

Condensed Transcript

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICK CARIOU,

Plaintiff,

vs.

Index No.:
08 CIV 11327 (DAB)

RICHARD PRINCE, GAGOSIAN
GALLERY, INC., LAWRENCE
GAGOSIAN, and RIZZOLI
INTERNATIONAL PUBLICATIONS,
INC.,

Defendants.

~~~~~

**VIDEOTAPED DEPOSITION OF**

**RICHARD PRINCE**

October 6, 2009  
10:00 a.m.

140 Broadway  
New York, New York

Reported By:  
Bryan Nilsen, RPR



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>5</p> <p>1 Prince</p> <p>2</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND AGREED,</p> <p>5 by and among the attorneys for the</p> <p>6 respective parties herein, that filing and</p> <p>7 sealing be and the same are hereby waived.</p> <p>8</p> <p>9 IT IS FURTHER STIPULATED AND AGREED</p> <p>10 that all objections, except as to the form</p> <p>11 of the question, shall be reserved to the</p> <p>12 time of the trial.</p> <p>13</p> <p>14 IT IS FURTHER STIPULATED AND AGREED</p> <p>15 that the within deposition may be sworn to</p> <p>16 and signed before any officer authorized</p> <p>17 to administer an oath, with the same force</p> <p>18 and effect as if signed and sworn to</p> <p>19 before the Court.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                         | <p>7</p> <p>1 Prince</p> <p>2 THE VIDEOGRAPHER: Will the court</p> <p>3 reporter please swear in the witness.</p> <p>4</p> <p>5 RICHARD PRINCE, called as a</p> <p>6 witness, having been duly sworn by a</p> <p>7 Notary Public, was examined and testified</p> <p>8 as follows:</p> <p>9 THE COURT REPORTER: Please state</p> <p>10 your name and address for the record.</p> <p>11 THE WITNESS: Richard Prince,</p> <p>12 151 Righter Road, Rensselaerville,</p> <p>13 New York 12147.</p> <p>14</p> <p>15 EXAMINATION BY</p> <p>16 MR. BROOKS:</p> <p>17 Q. Good morning, Mr. Prince. My name</p> <p>18 is Daniel Brooks. I represent Patrick Cariou</p> <p>19 the plaintiff in this case.</p> <p>20 Can you tell us what your occupation</p> <p>21 is?</p> <p>22 A. I'm an artist.</p> <p>23 Q. I understand you were born in the</p> <p>24 Canal Zone --</p> <p>25 A. Yes.</p> |
| <p>6</p> <p>1 Prince</p> <p>2 THE VIDEOGRAPHER: This is tape</p> <p>3 number 1 in the videotaped deposition of</p> <p>4 Richard Prince, in the matter of Cariou</p> <p>5 versus Richard Prince, being heard before</p> <p>6 the U.S. District Court, Southern District</p> <p>7 of New York.</p> <p>8 This deposition is being held at</p> <p>9 Schnader Harrison Segal, 140 Broadway,</p> <p>10 New York, New York, on October 6, 2009.</p> <p>11 The time is 10:15 a.m.</p> <p>12 My name is Peter Ledwith. I'm the</p> <p>13 videographer. The court reporter is Bryan</p> <p>14 Nilsen.</p> <p>15 Counsel, will you please introduce</p> <p>16 yourselves and who you represent.</p> <p>17 MR. HAYES: Steven Hayes, counsel</p> <p>18 for Richard Prince.</p> <p>19 MS. BART: Hollis Gonerka Bart,</p> <p>20 counsel for Larry Gagosian and Gagosian</p> <p>21 Gallery.</p> <p>22 MR. SHERMAN: John Sherman, counsel</p> <p>23 for Rizzoli International Publications.</p> <p>24 MR. BROOKS: Dan Brooks and Eric</p> <p>25 Boden for the plaintiff.</p> | <p>8</p> <p>1 Prince</p> <p>2 Q. -- is that correct?</p> <p>3 In 1949?</p> <p>4 A. Yes.</p> <p>5 Q. Did you attend school there?</p> <p>6 A. No, I didn't.</p> <p>7 Q. Where did you attend primary school?</p> <p>8 A. Outside of Boston, a town called</p> <p>9 Braintree, Massachusetts.</p> <p>10 Q. Was it a boarding school or did you</p> <p>11 live there?</p> <p>12 A. What age are you talking about?</p> <p>13 Q. Okay, let me back up.</p> <p>14 How long did you live in the Canal</p> <p>15 Zone?</p> <p>16 A. We moved when I was about six years</p> <p>17 old.</p> <p>18 Q. To Massachusetts?</p> <p>19 A. Yes.</p> <p>20 Q. Did the six years you spent in the</p> <p>21 Canal Zone affect your later work in any way?</p> <p>22 MR. HAYES: As an artist you're</p> <p>23 talking about?</p> <p>24 MR. BROOKS: Yes.</p> <p>25 A. Recently, yes.</p>                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">9</p> <p>1 Prince</p> <p>2 Q. How so?</p> <p>3 A. I paid a visit to what is now called</p> <p>4 Panama about three years ago, three or four</p> <p>5 years ago. I'm not sure. And I started to</p> <p>6 think about -- I started to think about the</p> <p>7 place that I was born in.</p> <p>8 Q. We'll get to this later obviously,</p> <p>9 but did some of that thinking enter into your</p> <p>10 creation of the works of art that are in the</p> <p>11 Canal Zone book?</p> <p>12 A. Yes, in the form of a pitch or a</p> <p>13 screenplay that I wrote, and then I subsequently</p> <p>14 sort of made up a story that I felt that could</p> <p>15 be described with the title Canal Zone. I very</p> <p>16 much liked the idea that the name of the place</p> <p>17 that I was born had disappeared, that they no</p> <p>18 longer called it the Canal Zone, they call it</p> <p>19 Panama.</p> <p>20 Q. The pitch -- and again, we'll get to</p> <p>21 this later, but the pitch that you say you</p> <p>22 wrote, was it originally called Eden Rock?</p> <p>23 A. I think one of the working titles</p> <p>24 was Eden Rock, yes.</p> <p>25 Q. And that is a hotel in St. Barth's?</p> | <p style="text-align: center;">11</p> <p>1 Prince</p> <p>2 course or courses that you took at that college?</p> <p>3 A. Mostly it was figure studies. I</p> <p>4 studied the figure. I went to classes where</p> <p>5 they had models.</p> <p>6 Q. And what medium were you working in</p> <p>7 in these courses?</p> <p>8 A. Pencil, watercolor, collage, pen and</p> <p>9 ink.</p> <p>10 Q. How many years did you attend Nasson</p> <p>11 College?</p> <p>12 A. Four years.</p> <p>13 Q. Did you graduate?</p> <p>14 A. Yes.</p> <p>15 Q. With a degree in what?</p> <p>16 A. I guess liberal arts.</p> <p>17 Q. A BA?</p> <p>18 A. Yes.</p> <p>19 Q. After college did there come a time</p> <p>20 when you started working in New York City for</p> <p>21 Time Life Magazines?</p> <p>22 A. Yes.</p> <p>23 Q. When was that, approximately?</p> <p>24 A. 1975.</p> <p>25 Q. And when did you finish college?</p>                                                                                                                                                                                                           |
| <p style="text-align: center;">10</p> <p>1 Prince</p> <p>2 A. Yes, I believe so, yes.</p> <p>3 MR. BROOKS: S-T, period, B-A-R-T-H,</p> <p>4 apostrophe S, that's how we'll spell it</p> <p>5 from now on.</p> <p>6 BY MR. BROOKS:</p> <p>7 Q. Do you have any education after high</p> <p>8 school?</p> <p>9 A. You mean college education?</p> <p>10 Q. Yes.</p> <p>11 A. Yes, I did attend college.</p> <p>12 Q. What was the name of the college?</p> <p>13 A. Nasson, N-A-S-S-O-N, College.</p> <p>14 Q. In Maine?</p> <p>15 A. Yes.</p> <p>16 Q. Was that a small liberal arts</p> <p>17 college?</p> <p>18 A. Yes.</p> <p>19 Q. Did you take any art courses at</p> <p>20 Nasson College?</p> <p>21 A. Yes.</p> <p>22 Q. Did you take any photography</p> <p>23 courses?</p> <p>24 A. No.</p> <p>25 Q. Briefly, can you describe the art</p>                                                                                                                                                                                                                                                                                                                                                                                | <p style="text-align: center;">12</p> <p>1 Prince</p> <p>2 A. '71.</p> <p>3 Q. What was the nature of your job or</p> <p>4 jobs at Time Life?</p> <p>5 A. I worked for a number of jobs.</p> <p>6 First one was I worked in what they called the</p> <p>7 employee bookstore. That was my main job. And</p> <p>8 I worked -- I believe the title is called copy</p> <p>9 process, which was tearing up the various</p> <p>10 magazines that they published.</p> <p>11 In those days, pretty primitive,</p> <p>12 precomputer, we would tear up the magazine and</p> <p>13 hand the editorial -- they were called hard</p> <p>14 copies -- to the people who wrote those stories.</p> <p>15 Q. Tear sheets?</p> <p>16 A. Tear sheets.</p> <p>17 Q. And was this advertising or actual</p> <p>18 editorial -- non-advertising content?</p> <p>19 A. What they wanted, what we would put</p> <p>20 in these tubes and send, what they wanted was</p> <p>21 the editorial copy.</p> <p>22 Q. Articles?</p> <p>23 A. Articles, yes, for the various --</p> <p>24 I believe at the time they published seven</p> <p>25 magazines.</p> |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">13</p> <p>1 Prince</p> <p>2 Q. While you were employed by Time Life</p> <p>3 did you begin a practice of rephotographing</p> <p>4 images --</p> <p>5 A. Yes.</p> <p>6 Q. -- that you encountered there?</p> <p>7 A. 1977 I made a breakthrough in terms</p> <p>8 of what I considered a breakthrough, and I</p> <p>9 started to rephotograph images that were</p> <p>10 essentially from magazines that Time Life</p> <p>11 published and also the New York Times magazine.</p> <p>12 Q. Were the images advertisements?</p> <p>13 A. Strictly advertisements, yes.</p> <p>14 Q. In 1977 did you rephotograph four</p> <p>15 photos from the New York Times magazine section?