

From: "jeffrey E." <jeevacation@gmail.com>
To: Melanie Spinella <[REDACTED]>, Heather Gray <[REDACTED]>
Subject: Re: FW: Picasso
Date: Fri, 30 Oct 2015 18:06:22 +0000

we would like a full record of the court proceeding in geneva. why paris court? where is the family resident. why did the whole family needs an agreement to sell? It sounds like rescind meant that they heard that leon would pay more and nullified without consideration. . not that complicated. did the original contract have specific performance. is it customary in the jurisdiction under question. ?

On Fri, Oct 30, 2015 at 1:51 PM, Melanie Spinella <[REDACTED]> wrote:

fee

From: Heather Gray [mailto:[REDACTED]]
Sent: Friday, October 30, 2015 12:54 PM
To: Melanie Spinella
Cc: Brad Wechsler
Subject: Picasso

PRIVILEGED AND CONFIDENTIAL – ATTORNEY WORK PRODUCT

Dear Leon,

I spoke with Matthew Dontzin, Larry Gagosian's lawyer. According to Matthew:

Sometime in 2014, Maya Picasso entered into a contract with Guy Bennett's company, Pelham Holdings, to sell the Picasso for 33 or 38 million Euros - there are some discrepancies in the documents as to the amount. Guy was acting on behalf of the Qataris.

Guy paid a deposit to Maya Picasso. It is not clear how much money was paid, but it was not the full purchase price. The contract between Guy and Maya said that title to the Picasso would not pass to Guy until payment was received in full, so the Picasso family is claiming that Guy never received title to the work.

After the contract was signed and the deposit paid, Maya's family (her son and her daughter, Diana) found out about the contract and felt like Guy had taken advantage of Maya. According to Larry's lawyer, Maya has serious mental infirmities. There are apparently doctors' letters testifying to her lack of competency, but she has not been officially declared incompetent or had a guardian or conservator appointed for her by a judge.

The Picasso family "rescinded the contract and returned the money to Guy." Larry's lawyer does not know (or did not share with me) exactly how the Picasso family rescinded the contract, but Guy apparently did not feel

that the deal was off because he entered into some type of mediation with the Picasso family regarding the work and ultimately brought a legal proceeding against them in a court in Geneva, Switzerland.

The Geneva court proceeding is on-going. Larry's US lawyer believes that the Geneva court will only award Guy money damages if he wins the case; i.e., the court will not force the Picasso family to sell the work to Guy. He has asked Larry's Swiss lawyers to confirm this, and he is going to let me know later today once he hears definitively from them that there is no chance that the Geneva court will give the work to Guy.

Presumably after "rescinding" the contract with Guy (although I do not know the date), the Picasso family (Maya and her children) entered into some type of written family agreement drafted by their French lawyer in which they all agreed to sell the Picasso to you through Larry.

In May of 2015, Guy went to court in Paris and had a writ of seizure issued against the work based on the on-going lawsuit in Geneva. The Picasso family ignored the writ and shipped the work to MoMA for the exhibition. (I don't know the date of the writ, but Larry's lawyer is going to send it to me. Your contract with Larry for the Picasso is dated May 4, 2015.)

On October 19, 2015, Guy's US lawyer (Eric Hass at Patterson Belknap) sent a letter to Larry copying Patty Lipshutz at MoMA and notifying them of the writ of seizure and claiming that he was going to try to get a temporary restraining order to keep MoMA from releasing the work. Larry was apparently traveling at the time the letter arrived, so he did not see it until Wednesday of this week, at which point he spoke with his lawyer and with Patty. Patty apparently wanted to call you immediately (it is not clear how she found out that you are involved), but Larry's lawyer convinced her to let Larry call you first.

Guy's US lawyer told Larry's lawyer that they do not want to pull the work out of the MoMA show, they just don't want MoMA to release it in February when the show closes.

There is a hearing in Paris on November 5th relating to the writ of seizure. Larry's US lawyer will be attending the hearing along with the French lawyers that Larry has hired. They are preparing for the hearing now and will be sending me (i) a copy of the letter that Larry and MoMA received from Guy's US lawyer, (ii) contact information for all of Larry's lawyers and (iii) a more complete chronology (they are working on this now for the hearing and promised to have it to me over the weekend or by Monday at that latest).

Please give me a call if you would like to discuss this.

As a next step, you and I (or I) should call Patty Lipshutz to get MoMA's perspective.

Best,

Heather

Heather Gray

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