

Prince

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PATRICK CARIOU,

Plaintiff,

Index No.:

vs.

08 CIV 11327 (DAB)

RICHARD PRINCE, GAGOSIAN

GALLERY, INC., LAWRENCE

GAGOSIAN, and RIZZOLI

INTERNATIONAL PUBLICATIONS,

INC.,

Defendants.

-----X

VIDEOTAPED DEPOSITION OF RICHARD PRINCE

New York, New York

Tuesday, October 6, 2009

Reported by:  
Bryan Nilsen, RPR  
JOB NO. 304040

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1 Prince  
 2 THE VIDEOGRAPHER: This is tape  
 3 number 1 in the videotaped deposition of  
 4 Richard Prince, in the matter of Cariou  
 5 versus Richard Prince, being heard before  
 6 the U.S. District Court, Southern District  
 7 of New York.  
 8 This deposition is being held at  
 9 Schnader Harrison Segal, 140 Broadway,  
 10 New York, New York, on October 6, 2009.  
 11 The time is 10:15 a.m.  
 12 My name is Peter Ledwith. I'm the  
 13 videographer. The court reporter is Bryan  
 14 Nilsen.  
 15 Counsel, will you please introduce  
 16 yourselves and who you represent.  
 17 MR. HAYES: Steven Hayes, counsel  
 18 for Richard Prince.  
 19 MS. BART: Hollis Gonerka Bart,  
 20 counsel for Larry Gagosian and Gagosian  
 21 Gallery.  
 22 MR. SHERMAN: John Sherman, counsel  
 23 for Rizzoli International Publications.  
 24 MR. BROOKS: Dan Brooks and Eric  
 25 Boden for the plaintiff.

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1 Prince  
 2 THE VIDEOGRAPHER: Will the court  
 3 reporter please swear in the witness.  
 4  
 5 RICHARD PRINCE, called as a  
 6 witness, having been duly sworn by a  
 7 Notary Public, was examined and testified  
 8 as follows:  
 9 THE COURT REPORTER: Please state  
 10 your name and address for the record.  
 11 THE WITNESS: Richard Prince,  
 12 151 Righter Road, Rensselaerville,  
 13 New York 12147.  
 14  
 15 EXAMINATION BY  
 16 MR. BROOKS:  
 17 Q. Good morning, Mr. Prince. My name  
 18 is Daniel Brooks. I represent Patrick Cariou  
 19 the plaintiff in this case.  
 20 Can you tell us what your occupation  
 21 is?  
 22 A. I'm an artist.  
 23 Q. I understand you were born in the  
 24 Canal Zone --  
 25 A. Yes.

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1 Prince  
 2 Q. -- is that correct?  
 3 In 1949?  
 4 A. Yes.  
 5 Q. Did you attend school there?  
 6 A. No, I didn't.  
 7 Q. Where did you attend primary school?  
 8 A. Outside of Boston, a town called  
 9 Braintree, Massachusetts.  
 10 Q. Was it a boarding school or did you  
 11 live there?  
 12 A. What age are you talking about?  
 13 Q. Okay, let me back up.  
 14 How long did you live in the Canal  
 15 Zone?  
 16 A. We moved when I was about six years  
 17 old.  
 18 Q. To Massachusetts?  
 19 A. Yes.  
 20 Q. Did the six years you spent in the  
 21 Canal Zone affect your later work in any way?  
 22 MR. HAYES: As an artist you're  
 23 talking about?  
 24 MR. BROOKS: Yes.  
 25 A. Recently, yes.

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1 Prince  
 2 Q. How so?  
 3 A. I paid a visit to what is now called  
 4 Panama about three years ago, three or four  
 5 years ago. I'm not sure. And I started to  
 6 think about -- I started to think about the  
 7 place that I was born in.  
 8 Q. We'll get to this later obviously,  
 9 but did some of that thinking enter into your  
 10 creation of the works of art that are in the  
 11 Canal Zone book?  
 12 A. Yes, in the form of a pitch or a  
 13 screenplay that I wrote, and then I subsequently  
 14 sort of made up a story that I felt that could  
 15 be described with the title Canal Zone. I very  
 16 much liked the idea that the name of the place  
 17 that I was born had disappeared, that they no  
 18 longer called it the Canal Zone, they call it  
 19 Panama.  
 20 Q. The pitch -- and again, we'll get to  
 21 this later, but the pitch that you say you  
 22 wrote, was it originally called Eden Rock?  
 23 A. I think one of the working titles  
 24 was Eden Rock, yes.  
 25 Q. And that is a hotel in St. Barth's?