</p> <p>16 A. Yes.</p> <p>17 Q. What was the nature of those photos?</p> <p>18 A. They were images of living rooms,</p> <p>19 advertisements. I don't recall who was the</p> <p>20 advertiser, but -- and I believe they appeared</p> <p>21 sequentially once -- once a week for four weeks</p> <p>22 I believe.</p> <p>23 Q. And when you rephotographed those</p> <p>24 four images what, if anything, did you do with</p> <p>25 them? Did you exhibit them anywhere?</p> | <p style="text-align: center;">15</p> <p>1 Prince</p> <p>2 Q. Did you have a solo exhibition at</p> <p>3 the Ellen Sragow Gallery?</p> <p>4 A. Sragow, I believe.</p> <p>5 Q. Sragow?</p> <p>6 A. Yes.</p> <p>7 Q. When was that?</p> <p>8 A. It was a long time ago.</p> <p>9 MR. HAYES: If you recall. If you</p> <p>10 don't recall, say so.</p> <p>11 A. Well, '76 maybe.</p> <p>12 Q. And what was the content of the</p> <p>13 exhibition?</p> <p>14 A. I guess you could describe the --</p> <p>15 it's hard -- I believe they were images with</p> <p>16 text. They would refer to it at the time as</p> <p>17 narrative art.</p> <p>18 Q. Were the --</p> <p>19 A. They were stories that I had made up</p> <p>20 about various locations in which I had visited.</p> <p>21 Q. And what medium were the images?</p> <p>22 A. I think they were drawing. I think</p> <p>23 on one piece of paper it was drawing, and I</p> <p>24 believe the -- photographs -- text that was put</p> <p>25 out with a typewriter, and a lot of what was</p>                                        |
| <p style="text-align: center;">14</p> <p>1 Prince</p> <p>2 A. No, I didn't.</p> <p>3 Q. Did some controversy arise from your</p> <p>4 rephotographing those four images?</p> <p>5 A. Not at the time, no.</p> <p>6 Q. At a later time?</p> <p>7 A. A controversy? I think -- no, I</p> <p>8 would more describe it as just people were very</p> <p>9 perplexed and didn't particularly know what they</p> <p>10 were looking at, because of the nature of the</p> <p>11 transformation. It was a real photograph that I</p> <p>12 was showing, not an image that I had torn out of</p> <p>13 the magazine. Which is essentially when I first</p> <p>14 tore it, it was a collage. I collaged it onto</p> <p>15 paper. That's the very first way I showed the</p> <p>16 images.</p> <p>17 But I decided -- I mean that was</p> <p>18 the breakthrough, was taking the apparatus, the</p> <p>19 camera, and making a real photograph.</p> <p>20 Q. A photograph of a photograph?</p> <p>21 A. Well, it was a photograph of -- no,</p> <p>22 it wasn't a photograph. It was a photograph of</p> <p>23 a page --</p> <p>24 Q. From the magazine?</p> <p>25 A. -- in the magazine.</p>       | <p style="text-align: center;">16</p> <p>1 Prince</p> <p>2 then called white-out, which was a kind of</p> <p>3 liquid paint that you used to correct a typo.</p> <p>4 Q. At some point did you begin</p> <p>5 rephotographing ads for Marlboro cigarettes?</p> <p>6 A. I started that I believe in 1980 was</p> <p>7 the first one.</p> <p>8 Q. And this has been known as the</p> <p>9 Marlboro Cowboy photographs?</p> <p>10 A. I referred to them -- yes. I</p> <p>11 started titling them Untitled, parentheses,</p> <p>12 Cowboys.</p> <p>13 Q. And you say you started in 1980?</p> <p>14 A. Yes.</p> <p>15 Q. How long did you continue engaging</p> <p>16 in that practice?</p> <p>17 A. Until -- I believe the last ones</p> <p>18 were done in 1999.</p> <p>19 Q. How did you obtain the images of the</p> <p>20 Marlboro cowboys?</p> <p>21 A. They used to come out -- when I was</p> <p>22 working at Time Life they would come out -- we'd</p> <p>23 get the magazines on Monday, and they would</p> <p>24 appear in the magazine -- in the various</p> <p>25 magazines.</p> |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">25</p> <p>1 Prince</p> <p>2 MR. HAYES: Also, it seems to be</p> <p>3 attempting to turn him into some kind of</p> <p>4 expert, but primarily calls for a legal</p> <p>5 conclusion.</p> <p>6 A. I mean, you know, this type of</p> <p>7 language I -- you know, is not something that I</p> <p>8 feel comfortable commenting on.</p> <p>9 Q. Very well.</p> <p>10 Let me just back up.</p> <p>11 Have you ever been sued before this</p> <p>12 lawsuit in any court?</p> <p>13 A. No, I've never been sued.</p> <p>14 Q. Not by Garry Gross?</p> <p>15 A. No.</p> <p>16 Q. Have you ever been a party to any</p> <p>17 lawsuit or arbitration?</p> <p>18 A. Not that I believe, no.</p> <p>19 Q. Have you ever sued anyone?</p> <p>20 A. No, I've never sued anybody.</p> <p>21 Q. Have you ever had your deposition</p> <p>22 taken before today?</p> <p>23 A. No.</p> <p>24 Q. What, if anything, did you do to</p> <p>25 prepare for this deposition?</p>                                                                | <p style="text-align: center;">27</p> <p>1 Prince</p> <p>2 BY MR. BROOKS:</p> <p>3 Q. So just tell us what, if anything,</p> <p>4 you reviewed before coming here today to prepare</p> <p>5 for this deposition?</p> <p>6 A. I didn't really do anything. I</p> <p>7 just -- I wasn't even sure what I was supposed</p> <p>8 to do today.</p> <p>9 Q. Did you meet with any lawyers --</p> <p>10 without getting into what you said to them or</p> <p>11 they said to you, did you meet with any lawyers</p> <p>12 to prepare for this deposition?</p> <p>13 A. I met with -- yeah, I met with</p> <p>14 Steven.</p> <p>15 Q. Mr. Hayes?</p> <p>16 A. Yes.</p> <p>17 Q. Just the two of you?</p> <p>18 A. Yes.</p> <p>19 Q. No one else was present during the</p> <p>20 meeting?</p> <p>21 A. No.</p> <p>22 Q. Okay. Let me go back to this answer</p> <p>23 to paragraph 13 on page 3 of Exhibit 2. And</p> <p>24 perhaps we can break this down so it's more</p> <p>25 digestible.</p>                                          |
| <p style="text-align: center;">26</p> <p>1 Prince</p> <p>2 A. I went over --</p> <p>3 MR. HAYES: I'll caution the witness</p> <p>4 not to talk about any conversations with</p> <p>5 counsel.</p> <p>6 THE WITNESS: I'm sorry?</p> <p>7 MR. HAYES: Don't talk about the</p> <p>8 substance of any conversations with</p> <p>9 counsel as protected by attorney/client</p> <p>10 privilege.</p> <p>11 A. I didn't really do much.</p> <p>12 Q. Tell us what you did, even if it was</p> <p>13 very little, without divulging conversations</p> <p>14 with your lawyer.</p> <p>15 A. I talked to my wife about it.</p> <p>16 Q. Did you review any documents?</p> <p>17 A. Documents -- what type of documents?</p> <p>18 Q. Well, for instance, books, your</p> <p>19 book, the Canal Zone book?</p> <p>20 MR. HAYES: Objection. Objection.</p> <p>21 I understand that that's not a proper</p> <p>22 question. That's work product.</p> <p>23 MR. BROOKS: Are you directing him</p> <p>24 not to answer?</p> <p>25 MR. HAYES: No, I'll let him answer.</p> | <p style="text-align: center;">28</p> <p>1 Prince</p> <p>2 The answer says that you were not</p> <p>3 specifically authorized to use Plaintiff's</p> <p>4 photographs, do you see that?</p> <p>5 A. I wasn't specifically authorized?</p> <p>6 Q. That's what this says.</p> <p>7 A. Okay.</p> <p>8 Q. Is that true?</p> <p>9 MR. HAYES: Object to the form</p> <p>10 of the question, calls for a legal</p> <p>11 conclusion.</p> <p>12 You can answer if you understand it.</p> <p>13 Q. You can answer.</p> <p>14 A. I still don't understand why I'm --</p> <p>15 I wasn't specifically authorized.</p> <p>16 Q. Did you ever ask Mr. Cariou, who is</p> <p>17 sitting here, the plaintiff, for permission to</p> <p>18 use his photographs from the Yes Rasta book?</p> <p>19 A. I didn't really use his photographs.</p> <p>20 Q. Okay. Did you make use of them in</p> <p>21 any way?</p> <p>22 A. I made use of them, yes.</p> <p>23 Q. Did you ask for his permission to</p> <p>24 make use of them?</p> <p>25 A. No.</p> |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

October 6, 2009

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">29</p> <p>1 Prince</p> <p>2 Q. Did he specifically give you</p> <p>3 permission to use --</p> <p>4 A. No.</p> <p>5 Q. Did he generally give you permission</p> <p>6 to use the photographs?</p> <p>7 A. No.</p> <p>8 Q. Now, you say that the use you made</p> <p>9 of the portions of the photographs -- withdrawn.</p> <p>10 This answer says that the use you</p> <p>11 made of portions of the photographs in your</p> <p>12 artworks was a proper artistic practice. Do you</p> <p>13 agree with that?</p> <p>14 MR. HAYES: Again, object to the</p> <p>15 form of the question on the grounds it</p> <p>16 asks for a legal conclusion and attempts</p> <p>17 to make the witness an expert.</p> <p>18 But you can answer the question if</p> <p>19 you understand it.</p> <p>20 A. I did use, in fact, portions of</p> <p>21 photographs that appear in his book. Whether</p> <p>22 they were for proper artistic practice, that's</p> <p>23 a -- that's something I can't really -- I would</p> <p>24 have to define proper. And I'm not sure if</p> <p>25 there's any type of definition for proper</p> | <p style="text-align: center;">31</p> <p>1 Prince</p> <p>2 answer says here this was proper under -- it was</p> <p>3 appropriate under applicable law, do you have</p> <p>4 any idea what that refers to?</p> <p>5 MR. HAYES: Again, same objections,</p> <p>6 calls for an expert conclusion --</p> <p>7 A. No.</p> <p>8 MR. HAYES: -- and is not a proper</p> <p>9 question.</p> <p>10 MR. BROOKS: Right. But it's in his</p> <p>11 answer so I just want to see if he knows</p> <p>12 what that means.</p> <p>13 A. No.</p> <p>14 Q. You have no idea?</p> <p>15 A. No.</p> <p>16 Q. I'd like to discuss with you your</p> <p>17 artistic practice, quote/unquote, artistic</p> <p>18 practice, a term used in the answer, which I</p> <p>19 understand you've never seen the answer before.</p> <p>20 You are an artist, so I assume you</p> <p>21 have an artistic practice?</p> <p>22 A. I'd like to think so, yes.</p> <p>23 Q. Okay.</p> <p>24 MR. BROOKS: Let's mark as</p> <p>25 Plaintiff's Exhibit 3 two pages which have</p> |
