

AARON RICHARD GOLUB, ESQUIRE, PC
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ARG 6056

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 11-CIV-1679 (DLC)

SAFFLANE HOLDINGS LTD., and
ROBERT WYLDE,

Plaintiffs,

**PLAINTIFFS' INITIAL
DISCLOSURES PURSUANT TO
FRCP 26(a)(1) CONCERNING
THE PAINTING BY MARK
TANSEY ENTITLED
"THE INNOCENT EYE TEST"**

-against-

GAGOSIAN GALLERY, INC.

Defendant.

-----X

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 11-CV-3143 (DLC)

THE METROPOLITAN MUSEUM OF ART AND
JAN COWLES,

Plaintiffs,

-against-

SAFFLANE HOLDINGS LTD. AND ROBERT
WYLDE,

Defendants.

-----X

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and the So Ordered Coordination Stipulation, dated June 6, 2011, plaintiffs SAFFLANE HOLDINGS LTD., ("Safflane") and ROBERT WYLDE ("Wylde"), by their attorney, AARON RICHARD GOLUB, ESQUIRE, PC, hereby make the following initial disclosures. Pursuant to Rule 26(e)(1) Plaintiffs

reserve their right to supplement and/or amend their initial disclosures, as appropriate, prior to trial:

WITNESSES

FRCP Rule 26 (a)(1)(A)(i) The following individuals are likely to have discoverable information relevant to the claims, defenses and allegations at issue in the above captioned actions:

1. Robert Wylde
c/o Aaron Richard Golub, Esquire, PC
34 East 67th Street - 3rd Floor
New York, New York 10065
T: 1-212-838-4811
Including but not limited to, information concerning the transaction between plaintiffs and defendant related to the following painting:

MARK TANSEY ("Tansey")
The Innocent Eye Test, 1981
Oil on canvas
78 x 120 inches
198.1 x 304.8cm
(TANSE 1981.0001) ("Tansey Painting")

2. Lawrence Gilbert Gagosian a/k/a Larry Gagosian
c/o Gagosian Gallery, Inc.
West 24th Street
555 West 24th Street
New York, NY 10011
T: 1-212-741-1111
Including but not limited to: provenance; relationship with Tansey; level of knowledge or information exchanged between dealer and artist; status and creation of the Tansey Painting; background and history of the Tansey Painting; oeuvre of Tansey's work; information concerning the transaction between plaintiffs and defendant related to the Tansey Painting; and communications with The Metropolitan Museum of Art ("Met") concerning the Tansey Painting; custom and practice in dealing with the Met; relationship with the Met; information and communications exchanged between defendant and Jan Cowles ("JC") and/or Charles Cowles ("CC");

information concerning anyone who had possession of the Tansey Painting and anyone who dealt with the Tansey Painting following CC's purported gift of the Tansey Painting to the Met; and relationship to any auction sale of the Tansey Painting.

3. John Good
c/o Gagosian Gallery, Inc.
West 24th Street
555 West 24th Street
New York, NY 10011
T: 1-212-741-1111
Including but not limited to: information concerning the transaction between plaintiffs and defendant related to the Tansey Painting; JC's purported interest in the Tansey Painting communications with the Met concerning the Tansey Painting; custom and practice in dealing with the Met; relationship with the Met; information and communications exchanged between defendant and JC and/or CC; information concerning anyone who had possession of the Tansey Painting and anyone who dealt with the Tansey Painting following CC's purported gift of the Tansey Painting to the Met; and relationship to any auction sale of the Tansey Painting.

4. Charles Cowles
84 Mercer Street
New York, New York 10012
Including but not limited to: information concerning the Tansey Painting; JC's purported interest in the Tansey Painting; the transaction between plaintiffs and defendant related to the Tansey Painting; communications with the Met concerning the Tansey Painting; custom and practice in dealing with the Met; relationship with the Met; and information and communications exchanged between defendant and JC and/or CC; information concerning anyone who had possession of the Tansey Painting and anyone who dealt with the Tansey Painting following CC's purported gift of the Tansey Painting to the Met.

5. Bill Carroll
Last known address is:
c/o Charles Cowles Gallery, Inc.
420 West Broadway
New York, NY 10012
T: 212-925-3500
Including but not limited to: information concerning the Tansey Painting; the transaction between plaintiffs and defendant related to the Tansey Painting; JC's purported interest in the Tansey Painting; communications with the Met concerning the Tansey Painting; custom and practice in dealing with the Met; relationship with the Met; and information and communications exchanged between defendant and JC and/or CC; information concerning anyone who had possession of the Tansey Painting and anyone who dealt with the Tansey Painting following CC's purported gift of the Tansey Painting to the Met.