1 Prince  
 2 A. No, I didn't.  
 3 Q. Did some controversy arise from your  
 4 rephotographing those four images?  
 5 A. Not at the time, no.  
 6 Q. At a later time?  
 7 A. A controversy? I think -- no, I  
 8 would more describe it as just people were very  
 9 perplexed and didn't particularly know what they  
 10 were looking at, because of the nature of the  
 11 transformation. It was a real photograph that I  
 12 was showing, not an image that I had torn out of  
 13 the magazine. Which is essentially when I first  
 14 tore it, it was a collage. I collaged it onto  
 15 paper. That's the very first way I showed the  
 16 images.  
 17 But I decided -- I mean that was  
 18 the breakthrough, was taking the apparatus, the  
 19 camera, and making a real photograph.  
 20 Q. A photograph of a photograph?  
 21 A. Well, it was a photograph of -- no,  
 22 it wasn't a photograph. It was a photograph of  
 23 a page --  
 24 Q. From the magazine?  
 25 A. -- in the magazine.

1 Prince  
 2 then called white-out, which was a kind of  
 3 liquid paint that you used to correct a typo.  
 4 Q. At some point did you begin  
 5 rephotographing ads for Marlboro cigarettes?  
 6 A. I started that I believe in 1980 was  
 7 the first one.  
 8 Q. And this has been known as the  
 9 Marlboro Cowboy photographs?  
 10 A. I referred to them -- yes. I  
 11 started titling them Untitled, parentheses,  
 12 Cowboys.  
 13 Q. And you say you started in 1980?  
 14 A. Yes.  
 15 Q. How long did you continue engaging  
 16 in that practice?  
 17 A. Until -- I believe the last ones  
 18 were done in 1999.  
 19 Q. How did you obtain the images of the  
 20 Marlboro cowboys?  
 21 A. They used to come out -- when I was  
 22 working at Time Life they would come out -- we'd  
 23 get the magazines on Monday, and they would  
 24 appear in the magazine -- in the various  
 25 magazines.

1 Prince  
 2 Q. Did you have a solo exhibition at  
 3 the Ellen Sragow Gallery?  
 4 A. Sragow, I believe.  
 5 Q. Sragow?  
 6 A. Yes.  
 7 Q. When was that?  
 8 A. It was a long time ago.  
 9 MR. HAYES: If you recall. If you  
 10 don't recall, say so.  
 11 A. Well, '76 maybe.  
 12 Q. And what was the content of the  
 13 exhibition?  
 14 A. I guess you could describe the --  
 15 it's hard -- I believe they were images with  
 16 text. They would refer to it at the time as  
 17 narrative art.  
 18 Q. Were the --  
 19 A. They were stories that I had made up  
 20 about various locations in which I had visited.  
 21 Q. And what medium were the images?  
 22 A. I think they were drawing. I think  
 23 on one piece of paper it was drawing, and I  
 24 believe the -- photographs -- text that was put  
 25 out with a typewriter, and a lot of what was

1 Prince  
 2 Q. Tobacco companies were still  
 3 permitted to advertise at that time?  
 4 A. Yeah. Before the Marlboro I had  
 5 made collages. I hadn't yet rephotographed, but  
 6 I believe I made collages when I was visiting  
 7 Cologne of Camel cigarette ads, which I still  
 8 have. But I pasted those -- I cut them out with  
 9 an exacto knife and I pasted them on paper.  
 10 About two years later, when I was  
 11 working at Time Life, I started to see the  
 12 cowboys, and I started to -- I had already been  
 13 rephotographing images for about three years, so  
 14 I sort of knew how I could appropriate and  
 15 sample these cowboys.  
 16 I could shoot around the actual  
 17 advertising copy and -- I mean do you want me to  
 18 go on or?  
 19 Q. Sure.  
 20 MR. HAYES: Do you want to read back  
 21 the question so the witness can determine  
 22 whether he's finished.  
 23 (Record read.)  
 24 BY MR. BROOKS:  
 25 Q. One thing is you said Cologne. Is