| <p style="text-align: center;">30</p> <p>1 Prince</p> <p>2 artistic practice.</p> <p>3 But I did, in fact, use portions of</p> <p>4 images that appear in his books. Eventually,</p> <p>5 for paintings that I made into this -- they</p> <p>6 were sort of ingredient -- part of a recipe</p> <p>7 ingredients that were eventually made into this</p> <p>8 show that I titled Canal Zone.</p> <p>9 Q. Were his photographs the subject of</p> <p>10 your --</p> <p>11 A. No.</p> <p>12 Q. -- artworks?</p> <p>13 A. No.</p> <p>14 Q. The subject was some</p> <p>15 post-apocalyptic vision of what would happen</p> <p>16 after a nuclear war on a remote island?</p> <p>17 A. No, that was -- that's a subtext of</p> <p>18 the whole Canal Zone type of pitch. It first</p> <p>19 appeared when I was thinking about this project.</p> <p>20 Q. Okay. You know what, we'll get to</p> <p>21 that. I've got -- your lawyers produced all the</p> <p>22 documents. We'll go through them.</p> <p>23 A. Okay.</p> <p>24 Q. And I'm pretty sure what your answer</p> <p>25 is going to be, but when you say -- when the</p>                    | <p style="text-align: center;">32</p> <p>1 Prince</p> <p>2 been Bates stamped by us C57 and 58 when</p> <p>3 they were produced in discovery.</p> <p>4 MS. BART: Yesterday, correct?</p> <p>5 MR. BROOKS: No, about six months</p> <p>6 ago.</p> <p>7 MS. BART: The original production.</p> <p>8 MR. BROOKS: The initial disclosure</p> <p>9 I should say.</p> <p>10 (Plaintiff's Exhibit 3, two-page</p> <p>11 printout from website, was marked for</p> <p>12 identification, as of this date.)</p> <p>13 Q. Mr. Prince, you have a website?</p> <p>14 A. Yes, I do. Yes.</p> <p>15 Q. And is it www.RichardPrinceArt.com?</p> <p>16 A. Yes.</p> <p>17 Q. The first page of Exhibit 3 is a</p> <p>18 photograph of somebody. Is that you?</p> <p>19 A. Yes.</p> <p>20 Q. And on the table in the photograph</p> <p>21 there seems to be a book with some -- it looks</p> <p>22 like a cowboy on a horse?</p> <p>23 A. Yes.</p> <p>24 Q. Is that a book with some of these</p> <p>25 Marlboro cowboys we were talking about before?</p> |

October 6, 2009

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">37</p> <p>1 Prince</p> <p>2 wakefulness, unquote.</p> <p>3 (Clarification by reporter.)</p> <p>4 Q. Again, those were your words in</p> <p>5 1978?</p> <p>6 A. Yes.</p> <p>7 Q. When you would -- now, I'm asking</p> <p>8 about the first series of sentences. Okay?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. Practicing without a license.</p> <p>11 When you would rephotograph would</p> <p>12 you actually use a camera?</p> <p>13 A. Yes.</p> <p>14 Q. So you would take an analog</p> <p>15 photograph of some image, is that right?</p> <p>16 A. I would take a slide. I was using</p> <p>17 slide film.</p> <p>18 Q. And then develop it?</p> <p>19 A. I would send it to a commercial lab</p> <p>20 and have it developed.</p> <p>21 Q. Now, in this digital age that we're</p> <p>22 in now are you able to appropriate images</p> <p>23 without actually using a camera?</p> <p>24 MR. HAYES: Objection to the form of</p> <p>25 the question. Without actually using a</p> | <p style="text-align: center;">39</p> <p>1 Prince</p> <p>2 the Canal Zone show isn't is a fact that you</p> <p>3 scanned some of Plaintiff's images directly onto</p> <p>4 the canvas?</p> <p>5 A. No.</p> <p>6 MR. HAYES: Objection.</p> <p>7 MS. BART: Objection, form.</p> <p>8 A. No.</p> <p>9 Q. Did somebody do that at your</p> <p>10 request?</p> <p>11 MS. BART: Same objection.</p> <p>12 A. What I would do is send -- after I</p> <p>13 tore the image out of the book --</p> <p>14 Q. You're talking about Plaintiff's</p> <p>15 book?</p> <p>16 A. Yes.</p> <p>17 I would send it off to a commercial</p> <p>18 lab. And I believe it's called inkjet process.</p> <p>19 Q. Right.</p> <p>20 A. Now, I don't know too much about it</p> <p>21 except that it -- you're able to reproduce in</p> <p>22 almost any scale onto different surfaces. The</p> <p>23 surface which I chose was canvas.</p> <p>24 Q. Right. And the name of the lab that</p> <p>25 you used?</p> |
| <p style="text-align: center;">38</p> <p>1 Prince</p> <p>2 camera?</p> <p>3 Q. Well, for instance, like if you see</p> <p>4 a photograph somewhere you can -- is it possible</p> <p>5 to scan it and enlarge it?</p> <p>6 A. I suppose so.</p> <p>7 Q. And do a high-definition copy of it</p> <p>8 without using a camera?</p> <p>9 MR. HAYES: If you know.</p> <p>10 A. I guess so.</p> <p>11 MS. BART: Excuse me, I'd like to</p> <p>12 hear the question back, please.</p> <p>13 (Record read.)</p> <p>14 MR. HAYES: I attempted to interpose</p> <p>15 an objection that the question calls for</p> <p>16 speculation, and I'll do that now.</p> <p>17 MR. BROOKS: Okay.</p> <p>18 BY MR. BROOKS:</p> <p>19 Q. But you can answer.</p> <p>20 A. I guess so.</p> <p>21 Q. Well, you guess so?</p> <p>22 MR. HAYES: Don't guess. If you</p> <p>23 know, say so. If you don't, say so.</p> <p>24 A. Yes, I believe you can. Yes.</p> <p>25 Q. In creating the works that were in</p>                         | <p style="text-align: center;">40</p> <p>1 Prince</p> <p>2 A. NancyScans.</p> <p>3 Q. Where are they located?</p> <p>4 A. Chatham, New York.</p> <p>5 Q. Chatham, New York.</p> <p>6 Near where you live Upstate?</p> <p>7 A. It's about an hour, yes.</p> <p>8 Q. And that's why -- we'll get to this</p> <p>9 again later --</p> <p>10 A. Okay.</p> <p>11 Q. -- but in the book, the Canal Zone</p> <p>12 book, it says the images -- some of your</p> <p>13 paintings rather, are inkjet and acrylic on</p> <p>14 canvas, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And other material?</p> <p>17 A. And other mediums, yeah.</p> <p>18 Q. Have you ever heard of an inkjet</p> <p>19 printer?</p> <p>20 MR. HAYES: Objection.</p> <p>21 Meaning other than in this context</p> <p>22 or?</p> <p>23 MR. BROOKS: No, just in general.</p> <p>24 A. I don't understand -- heard of an</p> <p>25 inkjet printer?</p>                                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">41</p> <p>1 Prince</p> <p>2 Q. Have you ever gone into like a</p> <p>3 Kinko's and asked them to make a copy for you?</p> <p>4 A. No.</p> <p>5 Q. Do you have a printer at home?</p> <p>6 A. No, I don't.</p> <p>7 Q. In your studio?</p> <p>8 A. No.</p> <p>9 Q. Do you have a computer?</p> <p>10 A. I have a computer.</p> <p>11 Q. Let me ask you a few questions about</p> <p>12 the 1978 -- I'm going to call it an essay.</p> <p>13 MR. HAYES: That's fine.</p> <p>14 MR. BROOKS: I understand it's not</p> <p>15 an essay.</p> <p>16 MR. HAYES: Yeah, he adopted the</p> <p>17 term. As long as we're clear it's an</p> <p>18 adopted term, that's fine. No problem.</p> <p>19 BY MR. BROOKS:</p> <p>20 Q. Was it ever published anywhere,</p> <p>21 Appropriation 1978, other than on your website?</p> <p>22 A. The Appropriation 1978?</p> <p>23 Q. Right.</p> <p>24 A. I think a form of it or another --</p> <p>25 maybe another edit of it was probably -- some of</p>                                                                                                                                    | <p style="text-align: center;">43</p> <p>1 Prince</p> <p>2 interested in reflecting about what was going on</p> <p>3 at the time. I believe I was, what, twenty --</p> <p>4 MR. HAYES: Nine.</p> <p>5 A. Twenty-nine.</p> <p>6 I had only been in New York for four</p> <p>7 or five years. I was also very interested in</p> <p>8 the whole punk rock movement and felt very much</p> <p>9 a part of that attitude.</p> <p>10 And the idea of not liking your own</p> <p>11 work I thought was a kind of avant-garde,</p> <p>12 revolutionary, very poetic position to take at</p> <p>13 the time. Because most artists you meet have</p> <p>14 these large egos and love what they do. So I</p> <p>15 took the opposite point of view.</p> <p>16 Q. And why did you feel that it was,</p> <p>17 quote, more satisfying to appropriate?</p> <p>18 A. I felt that, you know, again, I like</p> <p>19 the idea of having a bit or a part or a share of</p> <p>20 a public image, much like the pop artists who I</p> <p>21 very much grew up with. And I was especially</p> <p>22 enamored of Andy Warhol at the time.</p> <p>23 And I felt that I wanted to</p> <p>24 contribute to something that already existed in</p> <p>25 the world.</p> |
