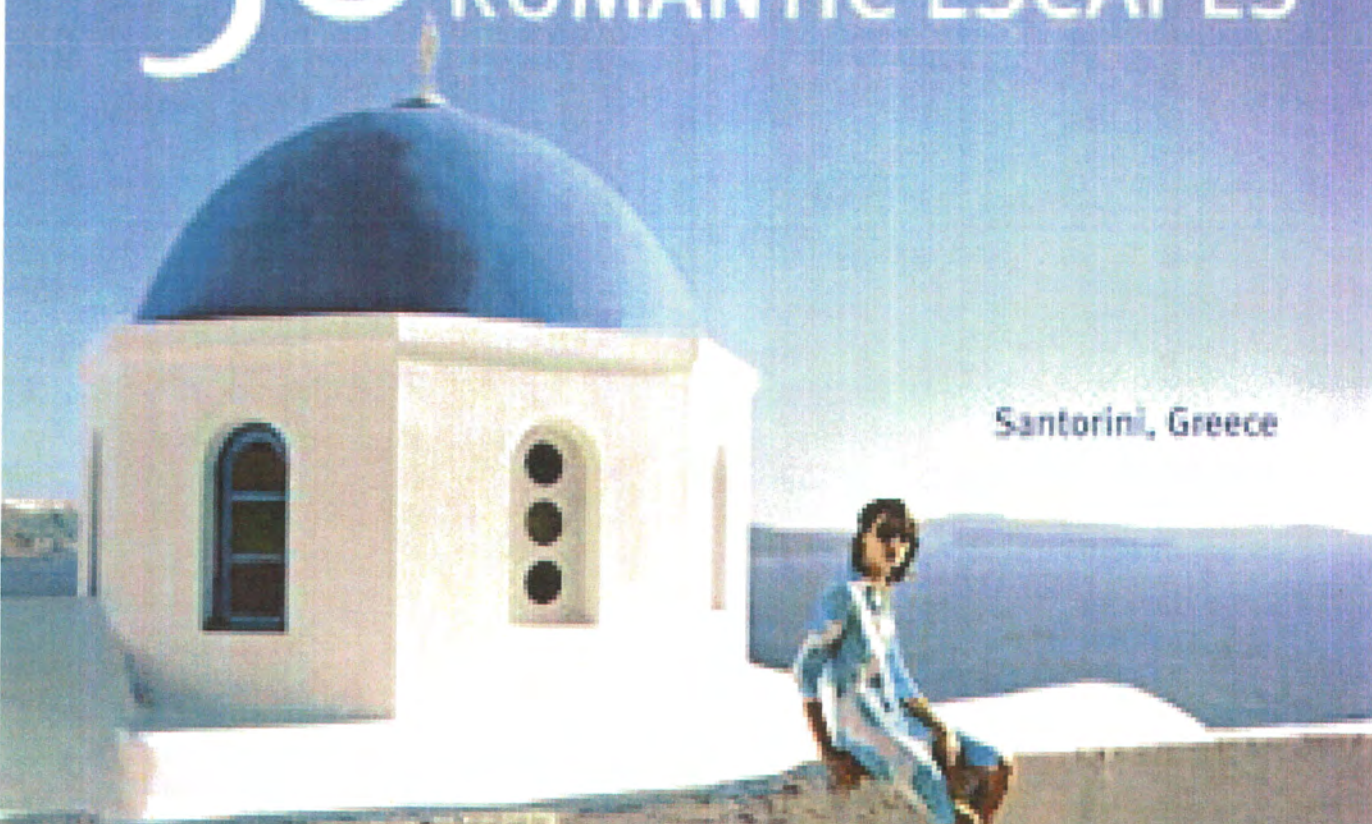
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TRAVEL + LEISURE