6. Carolyn Owsianik
Last known address is:
c/o Charles Cowles Gallery, Inc.
420 West Broadway
New York, NY 10012
T: 212-925-3500
Including but not limited to: information concerning the Tansey Painting, JC's purported interest in the Tansey Painting; communications with the Met concerning the Tansey Painting; custom and practice in dealing with the Met; relationship with the Met; and information and communications exchanged between defendant and JC and/or CC; information concerning anyone who had possession of the Tansey Painting and anyone who dealt with the Tansey Painting following CC's purported gift of the Tansey Painting to the Met.

7. Michael Sweney
Last known address is:
c/o Charles Cowles Gallery, Inc.
537 West 24th Street, Chelsea
New York, NY 10011
T: 212-925-3500
Including but not limited to: information concerning the Tansey Painting, JC's purported

interest in the Tansey Painting; communications with the Met concerning the Tansey Painting; custom and practice in dealing with the Met; relationship with the Met; and information and communications exchanged between defendant and JC and/or CC; information concerning anyone who had possession of the Tansey Painting and anyone who dealt with the Tansey Painting following CC's purported gift of the Tansey Painting to the Met.

8. Jan Cowles ("JC")
Last known address is:
810 Fifth Avenue
New York, New York 10021
-and-
c/o SNR Denton US LLP
1221 Avenue of the Americas
New York, New York 10020
T: 1-212-768-6800
Including but not limited to, information concerning the Tansey Painting.
9. Lester Marks
Last known address is:
3 Parkwood Drive
Great Neck, New York 11023
-and-
c/o SNR Denton US LLP
1221 Avenue of the Americas
New York, New York 10020
T: 1-212-768-6800
Including but not limited to, information concerning the Tansey Painting.
10. Mark Tansey
Address presently unknown
Including but not limited to: provenance; relationship with defendant Gagosian Gallery; relationship with prior dealer; level of knowledge or information exchanged between dealer and artist; status and creation of the Tansey Painting; intention in creating the Tansey Painting; background and history of the Tansey Painting; oeuvre of the artist's work; information concerning the transaction between plaintiffs and defendant related to the Tansey

Painting; and relationship to any auction sale of the Tansey Painting.

11. Curt Marcus
c/o Curt Marcus Gallery
2 Fifth Avenue
New York, New York 10011
T: 212 226-3200
Including but not limited to: provenance;
relationship with Tansey; level of knowledge or
information exchanged between dealer and artist;
status and creation of the Tansey Painting;
background and history of the Tansey Painting;
oeuvre of Tansey's work; information concerning
the transaction between plaintiffs and defendant
related to the Tansey Painting; and relationship
to any auction sale of the Tansey Painting.

12. Gary Tinterow
c/o The Metropolitan Museum of Art
1000 5th Avenue
New York, NY 10028
1-212-535-7710
Including but not limited to, business policies
and practices of the Met and related information,
information concerning the Tansey Painting,
contacts and communications with CC, JC and any
other party in the above captioned actions.

13. Linden Havemeyer Wise
c/o The Metropolitan Museum of Art
1000 5th Avenue
New York, NY 10028
1-212-535-7710
Including but not limited to, business policies
and practices of the Met and related information,
information concerning the Tansey Painting,
contacts and communications with CC, JC and any
other party in the above captioned actions.

14. Sharon H. Cott
c/o The Metropolitan Museum of Art
1000 5th Avenue
New York, NY 10028
1-212-535-7710
Including but not limited to, business policies

and practices of the Met and related information, information concerning the Tansey Painting, contacts and communications with CC, JC and any other party in the above captioned actions.

15. Herbert Moskowitz
Last known address is:
c/o The Metropolitan Museum of Art
1000 5th Avenue
New York, NY 10028
1-212-535-7710
Including but not limited to, business policies and practices of the Met and related information, exhibition history and information concerning the Tansey Painting; contacts and communications with CC, JC and any other party in the above captioned actions.
16. Katherine Baetjer
Last known address is:
c/o The Metropolitan Museum of Art
1000 5th Avenue
New York, NY 10028
1-212-535-7710
Including but not limited to, business policies and practices of the Registrar of the Met and related information, exhibition history and information concerning the Tansey Painting; contacts and communications with CC, JC and any other party in the above captioned actions.
17. Emily Rafferty
Last known address is:
c/o The Metropolitan Museum of Art
1000 5th Avenue
New York, NY 10028
1-212-535-7710
Including but not limited to, business policies and practices of the Met and related information, information concerning the Tansey Painting, contacts and communications with CC, JC and any other party in the above captioned actions.
18. Philippe de Montebello
New York University
Duke House

1 East 78 Street, 334
Tel +1 212 992 5840
New York, New York 10075

Including but not limited to, business policies and practices of the Met and related information, information concerning the Tansey Painting, contacts and communications with CC, JC and any other party in the above captioned actions.