1 Prince  
 2 Plaintiff's rights under the copyright act,  
 3 unquote.  
 4 Just for your information,  
 5 photographs are capitalized, initial capitalized  
 6 in that paragraph, and the photographs that are  
 7 being referred to are the photographs in this  
 8 book in my hand Yes Rasta, which we'll talk  
 9 about. You've seen this book before, right?  
 10 A. Yes.  
 11 MR. BROOKS: Let's mark as  
 12 Plaintiff's Exhibit 2 Mr. Prince's answer  
 13 to the amended complaint.  
 14 (Plaintiff's Exhibit 2, answer to  
 15 amended complaint, was marked for  
 16 identification, as of this date.)  
 17 Q. Mr. Prince, you'll recall just a  
 18 minute ago I read you an allegation in the  
 19 complaint, paragraph 13. Now, I'd like you to  
 20 turn to page 3 of the answer, which is  
 21 Exhibit 2, and I will read page 3.  
 22 MR. HAYES: Page 2.  
 23 MR. BROOKS: Page 3.  
 24 MR. HAYES: Page 3, sorry. And he's  
 25 asking you to look at --

1 Prince  
 2 A. No, I've never -- no, I've never  
 3 seen this, no.  
 4 Q. Did you discuss -- without going  
 5 getting into what you said, did you discuss the  
 6 preparation of this answer with anyone?  
 7 A. No.  
 8 Q. All right. If you look at  
 9 paragraph 13, which I just read to you, did you  
 10 play any role in preparing that answer to  
 11 paragraph 13?  
 12 A. No.  
 13 Q. I've read it into the record and  
 14 you've read it yourself. Do you agree with this  
 15 answer in paragraph 13?  
 16 MR. HAYES: Objection, calls for a  
 17 legal conclusion.  
 18 Q. You can answer.  
 19 A. To tell you the truth, I don't  
 20 really understand it.  
 21 Q. Do you believe it to be true and  
 22 accurate?  
 23 MR. HAYES: Objection, calls for a  
 24 legal conclusion.  
 25 Q. You can answer.

1 Prince  
 2 Q. Paragraph 13, which appears to be  
 3 the answer to the allegation I read before.  
 4 And this is what it states.  
 5 Prince denies the allegations in  
 6 paragraph of 13 of the complaint, comma, except  
 7 admits that any use of Plaintiff's photographs  
 8 by Prince was not specifically authorized by  
 9 Plaintiff, comma, and states that such  
 10 authorization was not required as Prince's use  
 11 of portions of the photographs in his art works  
 12 is proper artistic practice and appropriate  
 13 under applicable law.  
 14 First, I should ask you, have you  
 15 ever seen this answer to the amended complaint,  
 16 this document that you're looking at now,  
 17 before?  
 18 MR. HAYES: If you recall.  
 19 A. No. No, I don't.  
 20 Q. You don't?  
 21 A. No.  
 22 Q. Are you sure you never saw it or you  
 23 just don't remember?  
 24 A. No.  
 25 Q. No which?

1 Prince  
 2 MR. HAYES: Also, it seems to be  
 3 attempting to turn him into some kind of  
 4 expert, but primarily calls for a legal  
 5 conclusion.  
 6 A. I mean, you know, this type of  
 7 language I -- you know, is not something that I  
 8 feel comfortable commenting on.  
 9 Q. Very well.  
 10 Let me just back up.  
 11 Have you ever been sued before this  
 12 lawsuit in any court?  
 13 A. No, I've never been sued.  
 14 Q. Not by Garry Gross?  
 15 A. No.  
 16 Q. Have you ever been a party to any  
 17 lawsuit or arbitration?  
 18 A. Not that I believe, no.  
 19 Q. Have you ever sued anyone?  
 20 A. No, I've never sued anybody.  
 21 Q. Have you ever had your deposition  
 22 taken before today?  
 23 A. No.  
 24 Q. What, if anything, did you do to  
 25 prepare for this deposition?