FEBRUARY 2007

50 ROMANTIC ESCAPES



Santorini, Greece

LONDON
HOT NEW RESTAURANTS

THE BEST SPAS IN THE
CARIBBEAN

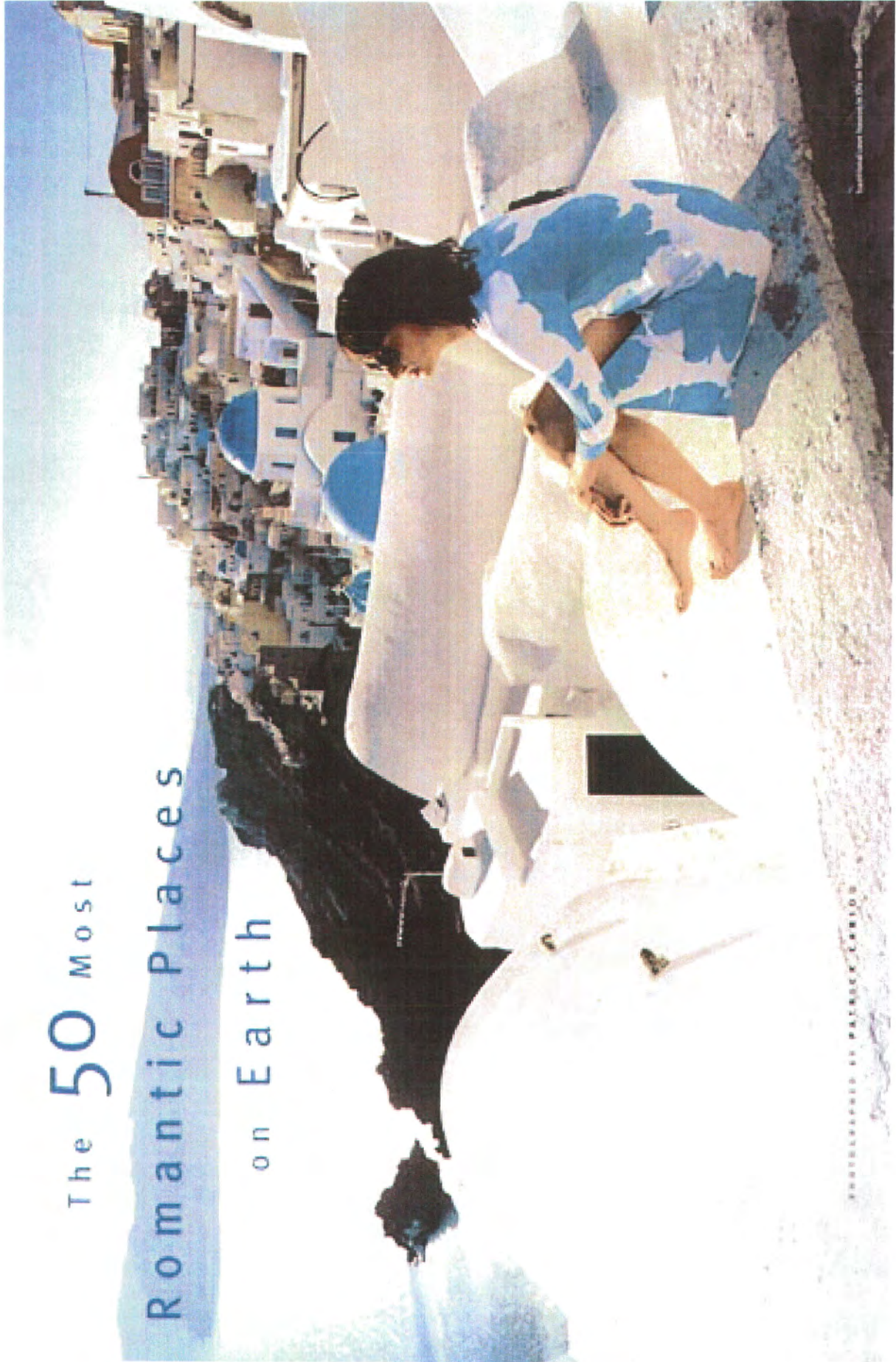
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View from the Deck
with a view of the ocean