| <p style="text-align: center;">42</p> <p>1 Prince</p> <p>2 the sentence structure was probably used.</p> <p>3 I know the general lowering of</p> <p>4 wakefulness was used in a book that I wrote</p> <p>5 called Why I Go to the Movies Alone.</p> <p>6 Q. That was the name of your book?</p> <p>7 A. Yes.</p> <p>8 Q. And do you know when that book came</p> <p>9 out?</p> <p>10 A. 1983.</p> <p>11 Q. With respect to the essay, it states</p> <p>12 appropriation has to do with the inability of</p> <p>13 the author slash artist to like his or her own</p> <p>14 work.</p> <p>15 Do you feel that you have an</p> <p>16 inability to like your own work?</p> <p>17 A. I think at the time I wrote</p> <p>18 it I was -- I was very interested in</p> <p>19 anti-expressionism. I was very interested in</p> <p>20 works or artworks that did not have to do with</p> <p>21 personal dreams. I was very interested in</p> <p>22 making things up and fiction and turning the</p> <p>23 fiction into something that you can believe in.</p> <p>24 Again, I have to say also that in</p> <p>25 this year, especially '77 to '78, I was also</p> | <p style="text-align: center;">44</p> <p>1 Prince</p> <p>2 Q. You're speaking in the past tense,</p> <p>3 fair enough, because I'm asking you about --</p> <p>4 A. Yeah, this is what I'm -- I'm trying</p> <p>5 to approximate what I was feeling thirty years</p> <p>6 ago.</p> <p>7 Q. Let's talk about now. Do you still</p> <p>8 find it more satisfying to appropriate than to</p> <p>9 create your own work?</p> <p>10 A. Yeah, I do. I feel that I like to</p> <p>11 get as much fact into my work and reduce the</p> <p>12 amount of speculation. I believe there's too</p> <p>13 much -- I like an artwork where that when you</p> <p>14 see something, like a cowboy or a girlfriend, I</p> <p>15 mean these are, in fact, true.</p> <p>16 Q. Or a nurse?</p> <p>17 A. Or a nurse, or a hood.</p> <p>18 Q. And you feel, if it's not yours --</p> <p>19 MR. HAYES: Let him finish.</p> <p>20 MR. BROOKS: I'm sorry.</p> <p>21 MR. HAYES: Have you finished your</p> <p>22 answer?</p> <p>23 THE WITNESS: I'm sorry. Yes.</p> <p>24 Q. And you feel if it's not yours it's</p> <p>25 more believable to the audience?</p>                                                                                                            |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">45</p> <p>1 Prince</p> <p>2 MR. HAYES: Objection,</p> <p>3 mischaracterizes what he said.</p> <p>4 But if you want -- you can respond</p> <p>5 to that if you want, but the statement --</p> <p>6 A. I feel it's totally mine.</p> <p>7 Q. Okay. But in the essay you said you</p> <p>8 find appropriating satisfying especially if you</p> <p>9 are attempting to produce work with a certain</p> <p>10 believability?</p> <p>11 A. Yes.</p> <p>12 Q. So there's something about</p> <p>13 appropriating images from other people that</p> <p>14 helps you make a work of art that's more</p> <p>15 believable, is that right?</p> <p>16 A. I guess you can say that, yes.</p> <p>17 Q. Do you still feel that way?</p> <p>18 A. Probably not as much as I did in</p> <p>19 1978.</p> <p>20 Q. But to some extent?</p> <p>21 A. I think you could say that.</p> <p>22 Q. Is it part of your message now that</p> <p>23 your artwork is more believable because it was</p> <p>24 taken from someone else?</p> <p>25 A. I don't have a -- I don't really</p> | <p style="text-align: center;">47</p> <p>1 Prince</p> <p>2 Monday.</p> <p>3 MR. BROOKS: Well, I can't help</p> <p>4 that.</p> <p>5 (Plaintiff's Exhibit 4, interview,</p> <p>6 was marked for identification, as of this</p> <p>7 date.)</p> <p>8 Q. Mr. Prince, you've been handed</p> <p>9 what's been marked as Plaintiff's Exhibit 4.</p> <p>10 Do you recall being interviewed in</p> <p>11 ArtForum Magazine in 2003?</p> <p>12 A. Boy. I don't really recall being</p> <p>13 interviewed, no.</p> <p>14 Q. Do you know who Steve Lafreniere is?</p> <p>15 A. No, I don't.</p> <p>16 Q. Let's look at the second page of</p> <p>17 this exhibit. And there's a question up at the</p> <p>18 top where the interviewer is asking, I'd always</p> <p>19 assumed that you purposely made your early</p> <p>20 photos have an amateur look and that you'd done</p> <p>21 them quickly, but looking at them today would</p> <p>22 suggest otherwise. How worked on were pictures</p> <p>23 like Untitled, three women looking in the same</p> <p>24 direction, 1980.</p> <p>25 Before I read the answer, did you</p>                                                                                                                                                                         |
| <p style="text-align: center;">46</p> <p>1 Prince</p> <p>2 have a message.</p> <p>3 Q. Okay. Is appropriating images from</p> <p>4 other people, does that also make your job</p> <p>5 easier in creating a new image?</p> <p>6 A. No. Not really, no.</p> <p>7 Q. Does it make it harder?</p> <p>8 A. No, it's just something that --</p> <p>9 something that I do and I love to do, and I've</p> <p>10 always -- you know, I've been doing this for</p> <p>11 quite a while.</p> <p>12 Q. Right.</p> <p>13 When you began to engage in the</p> <p>14 practice of rephotographing the work of others</p> <p>15 did you consider yourself at that time to be a</p> <p>16 skilled photographer?</p> <p>17 A. No.</p> <p>18 MR. BROOKS: Let's mark as</p> <p>19 Plaintiff's Exhibit 4 an article, or</p> <p>20 actually an interview with Bates stamp</p> <p>21 pages C226 through 228.</p> <p>22 And this was I believe produced in</p> <p>23 response to your discovery requests on</p> <p>24 Friday.</p> <p>25 MS. BART: We got them actually on</p>                                      | <p style="text-align: center;">48</p> <p>1 Prince</p> <p>2 have a work Untitled with three women looking in</p> <p>3 the same direction in 1980, if you recall?</p> <p>4 A. Yes.</p> <p>5 Q. And here's what appears to be your</p> <p>6 answer. RP, I had limited technical skills</p> <p>7 regarding the camera. Actually, I had no</p> <p>8 skills. I played the camera. I used a cheap</p> <p>9 commercial lab to blow up the pictures. I made</p> <p>10 editions of two. I never went into a darkroom.</p> <p>11 And yes, I really worked hard on Women, capital</p> <p>12 W, period. I mean that piece still looks like</p> <p>13 it was purposely made.</p> <p>14 Do you recall making this statement?</p> <p>15 A. Yes.</p> <p>16 Q. And was it a true statement?</p> <p>17 A. Yes, it was. It's absolutely true.</p> <p>18 Q. The next question says, So you sort</p> <p>19 of fell into photography, and the answer is, In</p> <p>20 the early '80s I didn't have the subject matter</p> <p>21 for painting, I didn't have the, quote, jokes,</p> <p>22 initial cap J, unquote, until 1986. What I did</p> <p>23 have was magazines. I was working at Time Life</p> <p>24 and was surrounded by magazines. I wanted to</p> <p>25 present the images I saw in these magazines as</p> |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">49</p> <p>1 Prince</p> <p>2 naturally as when they first appeared. Making a</p> <p>3 photograph of them seemed the best way to do it.</p> <p>4 I didn't exactly, quote, fall, unquote, as much</p> <p>5 as steal, period.</p> <p>6 Did you make that statement?</p> <p>7 A. Yes, I did.</p> <p>8 Q. Was that a true statement?</p> <p>9 A. Yes, it is.</p> <p>10 Q. When you said you had no skills,</p> <p>11 I mean what did you mean?</p> <p>12 A. I didn't have any skills. I had</p> <p>13 never really -- I liked the idea of not knowing</p> <p>14 how to use a mechanical apparatus at the time.</p> <p>15 I didn't know anything about the medium.</p> <p>16 Q. Right.</p> <p>17 Do you remember saying in a</p> <p>18 subsequent interview that you destroyed</p> <p>19 photography?</p> <p>20 A. Yes, I shot the sheriff or something</p> <p>21 like that. Yeah, I did.</p> <p>22 Q. What did you mean by that?</p> <p>23 A. I changed it. I revolutionized it.</p> <p>24 Q. How?</p> <p>25 A. I changed it completely.</p>                                                                           | <p style="text-align: center;">51</p> <p>1 Prince</p> <p>2 And the part was this idea of the artist as a</p> <p>3 kind of cliché. And I was very much an</p> <p>4 outsider. And I was interested in playing a</p> <p>5 role. Again, fictionalizing myself.</p> <p>6 Q. As an outlaw?</p> <p>7 A. Yes.</p> <p>8 Q. Kind of like Robin Hood stealing</p> <p>9 from Philip Morris?</p> <p>10 MR. HAYES: Objection to the form.</p> <p>11 A. No.</p> <p>12 MR. HAYES: Objection.</p> <p>13 A. No. I was making things up.</p> <p>14 Q. Right.</p> <p>15 A. I was extremely -- to tell you the</p> <p>16 truth, I was extremely conservative, on the</p> <p>17 other hand, in terms of my artistic attitude.</p> <p>18 And I knew that in order to maybe</p> <p>19 discover something new I had to change a bit and</p> <p>20 take on another persona. And I felt that by</p> <p>21 playing, quote, as I said in the interview, the</p> <p>22 camera, just like a punk rock guitarist who</p> <p>23 picks up a guitar, seven days later he's playing</p> <p>24 on stage. He doesn't know how to play the</p> <p>25 guitar, but it's his inability which shines</p> |
