

Withers Bergman LLP

430 Park Avenue, 10th Floor, New York, New York 10022-3505
Telephone: +1 212 848 9800 Fax: +1 212 848 9888

February 8, 2012

Via Facsimile

The Honorable Michael Dolinger
United States District Court
Southern District of New York
500 Pearl Street, Room 17D
New York, NY 10007

ENDORSED ORDER
Gagosian may serve and file its remaining papers by Feb. 24, 2012.
[Signature]
2/9/12

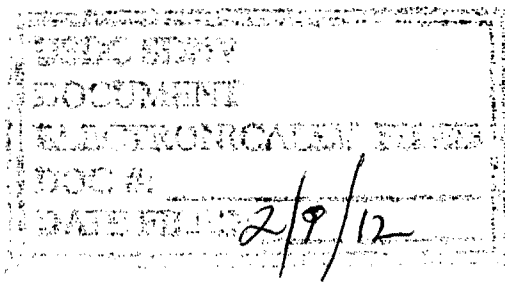
Re: Safflane Holdings Ltd. and Robert Wylde v. Gagosian Gallery, Inc.; No. 11-CV-1679

Dear Judge Dolinger:

We write on behalf of our client, Gagosian Gallery, Inc. ("Gagosian"), to request a 14 day extension of Gagosian's time to respond to papers filed this afternoon by third-party defendant Charles Cowles in opposition to (i) Gagosian's Motion for Default Judgment in the *Gagosian Gallery, Inc. v. Cowles* proceeding (the "Motion for Default Judgment") and (ii) Gagosian's affidavits demonstrating its damages in the *Safflane Holdings Ltd. and Robert Wylde v. Gagosian Gallery, Inc.* proceeding (the "Safflane Inquest Proceeding").

As your Honor will recall, on January 9, 2012, the Court reset Cowles' deadline to file a response, if any, to Gagosian's Motion for Default Judgment, to January 26, 2012. In addition, by Order of that same date, the Court ordered Gagosian to submit affidavits demonstrating the damages it is seeking in the Safflane Inquest Proceeding by January 19, 2012, and ordered Cowles to submit a response by January 26, 2012. Despite that Order, Cowles did not file any response to Gagosian's Motion for Default Judgment.

Gagosian timely submitted its affidavits supporting its claim for damages in the Safflane Inquest Proceeding and served it papers on Cowles by Federal Express overnight mail. However, after informing the Court that Federal Express returned Cowles' service copies of the affidavits to us because they could not be delivered to him, and that we had mailed Cowles another set by First Class U.S. Mail, your Honor issued an Endorsed Order dated February 1, 2012 holding that "[s]ince Gagosian has served the Safflane papers on Cowles by regular mail, we will allow Mr. Cowles until Feb. 8, 2012 to serve and file responding papers. If he does, Gagosian may reply by Feb. 10, 2012."



Withers Bergman LLP
Greenwich: +1 203 302 4100
New Haven: +1 203 789 1320

Withers LLP
London: +44 (0)20 7597 6000
Geneva: +41 (0)22 593 7777
Zurich: +41 (0)44 488 8888

Studio Legale Associato con Withers LLP
Milan: +39 02 882141

Withers 香港
Hong Kong: +852 3711 1600

Withers BVI
British Virgin Islands: +1 284 494 4949
www.withersworldwide.com

direct line: +1 212 848 9860
direct fax: +1 212 824 4260
e-mail: brian.dunefsky@withers.us.com
admitted in New York

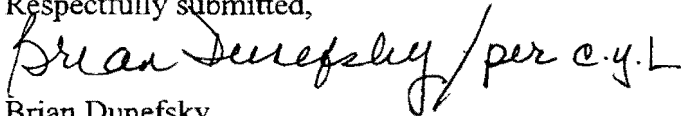
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Today, Cowles filed a 17 page memorandum of law and an affidavit. Those papers, however, not only seek to oppose the affidavits submitted by Gagosian in the Safflane Inquest Proceeding (which the Endorsed Order allowed), but also purport to oppose Gagosian's Motion for Default Judgment that was served on Cowles over two months ago (which the Endorsed Order did not permit him to file).

Cowles' papers raise numerous legal and factual matters that, while meritless, will require Gagosian to expend substantial time in drafting a response. In addition, two of the three attorneys who are responsible for this matter are out of the office on vacation this week, making it even more difficult to submit a reply to Cowles' papers within two days.¹

Accordingly, we respectfully request that the Court extend Gagosian's time to respond to Cowles' papers to February 24, 2012. Given that Cowles has had notice of these proceedings for many months and chose not to respond until today, we submit that he will suffer no prejudice from this extension.²

Respectfully submitted,



Brian Dunefsky

cc: Dean Cho, Esq. (via electronic mail)
Aaron Richard Golub, Esq. (via electronic mail) (counsel for plaintiffs)
Nehemiah S. Glanc, Esq. (via electronic mail) (counsel for plaintiffs)

¹ Since the Endorsed Order did not provide that Cowles had a right to submit an opposition to Gagosian's long ago-served Motion for Default Judgment -- and therefore that part of his submission should be stricken -- there currently is no deadline for Gagosian to submit a reply to that portion of Cowles' papers.

² We sought Cowles' counsel's consent to this request for an extension of time by placing two telephone calls to him late this afternoon, but we were unable to speak with him. Given the short time currently provided for Gagosian's response, we have chosen to write to the Court now rather than wait to potentially hear back from him.