The 50 Most Romantic Places on Earth

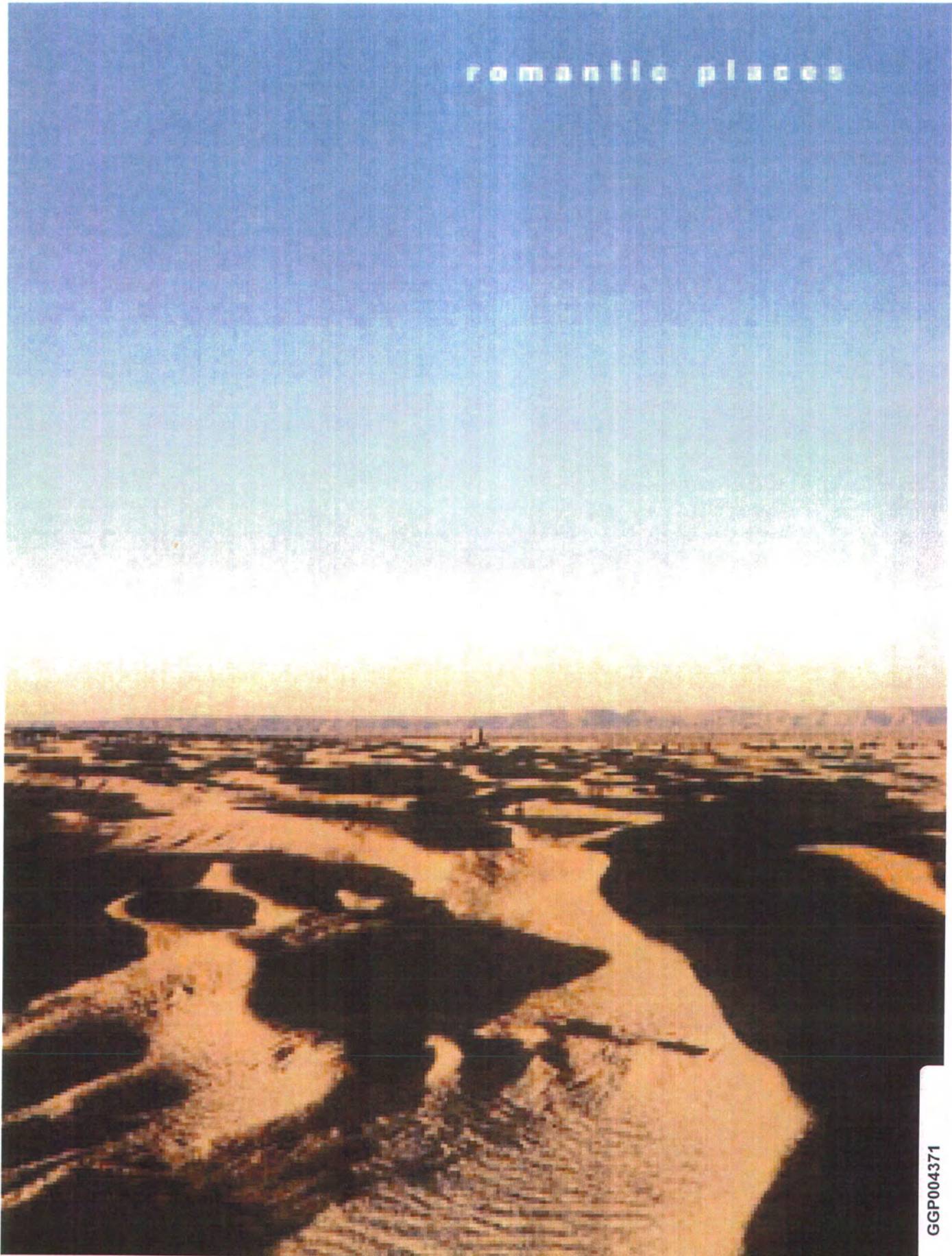


PHOTOGRAPHS BY PATRICK LEMIOS

A-652



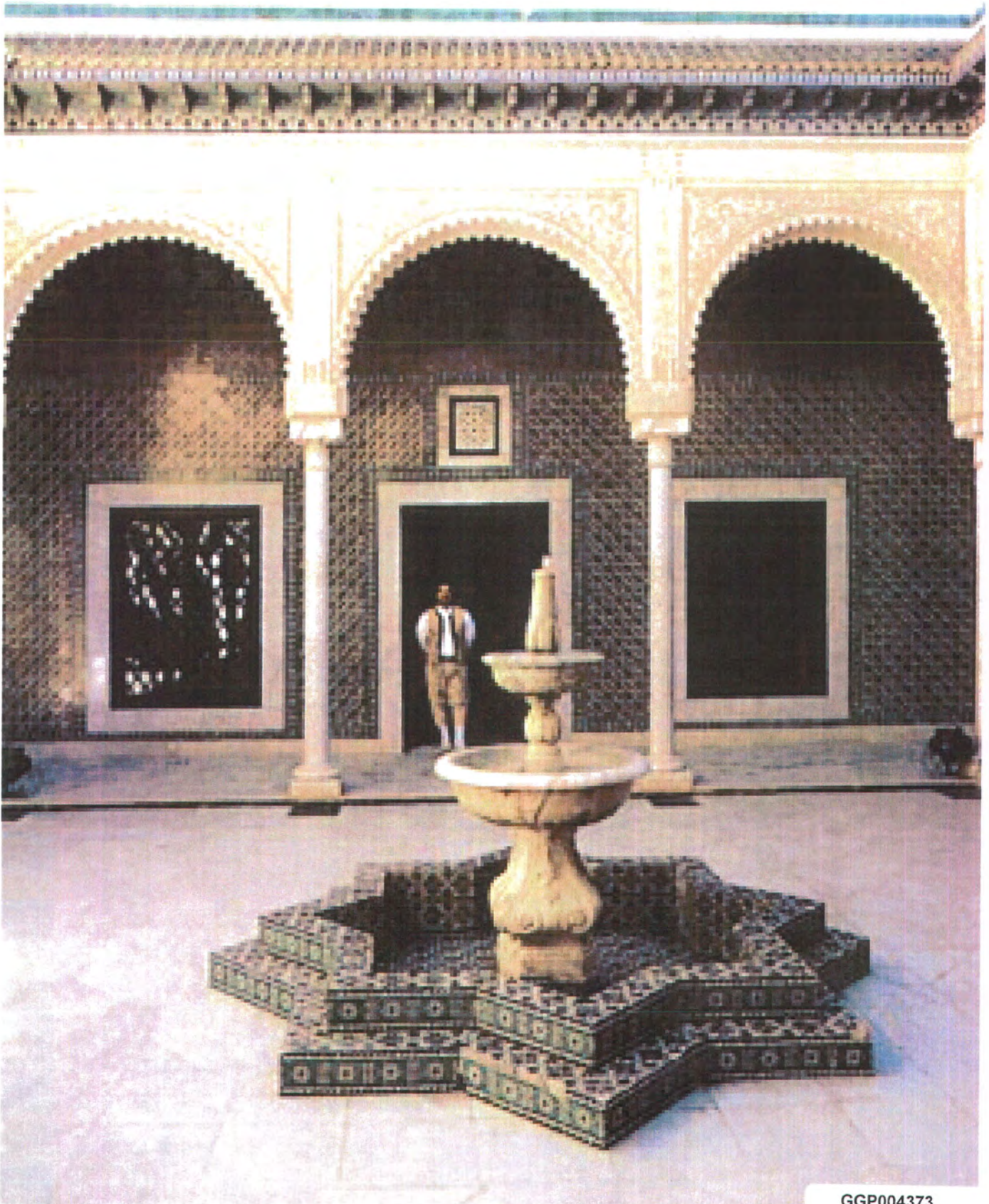