| <p style="text-align: center;">50</p> <p>1 Prince</p> <p>2 Q. How?</p> <p>3 A. Well, rephotography actually you</p> <p>4 could -- thirty years later people download.</p> <p>5 You could actually substitute the word download</p> <p>6 for rephotography. I mean I did it.</p> <p>7 Q. Download an image on your computer?</p> <p>8 A. It's the same thing really.</p> <p>9 Q. And scan it --</p> <p>10 A. I mean I'm talking poetically here,</p> <p>11 philosophically. Again, it's all an</p> <p>12 experimentation. But I did destroy and change</p> <p>13 the whole -- the whole medium actually.</p> <p>14 And that's what I was trying to</p> <p>15 do at the time was revolutionize an artistic</p> <p>16 practice that up to that time was pretty boring,</p> <p>17 really.</p> <p>18 Q. In the essays we looked at in the</p> <p>19 previous exhibit, Exhibit 3.</p> <p>20 A. Mm-hmm.</p> <p>21 Q. 1977 and 1978 essays, and in this</p> <p>22 interview in 2003, were you trying to depict</p> <p>23 yourself as an outlaw or a rebel?</p> <p>24 MR. HAYES: Object to the form.</p> <p>25 A. I think I was playing a part, yes.</p> | <p style="text-align: center;">52</p> <p>1 Prince</p> <p>2 through, which is really exciting.</p> <p>3 And the fact that he's not a</p> <p>4 virtuoso -- it's the very limitations I think</p> <p>5 that make -- can actually make great art. And</p> <p>6 that's basically what all this, these two essays</p> <p>7 and these two quotes in this particular</p> <p>8 interview is about.</p> <p>9 MR. BROOKS: Let's mark as</p> <p>10 Plaintiff's Exhibit 5 two pages Bates</p> <p>11 stamped C229 and 230.</p> <p>12 It's a portion of -- or it is an</p> <p>13 interview in French.</p> <p>14 MS. BART: Do you have an English</p> <p>15 translation for the witness and counsel?</p> <p>16 MR. BROOKS: Later. That will be</p> <p>17 Exhibit 6. I'm on Exhibit 5.</p> <p>18 MS. BART: Well, I'd like to have</p> <p>19 a copy of the translation so that I can</p> <p>20 determine whether or not I need to object</p> <p>21 to any of your questions with this</p> <p>22 exhibit.</p> <p>23 MR. BROOKS: Okay. All right.</p> <p>24 Fine.</p> <p>25 MS. BART: Excuse me, I'd like to</p>                                                                  |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">85</p> <p>1 Prince</p> <p>2 A. Yes.</p> <p>3 Q. -- essay or story?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know where those cartoons</p> <p>6 came from?</p> <p>7 A. They came from my collecting cartoon</p> <p>8 books.</p> <p>9 Q. But then there were little captions,</p> <p>10 were those original into the cartoons?</p> <p>11 A. I don't recall if they were original</p> <p>12 or not.</p> <p>13 Q. For instance, How do I know you</p> <p>14 won't kiss and tell?</p> <p>15 A. Right. I don't know if they were --</p> <p>16 I might have made up my own captions, I often</p> <p>17 do, to mismatch. And I believe those cartoons</p> <p>18 were collaged onto palm trees, which I -- it was</p> <p>19 part of my contribution to the cartoon to make</p> <p>20 it different and suggested again the jungles of</p> <p>21 Panama.</p> <p>22 MR. BROOKS: Okay. Just so my</p> <p>23 outline doesn't get all screwed up, I'm</p> <p>24 going to mark this as Exhibit 42.</p> <p>25 MR. HAYES: 42?</p>                           | <p style="text-align: center;">87</p> <p>1 Prince</p> <p>2 that a reference to his story?</p> <p>3 MR. HAYES: If you know.</p> <p>4 Q. If you know.</p> <p>5 A. No, I don't know.</p> <p>6 Q. Everything is if you know.</p> <p>7 A. No, I don't know.</p> <p>8 Q. And it says all artworks copyright</p> <p>9 2008 Richard Prince, insert images copyright</p> <p>10 2008 Richard Prince. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Have you ever seen that before?</p> <p>13 A. If I did I never really paid</p> <p>14 attention to it.</p> <p>15 Q. And then at the bottom of the page</p> <p>16 it says all rights reserved, no part of this</p> <p>17 publication may be used or reproduced in any</p> <p>18 manner whatsoever without prior written</p> <p>19 permission from the copyright holders.</p> <p>20 Do you see that language?</p> <p>21 A. Yes.</p> <p>22 Q. So you created some artworks that</p> <p>23 are depicted in this book Exhibit 42, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And you spent some time and effort</p> |
| <p style="text-align: center;">86</p> <p>1 Prince</p> <p>2 MR. BROOKS: Out of order.</p> <p>3 So this will be the exhibit I guess.</p> <p>4 (Plaintiff's Exhibit 42, Canal Zone</p> <p>5 book, was marked for identification, as of</p> <p>6 this date.)</p> <p>7 MR. BROOKS: These pages are Bates</p> <p>8 stamped -- Mr. Hayes, could you help him</p> <p>9 find the page Bates stamped 213? It's in</p> <p>10 the very back.</p> <p>11 MR. HAYES: You can find it faster</p> <p>12 than me, but sure.</p> <p>13 There we go.</p> <p>14 BY MR. BROOKS:</p> <p>15 Q. Mr. Prince, this is the book I was</p> <p>16 referring to before.</p> <p>17 A. Mm-hmm.</p> <p>18 Q. And it was published in connection</p> <p>19 with an exhibition at the Gagosian Gallery in</p> <p>20 November-December 2008, is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. It says -- in the third paragraph</p> <p>23 I guess it says publication copyright 2008,</p> <p>24 Gagosian Gallery, Ding Dong the Witch is Dead,</p> <p>25 copyright 2008, James Frey, and that's -- is</p> | <p style="text-align: center;">88</p> <p>1 Prince</p> <p>2 doing it?</p> <p>3 A. Yes.</p> <p>4 Q. And you spent some money I assume,</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. And you don't mind if somebody just</p> <p>8 copies some of these images and sells them?</p> <p>9 A. No, I don't.</p> <p>10 If they can make a contribution --</p> <p>11 Q. You answered.</p> <p>12 A. -- I'm all for it.</p> <p>13 MR. BROOKS: Let's mark as</p> <p>14 Plaintiff's Exhibit 8 an interview of</p> <p>15 Mr. Prince. And those pages have been</p> <p>16 Bates stamped in our initial disclosure</p> <p>17 C59 to 64.</p> <p>18 This is going to get very congested</p> <p>19 there. Maybe you might just want to put</p> <p>20 that -- because I'm not going to come back</p> <p>21 to that book for a while, maybe just --</p> <p>22 MR. HAYES: Sure.</p> <p>23 MR. BROOKS: Plaintiff's Exhibit 8.</p> <p>24 (Plaintiff's Exhibit 8, interview,</p> <p>25 was marked for identification, as of this</p>                                           |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">117</p> <p>1 Prince</p> <p>2 MR. HAYES: Object to the form.</p> <p>3 Q. Some market value?</p> <p>4 A. I never get involved in the market</p> <p>5 value. I have no interest in the market.</p> <p>6 Q. When Barbara Gladstone sold some of</p> <p>7 your copies of that original or some of the</p> <p>8 originals from the edition, you received money,</p> <p>9 right?</p> <p>10 A. From the original which, this or --</p> <p>11 Q. Spiritual America Four?</p> <p>12 A. Four?</p> <p>13 Q. Yes.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So it has some value?</p> <p>16 Somebody bought it and you got some</p> <p>17 of the money, right?</p> <p>18 A. If that's what you mean by value,</p> <p>19 yes. I received money from the sale of</p> <p>20 Spiritual America Four, yes.</p> <p>21 Q. Any recollection of about how much</p> <p>22 you received for the ones that Barbara Gladstone</p> <p>23 sold?</p> <p>24 A. No, I really don't know.</p> <p>25 Q. Do you know if Spiritual America</p>                              | <p style="text-align: center;">119</p> <p>1 Prince</p> <p>2 A. They already have.</p> <p>3 Q. You can scan it --</p> <p>4 A. I saw it on someone's screen --</p> <p>5 MS. BART: Objection, form.</p> <p>6 (Multiple speakers talking at once.)</p> <p>7 (Interruption by reporter.)</p> <p>8 (Discussion off the record.)</p> <p>9 (Record read.)</p> <p>10 MR. HAYES: Can I make a suggestion?</p> <p>11 Withdraw both questions, restate the</p> <p>12 first question.</p> <p>13 BY MR. BROOKS:</p> <p>14 Q. You wouldn't mind if somebody sold</p> <p>15 Spiritual America Four, somebody else?</p> <p>16 A. No.</p> <p>17 Q. Without your permission?</p> <p>18 A. They don't need my permission.</p> <p>19 Q. And you're saying it has been done?</p> <p>20 A. I don't know whether they've been</p> <p>21 able to sell it. I haven't been able to sell</p> <p>22 mine. Whether they've sold theirs, I don't</p> <p>23 know.</p> <p>24 Q. Well, you sold some of yours, right?</p> <p>25 A. I sold some of mine, yes.</p>                |
