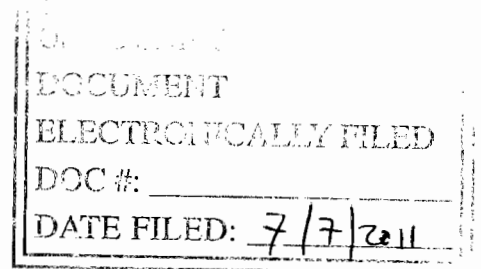
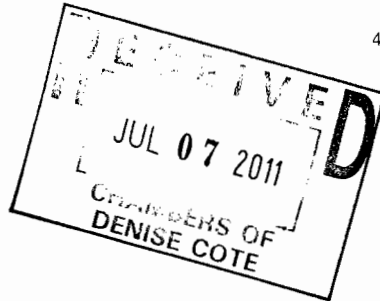


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July 7, 2011

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

Re: Safflane Holdings, Ltd. et al v. Gagosian Gallery, Inc., 11-cv-01679-DLC

Dear Judge Cote:

This firm is counsel for defendant Gagosian Gallery, Inc. We write to respond briefly to the latest letter Richard Golub has served on your Honor for no articulated reason.

In response to the informal document requests plaintiffs set out in a letter dated May 16, 2011, this firm served upon plaintiffs' counsel on June 24, 2011, 114 pages of documents, 21 of which were produced with redactions. As we explained to Mr. Golub in a telephone call on June 24, 2011 and with his associate, Mr. Glanc, on June 28, 2011, the redactions were limited to three general categories: (1) confidential bank account numbers; (2) the names and contact information for clients and other third parties to whom Gagosian Gallery owes a duty of confidence; and (3) non-responsive information having nothing to do with any matter alleged in this action, except for the fact that the information was contained within a document that is otherwise responsive.

Repeatedly in those calls, we told Mr. Golub and his associate that, as to categories 1 and 2, we had a separate set of documents ready to produce to them in unredacted form, once the standard protective order this firm circulated to all counsel on Tuesday, June 21, 2011, was signed by all counsel, and so ordered by this Court. *See* Tab A; *see also* Tab B (General Objection No. 14). We also informed Mr. Golub that counsel for the Metropolitan Museum of Art and for Jan Cowles had each approved our proposed protective order, without comment.

Should plaintiffs seek copies of documents showing information redacted for reasons number 1 and 2, supra, they shall negotiate and execute a protective order.

Denise Cote
July 7, 2011

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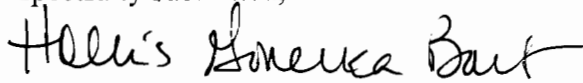
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In response, Mr. Golub indicated that he was likely going to sign the protective order, he just wanted a further opportunity to review it. *See, e.g.*, Tab C. Until Mr. Golub's associate raised the matter in a conference call yesterday morning concerning deposition scheduling, I truly understood the matter to have been resolved consensually, as it should have been to protect the interests of third persons who are not before this Court in this highly publicized proceeding. *See Chesa Int'l, Ltd., v. Fashion Assoc., Inc.*, 425 F. Supp. 234, 236 (S.D.N.Y. 1977) (issuing protective order limiting plaintiff's access to confidential information concerning defendant's customers); *Genworth Fin. Wealth Mgmt. v. McMullan*, 2011 U.S. Dist. LEXIS 13552, at **3-4 (D. Con. 2011) (granting protective order for documents containing trade secrets and proprietary confidential information, including client list and client information); *Sullivan Mktg. v. Valassis Commc'n*, 1994 U.S. Dist. LEXIS 5824, at **3-6 (S.D.N.Y. 1994) (holding that trade secrets and commercial information, including pricing and marketing strategies, constitute confidential business information that is properly the subject of a protective order); *Alpex Computer Corp. v. Nintendo Co.*, 1994 U.S. Dist. LEXIS 9393, at **16-19 (S.D.N.Y. 1994) (permitting redactions of information irrelevant to the litigation).

As Mr. Golub has not offered any justifiable reason for refusing to sign this standard form of protective order, we respectfully request that the Court enter the enclosed protective order for the reasons set forth herein and for the reasons which we understand are being tendered by plaintiffs' counsel in the coordinated proceeding. *See, e.g., United States v. Davis*, 702 F.2d 418, 420 (2d Cir. 1983) (quoting *Martindell v. International Telephone and Telegraph Corp.*, 594 F.2d 291, 295 (2d Cir. 1979) ("the function of Rule 26(c) protective order is to 'secure the just, speedy, and inexpensive determination' of civil disputes")).

Respectfully submitted,


Hollis Gonerka Bart

Enclosures

cc: A. Richard Golub, Esq. (via email w/encl.)
John Winter, Esq. (via email w/encl.)
David Baum, Esq. (via email w/encl.)