

ENDORSED ORDER

In view of the Dec. 21, 2011 Stipulation of Dismissal, which was entered by the District Court on January 27, 2012, we are unaware of any jurisdictional basis for this court. Aaron Richard Golub, Esquire, P.C. If counsel for Safflane wishes to pursue this matter, he is to do so by filing a motion addressing the jurisdictional and all other pertinent issues.

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February 24, 2012

VIA FAX - 212-805-7928
Magistrate Judge Michael H. Dolinger
United States District Court
Southern District of New York
500 Pearl Street, Courtroom: 17D
New York, NY 10007

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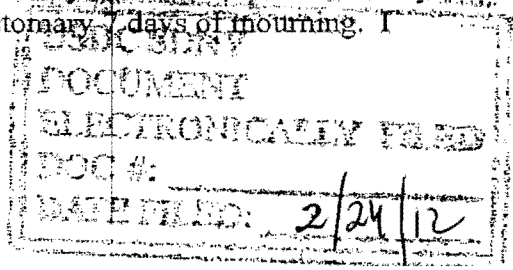
Re: The Metropolitan Museum, et. al. v. Safflane et. al., 11-cv-3143 (DLC) ("Met action")

Dear Judge Dolinger:

On January 17, 2012, this Court held a telephone conference between counsel for Safflane, Jan Cowles ("JC") and the Metropolitan Museum of Art ("Met") concerning JC's attorney David Baum, Esquire's refusal to have a general and mutual release executed between Safflane Robert Wylde ("RW") and JC. During that conference, I advised the Court that Safflane had released the subject Tansey Painting to the Met. Based on that representation Mr. Baum agreed to provide a release from JC in favor of Safflane and RW. I had previously sent a draft release to Mr. Baum (through the Met's counsel) on January 9, 2012 (Ex. 1). Mr. Baum rejected Ex. 1 because it contained "successors and assigns" language which Mr. Baum claimed could conflict with the assignment to Gagosian Gallery by Safflane of its claims against Charles Cowles (the "Assignment"). Following the January 17 conference, I invited Mr. Baum to send a draft release which he did on February 6, 2012 (Ex. 2).¹

As Mr. Baum's release contained an irrelevant "Representations and Warranty" paragraph (Ex. 2 page 1) which also included an unnecessary indemnification by Safflane in favor of JC, I rejected the release on February 22, 2012 (Ex. 3). I suggested to Mr. Baum we use a standard Blumberg release and delete the clauses "RELEASEE'S heirs, executors, administrators, successors and assigns" and "RELEASOR'S heirs, executors, administrators, successors and assigns" to address Mr. Baum's concerns (Ex. 3). Mr. Baum rejected my suggestion and insisted that I disclose to him the Assignment, which has been designated as "Confidential" by Gagosian's counsel and

¹ My mother passed away in Melbourne, Australia on February 8, 2012 and I immediately travelled to Australia for the funeral and sat "shiva" for the customary 7 days of mourning. I arrived back in the office on February 20, 2012.



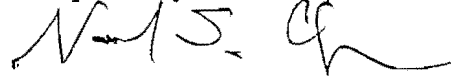
Aaron Richard Golub, Esquire, P.C.

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further insisted that Safflane represent and warrant, with an indemnification, that claims against JC have not been assigned (Ex. 4).

This Court should compel the execution of the JC release and this matter may then be closed. We are available to conference this matter with the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "N-S. Glanc", with a long horizontal flourish extending to the right.

Nehemiah S. Glanc

nsg/tbm

enclosures

cc: David Baum, Esq. via fax and e-mail
John Winter, Esq. via fax and e-mail

FAX Cover Sheet

Date: February 24, 2012

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Re: The Metropolitan Museum of Art, et ano. v. Safflane Holdings, Ltd., et ano.
11 Civ. 3143 (DLC) (MHD)

Text of endorsed order enclosed: "In view of the Dec. 21, 2011 Stipulation of Dismissal, which was "so ordered" by the District Court on January 27, 2012, we are unaware of any jurisdictional basis for this court to address this post-dismissal drafting dispute. If counsel for Safflane wishes to pursue this matter, he is to do so by formal motion addressing the jurisdictional and all other pertinent issues."

From: Magistrate Judge Michael H. Dolinger
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Southern District of New York
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This document contains 2 pages, including this cover sheet.