| <p style="text-align: center;">118</p> <p>1 Prince</p> <p>2 Four is copyrighted?</p> <p>3 A. No, I don't know.</p> <p>4 Q. Do you share the proceeds when it</p> <p>5 was sold with Mr. D'Orazio?</p> <p>6 A. No. No, I don't.</p> <p>7 Q. You keep the proceeds?</p> <p>8 A. When there's a sale of this image,</p> <p>9 yes, it's between myself and the dealer who</p> <p>10 sells it.</p> <p>11 He was -- I gave him a print.</p> <p>12 I also gave Brooke Shields a print.</p> <p>13 Q. She must have been appreciative?</p> <p>14 A. I'm a, you know, agreeable guy.</p> <p>15 Q. So getting back to in Exhibit 6</p> <p>16 where you said, However, it would not bother me</p> <p>17 in the slightest -- excuse me -- for someone to</p> <p>18 appropriate my work.</p> <p>19 A. Yes.</p> <p>20 Q. Would that extend to Spiritual</p> <p>21 America Four?</p> <p>22 A. Yeah. I mean I don't -- I don't try</p> <p>23 to control those kinds of things.</p> <p>24 Q. But I mean just you wouldn't mind if</p> <p>25 somebody did exactly what you did --</p> | <p style="text-align: center;">120</p> <p>1 Prince</p> <p>2 Q. And how do you know somebody else is</p> <p>3 trying to sell Spiritual America Four?</p> <p>4 A. I've seen it. That's the thing</p> <p>5 about technology, it's what's new, it's what one</p> <p>6 has to adjust to. I've seen it on the web.</p> <p>7 Q. And that's fine with you?</p> <p>8 A. It's fine with me, yeah. I have no</p> <p>9 control over it. I mean it's their piece, not</p> <p>10 mine.</p> <p>11 Q. It's their piece?</p> <p>12 A. They're putting their name on it.</p> <p>13 Q. Who is they?</p> <p>14 A. I don't recall. I don't know who</p> <p>15 the person is.</p> <p>16 Q. Okay. So your view is if you create</p> <p>17 a work of art -- do you consider this a work of</p> <p>18 art?</p> <p>19 A. Yes, I do.</p> <p>20 Q. If you create a work of art anyone</p> <p>21 else who wants to is free to copy it and sell</p> <p>22 it?</p> <p>23 A. That's the optional or the operative</p> <p>24 word you just said. Free.</p> <p>25 Q. Right.</p> |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquireolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">121</p> <p>1 Prince</p> <p>2 A. And art is about freedom. It's not</p> <p>3 about being restricted. If I was restricted</p> <p>4 then I couldn't transform these images.</p> <p>5 Q. So but as far as you're concerned,</p> <p>6 somebody else can just copy Spiritual America</p> <p>7 Four, make no changes to it, and sell it, and</p> <p>8 that's fine with you?</p> <p>9 A. Yes, that's fine with me.</p> <p>10 Q. That's part of your artistic</p> <p>11 philosophy?</p> <p>12 A. I believe that, yes.</p> <p>13 Q. Does it matter if the person copying</p> <p>14 your work is known as an appropriation artist or</p> <p>15 does it not matter, can anyone do it, as far as</p> <p>16 you're concerned?</p> <p>17 A. There have been people who are known</p> <p>18 as appropriation artists who have done what I've</p> <p>19 done because of what I did.</p> <p>20 Q. Right. But let me ask you this.</p> <p>21 Do you feel that because you are known for</p> <p>22 appropriating the work of others your reputation</p> <p>23 itself entitles you to engage in that artistic</p> <p>24 practice?</p> <p>25 MS. BART: Objection to form.</p> | <p style="text-align: center;">123</p> <p>1 Prince</p> <p>2 Q. I know. It was badly worded.</p> <p>3 You said before, you think people</p> <p>4 are free to take the work of others, copy it,</p> <p>5 and sell it, right?</p> <p>6 MR. HAYES: Objection.</p> <p>7 A. I believe artists --</p> <p>8 Q. Artists?</p> <p>9 A. -- should be as free as possible,</p> <p>10 yes, in their studios.</p> <p>11 Q. And does it matter if those artists</p> <p>12 are known for the practice of appropriating or</p> <p>13 not?</p> <p>14 MR. HAYES: Objection, form.</p> <p>15 A. It could be an art student. I would</p> <p>16 encourage it.</p> <p>17 Q. Okay. I understand.</p> <p>18 MR. BROOKS: Let's mark as</p> <p>19 Plaintiff's Exhibit 10 a two-page article</p> <p>20 in something called the Copyright</p> <p>21 Litigation Blog, Bates stamps C55 and 56.</p> <p>22 (Plaintiff's Exhibit 10, Copyright</p> <p>23 Litigation Blog, was marked for</p> <p>24 identification, as of this date.)</p> <p>25 Q. Mr. Prince, the person who wrote</p>                                                           |
| <p style="text-align: center;">122</p> <p>1 Prince</p> <p>2 MR. HAYES: Objection.</p> <p>3 A. Reputation is a tricky word.</p> <p>4 Q. Well, you have a reputation for</p> <p>5 borrowing, appropriating things from other</p> <p>6 people, right?</p> <p>7 MS. BART: Objection, form.</p> <p>8 MR. HAYES: Objection also.</p> <p>9 A. My intentions were never to make</p> <p>10 myself a reputation. It was always -- my</p> <p>11 intentions were always to make great art.</p> <p>12 Q. Okay. But are you aware that you</p> <p>13 are known as somebody -- prominently known as</p> <p>14 somebody who appropriates work of others?</p> <p>15 MR. HAYES: Objection.</p> <p>16 MS. BART: Same.</p> <p>17 A. I am told that, yes. I don't</p> <p>18 necessarily acknowledge it.</p> <p>19 Q. And whether you are or not, you</p> <p>20 don't feel that your reputation for that</p> <p>21 practice has anything to do with your right to</p> <p>22 do it, your freedom to do it, right?</p> <p>23 MR. HAYES: Objection.</p> <p>24 MS. BART: Objection to form.</p> <p>25 A. I don't understand the question.</p>                                                                    | <p style="text-align: center;">124</p> <p>1 Prince</p> <p>2 this blog, again, states that the occasion is</p> <p>3 your one-man show at the Guggenheim, do you see</p> <p>4 that, entitled Spiritual America?</p> <p>5 A. Yes. You're referring to this man</p> <p>6 Ray Dowd?</p> <p>7 Q. Yes, he's an attorney I believe.</p> <p>8 You don't know him I take it?</p> <p>9 A. No. Is he an art critic or -- you</p> <p>10 say he's an attorney?</p> <p>11 Q. Yes. I think he does copyright law.</p> <p>12 I don't really know.</p> <p>13 A. And this is a blog?</p> <p>14 Q. It looks like -- it's the Copyright</p> <p>15 Litigation Blog. And he also has written a</p> <p>16 textbook on that.</p> <p>17 MR. HAYES: That's what the title of</p> <p>18 the document is --</p> <p>19 Q. Anyway, I'm not going to ask you</p> <p>20 about any legal questions.</p> <p>21 A. No, I just want to make sure I know</p> <p>22 what I'm looking at.</p> <p>23 Q. I think he's an attorney and he's</p> <p>24 written -- it tells you in the lower right-hand</p> <p>25 corner the name of the book he wrote.</p> |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">125</p> <p>1 Prince</p> <p>2 A. Okay.</p> <p>3 Q. On the second page of this -- and</p> <p>4 take your time, if you want to read the first</p> <p>5 page --</p> <p>6 A. No, I was just going over this</p> <p>7 eight-track photograph little -- I wonder where</p> <p>8 he got that. That's kind of cool.</p> <p>9 Anyway -- I'm sorry.</p> <p>10 Q. He didn't get that from you?</p> <p>11 A. Yeah, he got that from me. That's</p> <p>12 very early.</p> <p>13 Q. Well, now, for the record, we better</p> <p>14 have you explain what you're referring to about</p> <p>15 the Eight-Track. I wasn't going to ask you, but</p> <p>16 since you mentioned it --</p> <p>17 A. Oh. No, no --</p> <p>18 Q. -- you should explain what you're</p> <p>19 talking about.</p> <p>20 A. The Eight-Track photograph, I think</p> <p>21 I was -- again, I was talking about -- I think I</p> <p>22 was talking about hip-hop, and sampling was</p> <p>23 coming in at the time.</p> <p>24 Pirating was the term that was being</p> <p>25 used by rappers in the late '70s. This is very</p>                                                      | <p style="text-align: center;">127</p> <p>1 Prince</p> <p>2 And then it refers to you.</p> <p>3 His -- that means you. His</p> <p>4 appropriation may foreshadow the copyright</p> <p>5 battles of the future and a weakening of the</p> <p>6 visual artist's copyright.</p> <p>7 With reference to the first sentence</p> <p>8 that I read, do you agree with that?</p> <p>9 MR. HAYES: Objection.</p> <p>10 MS. BART: I'm going to object to</p> <p>11 form, especially using this blog as</p> <p>12 evidence.</p> <p>13 MR. BROOKS: Okay.</p> <p>14 MR. HAYES: It also calls for a</p> <p>15 legal conclusion, and I join in her</p> <p>16 objections.</p> <p>17 MR. BROOKS: Well, the first</p> <p>18 sentence has nothing to do with any legal</p> <p>19 conclusions.</p> <p>20 I asked him if he agrees that</p> <p>21 appropriating is becoming -- has become a</p> <p>22 widespread phenomenon, thanks to advances</p> <p>23 in technology.</p> <p>24 A. I don't believe I'm -- have the</p> <p>25 knowledge to answer that question properly.</p> |
| <p style="text-align: center;">126</p> <p>1 Prince</p> <p>2 early, when that practice of sampling -- and I</p> <p>3 was always trying to hook my art up with musical</p> <p>4 terms. That's all.</p> <p>5 So the Eight-Track photograph was</p> <p>6 eight different ways in which you could make a</p> <p>7 photograph.</p> <p>8 Q. So it's an analogy, is that what --</p> <p>9 A. I think it was just a description.</p> <p>10 Q. But you're analogizing your</p> <p>11 practices in the visual arts with what --</p> <p>12 A. I just -- I probably was just trying</p> <p>13 to talk about what was possible to do with the</p> <p>14 mechanism, the apparatus. It's kind of esoteric</p> <p>15 mumbo jumbo to tell you the truth.</p> <p>16 Q. Got it.</p> <p>17 On the second page there's a</p> <p>18 statement --</p> <p>19 A. Sorry.</p> <p>20 Q. There's a statement which says --</p> <p>21 I'll read it -- as we move into a world where</p> <p>22 digital photography and sophisticated</p> <p>23 consumer-level photo-retouching software is</p> <p>24 available, appropriating and manipulating images</p> <p>25 has become a widespread phenomenon.</p> | <p style="text-align: center;">128</p> <p>1 Prince</p> <p>2 Q. Fine, okay.</p> <p>3 A. I don't know whether it's become</p> <p>4 widespread.</p> <p>5 Q. How about the second sentence, do</p> <p>6 you agree that your artistic practices are</p> <p>7 weakening visual artists' copyright?