

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAFFLANE HOLDINGS LTD., and
ROBERT WYLDE,

Plaintiffs,

11 CIV 1679 (DLC)(MHD)

-against-

GAGOSIAN GALLERY, INC., and
CHARLES COWLES,

**OPPOSITION AFFIRMATION
OF DEAN T. CHO, ESQ.**

Defendants.

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GAGOSIAN GALLERY, INC.,

Third-Party Plaintiff,

-against-

CHARLES COWLES,

Third-Party Defendant.

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DEAN T. CHO, an attorney duly admitted to practice before the Bar of this Court and the Courts of the State of New York, hereby affirms under penalties of perjury as follows:

1. I am counsel for Defendant/Third-Party Defendant Charles Cowles in this action. Except where otherwise noted, I am fully familiar with the facts set forth herein. I respectfully submit this affirmation in opposition to the motion of Defendant/Third-Party Plaintiff Gagosian Gallery, Inc. (“GGI”) for a default judgment against Mr. Cowles and in opposition to the purported damages being claimed by GGI as the assignee of the claims of Plaintiffs Safflane Holdings Ltd. (“Safflane”) and Robert Wylde (“Wylde”)

(collectively, the “Safflane Plaintiffs”) against Mr. Cowles (the “Safflane Inquest Proceeding”).

2. Annexed hereto as Ex. A are relevant excerpts of the transcript of the September 23, 2011 deposition of John Good, the employee of GGI who was actively involved in the various transactions at issue in this action. The excerpts of Mr. Good’s depositions set forth a number of Mr. Good’s material admissions that are highly relevant to the issues presented by GGI’s motions.

3. Annexed hereto as Ex. B is the Settlement Agreement dated as of October 12, 2011, by and between the Safflane Plaintiffs and GGI. This Settlement Agreement contains various provisions that are highly relevant to the issues presented by GGI’s motions.

WHEREFORE, I respectfully request that GGI’s motion for a default and motion to set damages pursuant to the Safflane Inquest Proceeding should be denied in their entirety.

Dated: February 8, 2012

/s/
Dean T. Cho