

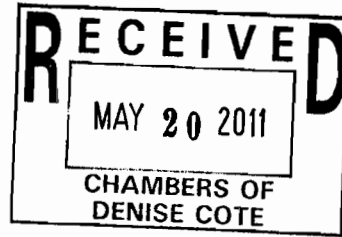
May 20, 2011

**By Hand Delivery**

The Honorable Denise Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1040  
New York, NY 10007

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

**MEMO ENDORSED**

Dear Judge Cote:

This firm represents defendant Gagosian Gallery, Inc. in this action. We write to respond briefly to the letter dated May 19, 2011, which Richard Golub, counsel for plaintiff, served on the Court suggesting that Gagosian Gallery is in contempt for purportedly failing to comply with “two bench orders,” which according to Mr. Golub, required Gagosian Gallery to produce – on three days’ notice – responses to 13 written document requests that Mr. Golub emailed to us on Monday.

Mr. Golub’s suggestion is frivolous. At the conclusion of the initial conference held on Friday, May 13, 2011, your Honor stated that the Court would be issuing a scheduling order that would confirm all of the relevant deadlines, including discovery deadlines, your Honor set at the initial conference. On Monday, the Court issued its Pretrial Scheduling Order (attached hereto), and that Order clearly states that initial disclosures shall be exchanged by the parties by June 24, 2011. Moreover, under the Rule 34(b)(2)(A) of the Federal Rules of Civil procedure, Gagosian Gallery has 30 days to respond to plaintiffs’ document requests. There is no exigent circumstance that warrants, or was urged by Mr. Golub at the initial conference, shortening of the time for Gagosian Gallery to respond to the document requests or altering the date set by the Court for the exchange of initial disclosures. Certainly, it is wholly unreasonable to expect that Gagosian Gallery could have completed a search for, and review of, potentially responsive documents in only three days.

Accordingly, we respectfully request that the Court deny plaintiffs’ request that Gagosian Gallery be ordered to produce documents now, on the grounds that the time frames for Gagosian Gallery to provide initial disclosures and respond to plaintiffs’ written document requests are the reasonable time frames provided by the Court’s Pretrial Scheduling Order and the Federal Rules of Civil Procedure.

Respectfully submitted,

*Hollis Gonerka Bart*  
Hollis Gonerka Bart

*The documents shall be produced no later than the June 24 initial disclosures.*

Attachment

cc: Aaron Richard Golub (via electronic mail)  
John Winters (via electronic mail)  
David R. Baum (via electronic mail)

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e-mail: hollis.bart@withers.us.com

admitted in New York

document number: NY23802/0009-US-1120166/3

*Janice Cho*  
*May 23, 2011*

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
SAFFLANE HOLDINGS LTD., and ROBERT :  
WYLDE, :  
Plaintiffs, :  
-v- :  
GAGOSIAN GALLERY, INC., :  
Defendant. :  
----- X

11 Civ. 1679 (DLC)

PRETRIAL  
SCHEDULING ORDER

DENISE COTE, District Judge:

On May 11, 2011, defendant filed a motion to dismiss the complaint in this action pursuant to Rules 12(a) and 12(b)(6), Fed. R. Civ. P. Under Rule 15(a)(1)(B), Fed. R. Civ. P., a plaintiff has 21 days after the service of a motion under Rule 12 to amend the complaint once as a matter of course. At the pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., on May 13, 2011, the plaintiffs informed the court that they intended to amend their complaint. Accordingly, it is hereby

ORDERED that the defendant's May 11, 2011 motion to dismiss is denied as moot.

IT IS FURTHER ORDERED that the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. The deadline for filing the amended complaint in this action is May 27, 2011.
2. The parties are instructed to contact the chambers of Magistrate Judge Dolinger prior to May 27, 2011 in order to

pursue settlement discussions under his supervision.

3. The parties shall comply with their Rule 26(a)(1), Fed. R. Civ. P., initial disclosure obligations by June 24, 2011.
4. No additional parties may be joined or pleadings amended after July 15, 2011.
5. All fact discovery must be completed by November 18, 2011.
6. Expert reports and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed. R. Civ. P., by the party bearing the burden on an issue must be served by December 16, 2011. Identification of rebuttal experts and disclosure of their expert testimony must occur by January 11, 2012.
7. All expert discovery must be completed by February 3, 2012.
8. The following motion will be served by the dates indicated below.

Motion for summary judgment

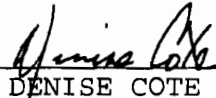
- Motion served by February 24, 2012.
- Opposition served by March 16, 2012.
- Reply served by March 23, 2012.

At the time any Reply is served the moving party shall supply two courtesy copies of all motion papers to Chambers by delivering them to the Courthouse Mailroom, 8th Floor, United States Courthouse, 500 Pearl Street, New York, New York.

9. In the event no motion is filed, the Joint Pretrial Order must be filed by February 24, 2012.

As described in greater detail in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Voir Dire, Requests to Charge and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter. Counsel will provide the Court with two (2) courtesy copies of all pretrial documents at the time of filing.

Dated: New York, New York  
May 16, 2011



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DENISE COTE  
United States District Judge