</p> <p>8 MR. HAYES: Objection. That calls</p> <p>9 for a legal conclusion.</p> <p>10 A. Again, I would have no idea.</p> <p>11 Q. Now, when you had the retrospective</p> <p>12 at the Guggenheim -- and we all know what the</p> <p>13 Guggenheim looks like, it spirals up from the</p> <p>14 bottom to the top -- was the entire museum</p> <p>15 dedicated to exhibiting your works, or was it</p> <p>16 just a part of the museum?</p> <p>17 When you had your --</p> <p>18 A. The majority of the museum.</p> <p>19 Q. Starting at the bottom or the middle</p> <p>20 or where?</p> <p>21 A. Starting in what they call the</p> <p>22 rotunda.</p> <p>23 Q. When you walk in?</p> <p>24 A. Yes.</p> <p>25 Q. But it didn't go all the way up to</p>     |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">149</p> <p>1 Prince</p> <p>2 A. November 8th, yes.</p> <p>3 Q. And was this interview in -- do you</p> <p>4 know if the occasion for this interview was that</p> <p>5 the show was about to open, if you remember?</p> <p>6 A. I believe -- this doesn't make any</p> <p>7 sense.</p> <p>8 Q. Because?</p> <p>9 A. It says here -- this interview I</p> <p>10 believe was published at the Patrick Seguin</p> <p>11 Gallery.</p> <p>12 Oh, wait a minute. I did this</p> <p>13 interview for the Patrick Seguin Gallery that</p> <p>14 opened in November 29th with Le Figaro.</p> <p>15 Q. Of 2008?</p> <p>16 A. With -- I believe with this person</p> <p>17 from Le Figaro.</p> <p>18 Q. Valerie Duponchelle?</p> <p>19 A. No, with Patrick Seguin.</p> <p>20 Q. It just says -- I'm just telling</p> <p>21 you what it says in English -- interviewed by</p> <p>22 Valerie Duponchelle. That's not your</p> <p>23 recollection?</p> <p>24 A. I don't remember who I was</p> <p>25 interviewed by. But I believe this interview</p> | <p style="text-align: center;">151</p> <p>1 Prince</p> <p>2 found a black-and-white book on Rastafarians</p> <p>3 when I was on vacation in St. Barth's. I</p> <p>4 started drawing directly in the book like I had</p> <p>5 done before in a book of De Kooning's work. For</p> <p>6 two or three years I continued to be inspired by</p> <p>7 three Rastafarians -- I'm sorry, I continued to</p> <p>8 be inspired by these Rastafarians. I drew faces</p> <p>9 on their faces using the shades of the book, the</p> <p>10 different skin colors, the wild hair styles, all</p> <p>11 dreadlocked, their poses and their looks. I was</p> <p>12 listening to Rasta music at the time, one of my</p> <p>13 son's tapes.</p> <p>14 Was that a Bob Marley tape?</p> <p>15 A. No, it wasn't. It was a group</p> <p>16 called Radiodread. One word.</p> <p>17 Q. Now, the black-and-white book on</p> <p>18 Rastafarians that you found, was that this</p> <p>19 Yes Rasta book by Patrick Cariou?</p> <p>20 A. Yes.</p> <p>21 Q. And you said you started drawing in</p> <p>22 the book. You actually -- actually in the book,</p> <p>23 you didn't copy, you just write in the book, you</p> <p>24 were drawing things?</p> <p>25 A. Yes.</p> |
| <p style="text-align: center;">150</p> <p>1 Prince</p> <p>2 was for the occasion of a show.</p> <p>3 Q. A show of yours?</p> <p>4 A. Of mine at the Patrick Seguin</p> <p>5 Gallery.</p> <p>6 Q. A show that has nothing to do with</p> <p>7 the Canal Zone?</p> <p>8 A. It had nothing to do with the Canal</p> <p>9 Zone.</p> <p>10 Q. All right. Well, for whatever</p> <p>11 reason, they asked you some questions about the</p> <p>12 Canal Zone --</p> <p>13 A. Yes.</p> <p>14 Q. -- probably because of the temporal</p> <p>15 proximity. So I would like to have you look at</p> <p>16 the second question.</p> <p>17 Your series will be up at a time</p> <p>18 when perhaps Barack Obama will be president.</p> <p>19 It could become iconic if it coincides with a</p> <p>20 pivotal moment in American history. And --</p> <p>21 (Interruption.)</p> <p>22 (Record read.)</p> <p>23 Q. So then the answer apparently was,</p> <p>24 That's possible. It is strange for a white man</p> <p>25 like myself to start painting black people. I</p>            | <p style="text-align: center;">152</p> <p>1 Prince</p> <p>2 Q. Which you had done with some</p> <p>3 De Kooning works before?</p> <p>4 MS. BART: Objection, form.</p> <p>5 Q. Go ahead.</p> <p>6 A. I had done the same thing to a</p> <p>7 De Kooning book.</p> <p>8 Q. Right. Now, you said -- I'm reading</p> <p>9 what you said -- for two or three years I</p> <p>10 continued to be inspired by these Rastafarians.</p> <p>11 So, given --</p> <p>12 A. That's the translation. This --</p> <p>13 Q. Okay.</p> <p>14 A. Can I just say that this is --</p> <p>15 Q. Yes.</p> <p>16 A. I've read this interview.</p> <p>17 Q. Yes. In French?</p> <p>18 A. Because it just came out in a book.</p> <p>19 Q. Yes.</p> <p>20 A. It's one of the worst translations</p> <p>21 I've ever read. Anyway, I'm just -- I just</p> <p>22 would like to get that on the record.</p> <p>23 Q. Okay. But this translation was done</p> <p>24 for my law firm, so you certainly haven't read</p> <p>25 this translation. You may have read another bad</p>                                                                                                                                                                                           |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">153</p> <p>1 Prince</p> <p>2 translation, but you haven't read this one.</p> <p>3 A. Oh. Well --</p> <p>4 Q. This was done for us recently.</p> <p>5 A. Okay. All right.</p> <p>6 Q. But -- fine. If it's incorrect, I</p> <p>7 would like to know.</p> <p>8 So is it correct that you were</p> <p>9 drawing in the Yes Rasta book?</p> <p>10 A. Yes.</p> <p>11 Q. And is it correct that given that</p> <p>12 this is 2008, this interview, that this drawing</p> <p>13 in the book went on for two or three years?</p> <p>14 A. The drawing in the book -- no, I</p> <p>15 believe it started when I bought the book.</p> <p>16 Q. In 2008?</p> <p>17 A. When I was on vacation. So 2005.</p> <p>18 I bought the book and I started -- I was on</p> <p>19 vacation, and I started to make drawings in the</p> <p>20 book.</p> <p>21 Q. Okay.</p> <p>22 A. And --</p> <p>23 Q. You were on vacation?</p> <p>24 MR. HAYES: Hold on. He hasn't</p> <p>25 finished his answer.</p> | <p style="text-align: center;">155</p> <p>1 Prince</p> <p>2 wasn't continuous, but did you start writing in</p> <p>3 the book right then or did you --</p> <p>4 A. I believe I did probably the next</p> <p>5 day.</p> <p>6 Q. And then at some point you put it</p> <p>7 aside?</p> <p>8 A. I started writing first. I used it</p> <p>9 as a notebook. I started making notes because</p> <p>10 of my Canal Zone idea.</p> <p>11 Q. For the pitch?</p> <p>12 A. Because I was -- yeah, I was writing</p> <p>13 about the pitch because of -- yeah, there was</p> <p>14 some blank pages.</p> <p>15 Q. In the book?</p> <p>16 A. In the book.</p> <p>17 Q. You wrote things like CIA, Jack</p> <p>18 Ruby?</p> <p>19 A. Yes.</p> <p>20 Q. Lee Harvey Oswald, CIA?</p> <p>21 A. Yes.</p> <p>22 Q. Kennedy?</p> <p>23 A. Right.</p> <p>24 Q. Something about the Kennedy</p> <p>25 assassination apparently?</p>                                                                                                                                                                                                                                                                                |
| <p style="text-align: center;">154</p> <p>1 Prince</p> <p>2 A. Because you had asked me if I had</p> <p>3 been doing it for two or three years. I did it</p> <p>4 for two weeks out of every year for two years.</p> <p>5 So I was drawing in the book for maybe</p> <p>6 approximately three to four weeks.</p> <p>7 Q. Total?</p> <p>8 A. I'm just trying to answer the</p> <p>9 question.</p> <p>10 Q. Just so I'll understand.</p> <p>11 A. Okay.</p> <p>12 Q. You found this book in St. Barth's?</p> <p>13 A. I bought it at a bookstore.</p> <p>14 Q. In St. Barth's?</p> <p>15 A. Yes.</p> <p>16 Q. Where? In a hotel gift shop or --</p> <p>17 A. It was a regular bookstore.</p> <p>18 Q. A bookstore?</p> <p>19 A. Yes.</p> <p>20 Q. On St. Barth's?</p> <p>21 A. In St. Barth's, yes.</p> <p>22 Q. And you think around 2005?</p> <p>23 A. Yes. To the best of my</p> <p>24 recollection, yes, 2005.</p> <p>25 Q. And then did you -- I understand it</p>                                           | <p style="text-align: center;">156</p> <p>1 Prince</p> <p>2 A. I was thinking out loud, yes.</p> <p>3 Q. Okay, good.</p> <p>4 Then what was it -- and I realize</p> <p>5 the translation may not be --</p> <p>6 A. That's okay.</p> <p>7 Q. And feel free to tell us it's wrong.</p> <p>8 But it says for two or three years I continued</p> <p>9 to be inspired by these Rastafarians. What, if</p> <p>10 anything, inspired you about them?</p> <p>11 MR. HAYES: Objection to the form.</p> <p>12 You can answer.</p> <p>13 A. I believed at the time that I had</p> <p>14 maybe made a connection to the De Kooning</p> <p>15 paintings that I was painting. And I believe</p> <p>16 I had found subject matter that I knew nothing</p> <p>17 about, which is a position I like to put myself</p> <p>18 in, in order to discover new things and be able</p> <p>19 transform something that once existed over here</p> <p>20 to over here.