19. Subject to further discovery, unnamed current and former staff and/or other personnel at Gagosian Gallery, Inc., who have relevant information regarding the claims, defenses and allegations at issue, including but not limited to information concerning the Tansey Painting, and the transaction between plaintiffs and defendant related to the Tansey Painting.
20. Subject to further discovery, unnamed current and former staff and/or other personnel at Charles Cowles Gallery, Inc., who have relevant information regarding the claims, defenses and allegations at issue, including but not limited to information concerning the Tansey Painting, and the transaction between plaintiffs and defendant related to the Tansey Painting, contacts and communications with the Met.
21. Subject to further discovery, unnamed current and former staff and/or other personnel at the Met, who have relevant information regarding the claims, defenses and allegations at issue, including but not limited to information concerning the following:
 - i. The Tansey Painting;
 - ii. Provenance;
 - iii. The transaction between plaintiffs and defendant related to the Tansey Painting;
 - iv. Contacts and communications with JC, CC and any other party in the above captioned actions;

- v. The Met's policies and practices pertaining to:
 - a. Gifts to the Met;
 - b. Loans of artwork to third parties;
 - c. Co-ownership of works of art;
 - d. Updating information on its website concerning its collection of artwork; and
 - e. Accommodations to benefactors and/or individuals who have donated artwork to the Met.
22. Subject to further discovery, any and all attorneys who represented any party herein, during the relevant time period concerning the Tansey Painting and/or the transaction between plaintiffs and defendant related to the Tansey Painting.

DOCUMENTS

FRCP Rule 26 (a) (1) (A) (ii) A description by category and location of, all documents, data compilations and tangible things in the possession, custody or control of the party relevant to the claims, defenses and allegations in the above captioned actions:

1. Safflane and Wylde's contracts and communications with Gagosian Gallery, Inc. concerning the Tansey Painting.
2. Documents concerning the Tansey Painting and the purchase of the Tansey Painting.
3. Publications concerning the Tansey Painting.
4. Safflane and Wylde reserve the right to use any document, data or information produced by any party and/or third party in the above captioned cases.

Documents are located at plaintiffs' counsel's office:

Aaron Richard Golub, Esquire, PC
Attorneys for Safflane and Wylde
34 East 67th Street - 3rd Floor
New York, New York 10065
T: 1-212-838-4811

DAMAGES

FRCP Rule 26 (a) (1) (A) (iii) A computation of damages:

Plaintiffs' damages include, subject to expert testimony, the value of the Tansey Painting at the time of trial.

INSURANCE

FRCP Rule 26 (a) (1) (A) (iv) Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy a judgment:

Plaintiffs have no insurance policy that could be used to satisfy any part of a judgment in this case.

Dated: New York, New York
June 24, 2011

Respectfully submitted,

s/Aaron Richard Golub
AARON RICHARD GOLUB, ESQUIRE, P.C.
Attorneys for Plaintiffs
34 East 67th Street - 3rd Floor
New York, New York 10065
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ARG 6056

To: WITHERS BERGMAN LLP
Attorneys for Gagosian Gallery, Inc.
430 Park Avenue, 10th Floor
New York, New York 10022-3505
(212) 848-9800

PATTERSON BELKNAP WEBB & TYLER LLP
Attorneys for The Metropolitan Museum of Art
1133 Avenue of the Americas
New York, New York 10036
(212) 336-2000

SNR DENTON LLP
Attorneys for Jan Cowles
1221 Avenue of the Americas
New York, NY 10020-1089
(212) 768-6700

=====NOTICE OF ENTRY=====

PLEASE take notice that the within is a (certified) true copy of a

duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

Attorney for

Office and Post Office Address
Aaron Richard Golub, Esquire, P.C.
34 East 67th Street-3rd Floor
New York, New York 10065

To

Attorney(s) for

=====NOTICE OF SETTLEMENT=====
PLEASE take notice that an order of which the within is a true copy will be presented for settlement to the Hon.

on

at M.

Dated,

Yours, etc.

Attorney for

Aaron Richard Golub, Esquire, P.C.
34 East 67th Street -- 3rd Floor
New York, New York 10065

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TO FRCP 26(a)(1) CONCERNING THE PAINTING BY
MARK TANSEY ENTITLED
"THE INNOCENT EYE TEST"**

Attorneys for Plaintiffs

Office and Post Office Address, Telephone
Aaron Richard Golub, Esquire, P.C.
34 East 67th Street-3rd Floor
New York, New York 10065
212-858-4811

To

Attorney(s) for

Service of copy of the within is hereby admitted