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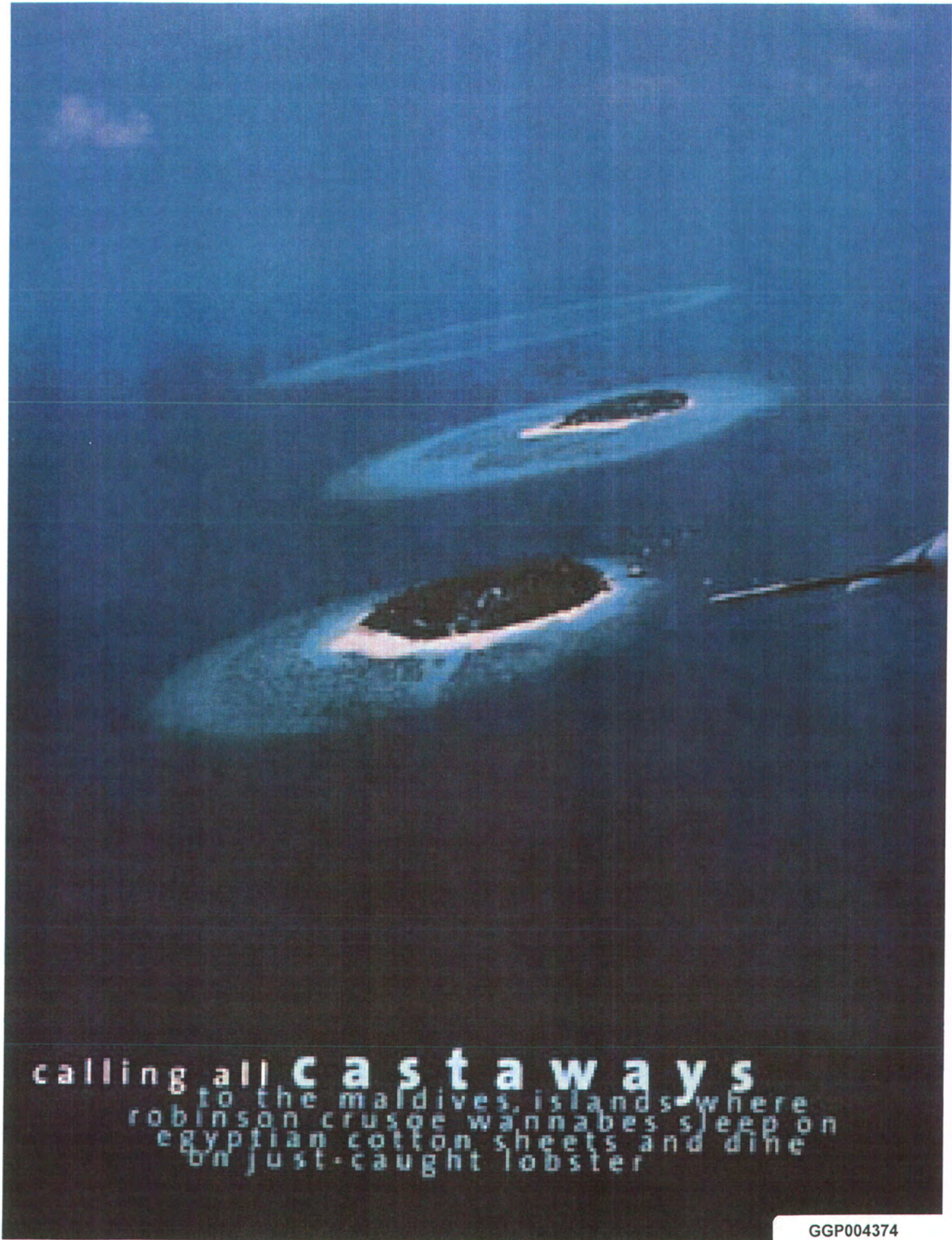
romantic places



A-655



GGP004373



calling all **castaways**
to the maldives, islands where
robinson crusoe wannabes sleep on
egyptian cotton sheets and dine
on just-caught lobster