</p> <p>21 Q. Okay.</p> <p>22 A. So therefore, when I say perhaps I</p> <p>23 was inspired, I decided with the De Kooning</p> <p>24 women paintings my contribution would be a man.</p> <p>25 And I felt -- I mean and this is, again, it's a</p> |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">157</p> <p>1 Prince</p> <p>2 long time ago, but I believe I was thinking that</p> <p>3 the man in the De Kooning paintings should be a</p> <p>4 Rastafarian.</p> <p>5 Q. Let me just back up.</p> <p>6 You said something about this</p> <p>7 brought back to you growing up in the Canal Zone</p> <p>8 for six years?</p> <p>9 MR. HAYES: In his prior answer?</p> <p>10 Q. No, earlier today.</p> <p>11 Do you remember saying something</p> <p>12 like that?</p> <p>13 MS. BART: Can I hear the question</p> <p>14 back, please?</p> <p>15 A. Yes, I remember you, yeah, you</p> <p>16 asking me a question about the Canal Zone.</p> <p>17 Q. Right.</p> <p>18 A. Yeah. I mean I remember the</p> <p>19 question.</p> <p>20 MR. HAYES: Could I have this</p> <p>21 question read back, the last question?</p> <p>22 (Record read.)</p> <p>23 MR. HAYES: In this book?</p> <p>24 MR. BROOKS: Yes.</p> <p>25 THE WITNESS: I'm sorry, so can I</p> | <p style="text-align: center;">159</p> <p>1 Prince</p> <p>2 Well, you've been going there 12</p> <p>3 years, right?</p> <p>4 A. Yes, I would agree with that.</p> <p>5 Q. Now, the show that you were being</p> <p>6 asked about that was going to be at the Gagosian</p> <p>7 Gallery several days after the interview, was</p> <p>8 that your first solo exhibition at the Gagosian</p> <p>9 Gallery?</p> <p>10 A. At that space or with Gagosian?</p> <p>11 Q. Okay. Let's start with that space,</p> <p>12 which is on West 24th Street.</p> <p>13 A. 24th Street?</p> <p>14 Q. Yes.</p> <p>15 A. My first solo, yes.</p> <p>16 Q. Okay. Now, you broadened the</p> <p>17 question, which is fine. How about the other</p> <p>18 Gagosian galleries of which there are a number,</p> <p>19 right?</p> <p>20 A. I've had shows at other galleries.</p> <p>21 Q. But as of November 8th, 2008, had</p> <p>22 you had any solo shows at the Gagosian Gallery</p> <p>23 prior to November 8th, 2008, at any Gagosian</p> <p>24 Gallery?</p> <p>25 MR. HAYES: Any location he's asking</p> |
| <p style="text-align: center;">158</p> <p>1 Prince</p> <p>2 have --</p> <p>3 BY MR. BROOKS:</p> <p>4 Q. Did seeing this book Yes Rasta</p> <p>5 somehow make a connection in your mind with the</p> <p>6 Canal Zone?</p> <p>7 A. Yes. I would -- yes, I'd say that.</p> <p>8 Q. Now, have you been back to the Canal</p> <p>9 Zone -- you said you went to Panama?</p> <p>10 A. I had gone to Panama. And I had</p> <p>11 just seen the jungles.</p> <p>12 Q. Fairly recently?</p> <p>13 A. Probably -- probably, yes.</p> <p>14 In approximate to when I found the</p> <p>15 book -- yes.</p> <p>16 Q. In approximation to 2005?</p> <p>17 A. Yes.</p> <p>18 Q. Are there Rastafarians in the Canal</p> <p>19 Zone now known as Panama, that part of the Canal</p> <p>20 Zone?</p> <p>21 A. No, there aren't.</p> <p>22 Q. Are there any in St. Barth's?</p> <p>23 A. No.</p> <p>24 Q. Is the population of St. Barth's</p> <p>25 primarily white, French white people?</p>       | <p style="text-align: center;">160</p> <p>1 Prince</p> <p>2 you about.</p> <p>3 A. Any location?</p> <p>4 Q. Any Gagosian Gallery location?</p> <p>5 A. Prior to? Yes.</p> <p>6 Q. Okay. But this was the first one at</p> <p>7 that Chelsea gallery?</p> <p>8 A. Yes.</p> <p>9 Q. Did you believe that the photos in</p> <p>10 the Yes Rasta book, did you believe they were</p> <p>11 distinctive?</p> <p>12 A. Well, I didn't really --</p> <p>13 MS. BART: Objection, form --</p> <p>14 A. -- look at them as --</p> <p>15 MS. BART: Hold on one second,</p> <p>16 please.</p> <p>17 Objection, form, calls for a legal</p> <p>18 conclusion. The witness is here as a fact</p> <p>19 witness, not an expert.</p> <p>20 MR. HAYES: I join in the objection.</p> <p>21 Q. Did you believe they were</p> <p>22 distinctive?</p> <p>23 MS. BART: Same objections.</p> <p>24 A. I didn't think I would describe my</p> <p>25 reaction. Also, I didn't really look at them as</p>                                                                                                          |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com

October 6, 2009

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">161</p> <p>1 Prince</p> <p>2 photographs.</p> <p>3 Q. What did you look at them as?</p> <p>4 A. Images in a book.</p> <p>5 Q. Do you have any reason to doubt that</p> <p>6 they're photographs?</p> <p>7 A. I don't know if he made original --</p> <p>8 I mean I'm not in a position to say whether they</p> <p>9 were original photographs to begin with. I</p> <p>10 don't know. I just saw them in -- I saw images,</p> <p>11 reproductions of images in a book.</p> <p>12 I mean that's my -- that was my</p> <p>13 reaction. I believe my initial reaction was one</p> <p>14 of which I associated with the Canal Zone.</p> <p>15 Q. Did you like the pictures?</p> <p>16 A. Yes.</p> <p>17 Q. In the book?</p> <p>18 A. I liked the pictures.</p> <p>19 Q. You liked them a lot?</p> <p>20 A. I liked them, yes.</p> <p>21 Q. You thought they were original?</p> <p>22 MS. BART: Objection, form, calls</p> <p>23 for a legal conclusion.</p> <p>24 MR. HAYES: Objection.</p> <p>25 MR. BROOKS: No, it doesn't.</p> | <p style="text-align: center;">163</p> <p>1 Prince</p> <p>2 THE VIDEOGRAPHER: 1:05 p.m.</p> <p>3 Off the record. End of tape 2.</p> <p>4 (Recess taken: 1:05 p.m.)</p> <p>5 (Proceedings resumed: 1:53 p.m.)</p> <p>6 THE VIDEOGRAPHER: 1:53. On the</p> <p>7 record. Beginning of tape 3.</p> <p>8 BY MR. BROOKS:</p> <p>9 Q. Mr. Prince, we were looking before</p> <p>10 we broke for lunch at Exhibit 13. And we had</p> <p>11 talked about the first question and answer that</p> <p>12 you were asked and that you gave.</p> <p>13 Then there's a second question which</p> <p>14 says, What will the format for this new series</p> <p>15 be, a large format like the nurse paintings,</p> <p>16 question mark. And then your answer, Larger,</p> <p>17 there are several figures white or black female</p> <p>18 nudes beside clothed Rastafarians --</p> <p>19 MR. HAYES: It's not the second</p> <p>20 question, actually it's the third, just</p> <p>21 for clarity.</p> <p>22 Go ahead.</p> <p>23 A. Okay, I got it.</p> <p>24 MR. BROOKS: You're right, third</p> <p>25 question.</p>                                                                                                                                                                                                                                                             |
| <p style="text-align: center;">162</p> <p>1 Prince</p> <p>2 MS. BART: Please check 17 U.S.C.</p> <p>3 A. I didn't have that reaction, no.</p> <p>4 I mean my reaction was they were documentary I</p> <p>5 suppose.</p> <p>6 Q. Had you seen pictures like that</p> <p>7 before of Rastafarians?</p> <p>8 MR. HAYES: Objection.</p> <p>9 A. Yes, I had had a book on Bob Marley</p> <p>10 that I was also looking at at the same time.</p> <p>11 Q. Right.</p> <p>12 And did you consider incorporating a</p> <p>13 picture from the Bob Marley book into this Canal</p> <p>14 Zone exhibition?</p> <p>15 A. I did.</p> <p>16 Q. And what made you decide not to do</p> <p>17 that?</p> <p>18 A. I did do it.</p> <p>19 Q. It's in the book?</p> <p>20 A. I believe there's an image --</p> <p>21 Q. Of Bob Marley?</p> <p>22 A. Not of Bob Marley. It was an image</p> <p>23 that was in the Bob Marley book.</p> <p>24 Q. We'll get to that later because I</p> <p>25 wouldn't begin to know where it is.</p>                                             | <p style="text-align: center;">164</p> <p>1 Prince</p> <p>2 BY MR. BROOKS:</p> <p>3 Q. Larger with several figures white or</p> <p>4 black female nudes beside clothed Rastafarians,</p> <p>5 a forest contrast like in the Luncheon on the</p> <p>6 Grass by Manet from 1862-63 which still struck</p> <p>7 me in the Picasso exhibition at the Musée</p> <p>8 d'Orsay. I combined the Rastafarians from the</p> <p>9 book with a series of hands playing the guitar</p> <p>10 that I cut out and pasted. The nurses -- played</p> <p>11 on the uniform, the Rastafarians's uniform is</p> <p>12 merely a pair of shorts, almost nothing.</p> <p>13 Sometimes they are nude like the women painted</p> <p>14 from magazines or from photos of models in my</p> <p>15 studio. In pictorial terms there is little</p> <p>16 difference between white and black. It is this</p> <p>17 kind of formal question that interests me. I've</p> <p>18 already had a small Rastafarian exhibition in</p> <p>19 St. Barth's. I called it Canal Zone as a</p> <p>20 reference to the Panama Canal of my childhood.</p> <p>21 I had put together a scene with gangs portrayed</p> <p>22 by the Rastafarians to music by Ziggy Marley,</p> <p>23 Bob Marley's oldest son, and the Wailers, his</p> <p>24 original group.</p> <p>25 With respect to this Manet painting,</p> |



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 800.944.9454  
Facsimile: 212.557.5972

Suite 4715  
One Penn Plaza  
New York, NY 10119  
www.esquiresolutions.com