

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAFFLANE HOLDINGS LTD., and
ROBERT WYLDE,

Plaintiffs,

11 CIV 1679 (DLC)

-against-

GAGOSIAN GALLERY, INC., and
CHARLES COWLES,

Defendants.

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GAGOSIAN GALLERY, INC.,

Third-Party Plaintiff,

**AFFIDAVIT OF
CHARLES COWLES**

-against-

CHARLES COWLES,

Third-Party Defendant.
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STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

CHARLES COWLES, being duly sworn, deposes and says:

1. I am an individual defendant in the above captioned action. Except as otherwise noted, I have personal knowledge of the facts set forth herein. I respectfully submit this affidavit in opposition to the motion for a default judgment being sought against me by Defendant/Third-Party Plaintiff Gagosian Gallery, Inc. (“Gagosian Gallery”) and in opposition to the purported damages being claimed by the Gagosian Gallery (the “Safflane Inquest Proceeding”).

2. I am submitting this affidavit to explain the circumstances surrounding my failure to timely answer the complaint and third-party complaint that were filed in this action to underscore that my failure to do so was not willful in nature.

3. I am a retired art dealer and am not sophisticated in litigation matters. During relevant times, I have been preoccupied by the serious, life-threatening health issues of my 93 year old mother, Jan Cowles (who presently is near death), which necessitated my making multiple trips to Miami, Florida, to see her after I was served in this lawsuit. During relevant times, I also have been experiencing serious financial and health issues, which include some memory issues for which I have received and continue to receive medical treatment.

4. My failure to timely answer the complaint and third-party complaint in this action was prompted by the foregoing problems and demands on my time. Because of my desperate financial circumstances, I could not afford to hire a suitable lawyer after being sued. I also did not understand that my being sued in this action could result in a large money judgment being awarded against me.

5. While I do not deny my shared responsibility for the events that led up to this lawsuit, it is my understanding that the Gagosian Gallery is not blameless in this matter either and I understand that I do have valid legal defenses to the default judgment being sought by the Gagosian Gallery against me and against the purported damages being claimed by the Gagosian Gallery in the Safflane Inquest Proceeding. It is my understanding that those defenses are discussed in the legal brief being submitted on my behalf along with this affidavit.

WHEREFORE, I respectfully request that the Gagosian Gallery's motion for a default judgment against me and for the award of its claimed damages in the Safflane Inquest Proceeding be denied.



Charles Cowles

Sworn to before me
this 6th day of February 2012



Notary Public

No. 02C16173249
Qualified in Queens County
Commission expires 10/21/2015