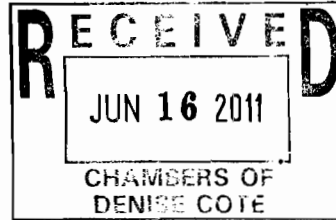
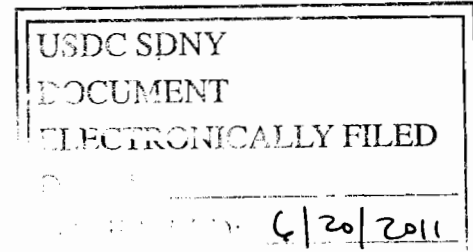


June 16, 2011



**BY HAND DELIVERY**

The Honorable Denise Cote  
United States District Judge  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007-1312



**MEMO ENDORSED**

Re: *Safflane Holdings Ltd. et al. v. Gagosian Gallery, Inc.*, 11-cv-01679-DLC and  
*The Metropolitan Museum of Art, et al. v. Safflane Holdings, Ltd.*, 11-cv-3143-DLC

Dear Judge Cote:

We represent plaintiff, Jan Cowles, acting through her duly appointed attorney-in-fact, Lester Marks, in the above-referenced matter, *The Metropolitan Museum of Art, et al. v. Safflane Holdings, Ltd.*, 11 Civ. 3143 (the "Museum Action"). We do not wish to burden the court with protracted correspondence on this matter, but feel compelled to respond to two items in the June 16, 2011 letter by Mr. Golub.

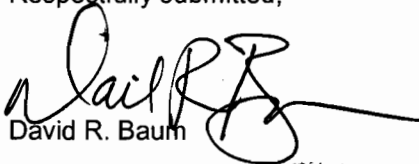
Mr. Golub states that the May 25, 2011 deposition date for Mr. Cowles "was selected well prior (on May 25<sup>th</sup>)" to the agreed upon date of the settlement conference. To be clear, Mr. Golub chose the deposition unilaterally, without any (prior or contemporaneous) notice to any other party. Indeed, the Wylde Parties did not alert any other party of that deposition date until one week later, on June 1, 2011, immediately after all parties had confirmed the June 20, 2011 date for the settlement conference.

Mr. Golub also refers to a June 15, 2011 telephone conference, and claim that Mr. Cowles "directly contradicted [my] June 3 representations, stating that he was available on June 20<sup>th</sup> and June 21<sup>st</sup> for a deposition and could be available day-today." Mr. Golub's claim is false. As Mr. Cowles clearly stated on the phone to all parties on June 15, 2011, he had previously informed me on June 3, 2011 that he was unavailable on June 21, 2011 due to a planned trip to Europe. We learned on the June 15, 2011 call, however, that Mr. Cowles' previously-planned trip to Europe was cancelled, which is the reason that he was then available on that date. Counsel for every other party was on the June 15, 2011 conference call, and can confirm these exact statements by Mr. Cowles, and falsity of Mr. Golub's claim.

In any event, the Wylde Parties do not address any of the seven bullet-point reasons set forth in my June 15, 2011 letter. Specifically, the Wylde Parties ignore the fact that the brief window allotted for Mr. Cowles deposition on June 20, 2011 would not permit all parties to conduct a full examination, and that

the deposition could not be continued on the following day because neither counsel for Ms. Cowles nor counsel for the Museum are available on those dates. The Wylde Parties also offer no reason whatsoever that the deposition must commence on June 20, 2011, and further offer no reason why the deposition cannot proceed in July (when the discovery in this case does not close until November). We therefore requested that the Court grant the order preventing the deposition on June 20, 2011, and requiring the Wylde Parties to meet and confer with the other parties in good faith to select an alternative date in July, or any other subsequent date that works for all parties.

Respectfully submitted,

  
David R. Baum

mw

cc: John D. Winter, Esq. (by email)  
Krista D. Caner, Esq. (by email)  
Hollis Gonerka Bart, Esq. (by email)  
Dara Gilwit Hammerman, Esq. (by email)  
A. Richard Golub, Esq. (by email)  
Mr. Charles Cowles (by email)

*The parties are reminded that no letter may exceed two pages. As counsel were informed on June 16, the application to adjourn the deposition was granted.*

*Denise Cote*  
*June 20, 2011*