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*Attorneys for Defendant Gagosian Gallery, Inc.*

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK**

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SAFFLANE HOLDINGS LTD., and  
 ROBERT WYLDE,

Plaintiff,

-against-

GAGOSIAN GALLERY, INC.,

Defendants.

**AFFIDAVIT OF  
 HOLLIS GONERKA BART IN  
 SUPPORT OF DEFENDANT'S  
 MOTION TO DISMISS THE  
 COMPLAINT**

11 Civ. 1679 (DLC)

-----X

Hollis Gonerka Bart hereby affirms under penalty of perjury:

1. I am a member of the law firm of Withers Bergman LLP, attorneys for defendant Gagosian Gallery, Inc., and I make this affidavit on behalf of Gagosian Gallery in support of its Motion to Dismiss the Complaint.
2. Annexed hereto as Exhibit A is a true and correct copy of the October 23, 2009 invoice issued by Gagosian Gallery to Robert Wylde in relation to the *Millionaire Nurse*.
3. Annexed hereto as Exhibit B is a true and correct copy of a print-out of the Metropolitan Museum of Art's Collection Database webpage regarding *The Innocent Eye Test*.
4. Annexed hereto as Exhibit C is a true and correct copy of the July 31, 2009 invoice issued by Gagosian Gallery to Safflane Holdings, Ltd. in relation to *The Innocent Eye Test*.

5. Annexed hereto as Exhibit D is a true and correct copy of a *New York Times* article, published March 11, 2011, and titled "Collector Sues Gagosian Gallery for Selling Him a Painting Partially Owned By Met."

6. Annexed hereto as Exhibit E is a true and correct copy of the Complaint filed in the United States District Court in the Southern District of New York on behalf of The Metropolitan Museum of Art and Jan Cowles against Safflane Holdings, Ltd. and Robert Wylde, dated May 10, 2011.

  
Hollis Gonerka Bart

Subscribed to and sworn to before me this 11<sup>th</sup> day of May, 2011.

  
NOTARY PUBLIC

**ALYSSA KOERNER**  
Notary Public, State of New York  
No. 02BE6123029  
Qualified in New York County  
Commission Expires February 28, 2012