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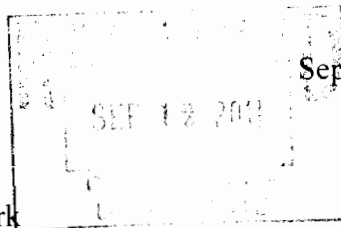
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September 12, 2011

BY HAND

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



Re: Safflane, et al. v. Gagosian et al., 11-cv-1679 (DLC) (“Safflane action”);
The Metropolitan Museum, et. al. v. Safflane et. al., 11-cv-3143 (DLC) (“Met action”)

9/14/2011

Dear Judge Cote:

We respectfully apply to the Court pursuant to paragraphs 3 and 12 of the Stipulated Protective Order, dated September 6, 2011 (“Order”) for the following two-fold relief.

REDACTED DOCUMENTS

On September 8, 2011, pursuant to the Order defendant Gagosian Gallery, Inc. (“GG”) produced documents (enclosed) (Ex. 1) that have previously been redacted, bates stamped GG00001-GG00003; GG00008-GG00009; GG00013-GG00017; GG00023; GG00028; GG00030; GG00043-GG00045; GG00050-GG00051; GG00054-GG00057; GG00066-GG00067; GG00069-GG00073; GG00078-GG00080; GG00082-GG00088; GG00095-GG00096; GG00099; GG00101; GG00105; GG00107; and GG00112-GG00114.

Notwithstanding the Order, counsel (after conferring with this office) for GG continues to deny plaintiff full discovery in this matter by producing redacted copies of documents subject to the Order. Plaintiff respectfully requests that this Court order GG to produce completely unredacted copies of the foregoing (Ex. 1) or submit the foregoing in redacted and unredacted form for an in camera inspection by the Court to make a determination if such documents should be redacted. There is no provision in the Order for redaction of documents. We respectfully request that the Court endorse this letter providing for such relief.

**CONTACT WITH INDIVIDUALS IDENTIFIED
IN DOCUMENTS SUBJECT TO THE ORDER**

A substantial portion of documents produced by the Met, Jan Cowles and GG to Safflane and Wylde that are subject to the Order disclosed the names of individuals and entities (many of whom may be adverse witnesses) that were previously unknown. Such individuals are, in many

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instances, potential fact witnesses that should be interviewed and possibly subpoenaed. Safflane and Wylde are limited to 10 depositions and without the ability to gather work product, including the investigation of all facts, circumstances and potential testimony Safflane and Wylde may be unable to prosecute and defend themselves in the absence of the relief sought. The Order could be construed as requiring such non-parties to execute the Declaration of Confidentiality simply because their names, standing alone, may be interpreted as confidential prior to any interview (when such interview may not relate to any confidential material). Additionally we seek relief from the Order that would permit contact to be made with such individuals and/or entities as they may **not** appear for a deposition or as a trial witness (see requirements of par. 3.c. of the Order) also permitting this office to engage in non-confidential communication(s) with such individuals and entities.

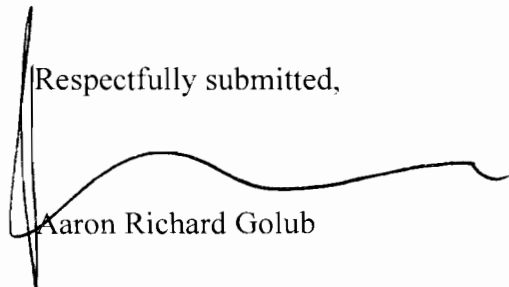
Plaintiffs respectfully request the Court endorse this letter providing for the following relief concerning such individuals and/or entities:

1. That the designation of "Authorized Persons" be expanded to include potential non-party witnesses, notwithstanding they may not appear at a deposition or at trial as a witness pursuant to paragraph 3.c. of the Order;
2. Such individuals and/or entities may communicate with this office regarding non-confidential facts and circumstances related to the captioned matters; and
3. Service of a subpoena to produce, etc., or a deposition subpoena, on such individuals and/or entities so named will not be a violation of the Order.

We write in the interests of extreme caution, seeking direction so as to not inadvertently violate the Order and to obtain clarification of its scope.

Safflane and Wylde respectfully request that the Court endorse this letter and the relief sought herein.

Denise Cote
Denise Cote
Sept. 13, 2011

Respectfully submitted,

Aaron Richard Golub

arg/dl
Enclosure
cc: To all counsel via e-mail with enclosure