1 Prince  
 2 artistic practice.  
 3 But I did, in fact, use portions of  
 4 images that appear in his books. Eventually,  
 5 for paintings that I made into this -- they  
 6 were sort of ingredient -- part of a recipe  
 7 ingredients that were eventually made into this  
 8 show that I titled Canal Zone.  
 9 Q. Were his photographs the subject of  
 10 your --  
 11 A. No.  
 12 Q. -- artworks?  
 13 A. No.  
 14 Q. The subject was some  
 15 post-apocalyptic vision of what would happen  
 16 after a nuclear war on a remote island?  
 17 A. No, that was -- that's a subtext of  
 18 the whole Canal Zone type of pitch. It first  
 19 appeared when I was thinking about this project.  
 20 Q. Okay. You know what, we'll get to  
 21 that. I've got -- your lawyers produced all the  
 22 documents. We'll go through them.  
 23 A. Okay.  
 24 Q. And I'm pretty sure what your answer  
 25 is going to be, but when you say -- when the

1 Prince  
 2 been Bates stamped by us C57 and 58 when  
 3 they were produced in discovery.  
 4 MS. BART: Yesterday, correct?  
 5 MR. BROOKS: No, about six months  
 6 ago.  
 7 MS. BART: The original production.  
 8 MR. BROOKS: The initial disclosure  
 9 I should say.  
 10 (Plaintiff's Exhibit 3, two-page  
 11 printout from website, was marked for  
 12 identification, as of this date.)  
 13 Q. Mr. Prince, you have a website?  
 14 A. Yes, I do. Yes.  
 15 Q. And is it www.RichardPrinceArt.com?  
 16 A. Yes.  
 17 Q. The first page of Exhibit 3 is a  
 18 photograph of somebody. Is that you?  
 19 A. Yes.  
 20 Q. And on the table in the photograph  
 21 there seems to be a book with some -- it looks  
 22 like a cowboy on a horse?  
 23 A. Yes.  
 24 Q. Is that a book with some of these  
 25 Marlboro cowboys we were talking about before?

1 Prince  
 2 answer says here this was proper under -- it was  
 3 appropriate under applicable law, do you have  
 4 any idea what that refers to?  
 5 MR. HAYES: Again, same objections,  
 6 calls for an expert conclusion --  
 7 A. No.  
 8 MR. HAYES: -- and is not a proper  
 9 question.  
 10 MR. BROOKS: Right. But it's in his  
 11 answer so I just want to see if he knows  
 12 what that means.  
 13 A. No.  
 14 Q. You have no idea?  
 15 A. No.  
 16 Q. I'd like to discuss with you your  
 17 artistic practice, quote/unquote, artistic  
 18 practice, a term used in the answer, which I  
 19 understand you've never seen the answer before.  
 20 You are an artist, so I assume you  
 21 have an artistic practice?  
 22 A. I'd like to think so, yes.  
 23 Q. Okay.  
 24 MR. BROOKS: Let's mark as  
 25 Plaintiff's Exhibit 3 two pages which have

1 Prince  
 2 A. I think that book is a book called  
 3 Blasted Allegories that was published by the  
 4 New Museum. I think they used a cowboy image of  
 5 mine.  
 6 Q. But that's not your book?  
 7 A. It's not my book, no.  
 8 Q. Now, if you could turn to the second  
 9 page. There's a reference to -- it looks like  
 10 an essay called Practicing Without a License  
 11 1977, and beneath that there's a reference to  
 12 what looks like an essay called Appropriation  
 13 1978. Do you see those two?  
 14 A. Yes.  
 15 Q. Are those essays that you wrote?  
 16 MR. HAYES: Object to form.  
 17 THE WITNESS: I'm sorry?  
 18 MR. HAYES: Object to form. He's  
 19 calling them essays without establishing  
 20 what they are. So I'm objecting to form.  
 21 You can answer if you understand it.  
 22 MR. BROOKS: No, no, I'll withdraw.  
 23 BY MR. BROOKS:  
 24 Q. What are they?  
 25 A. I think they were sort of -- I was

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1 Prince  
2 trying to figure out what I was doing in 1977.  
3 And since I was the one who was doing it, and it  
4 was brand new, I felt that I was probably in the  
5 position of trying to explain what the  
6 experiment was in 1977.

7 Q. Now, when you were -- let's just  
8 talk about the first one first in 1977. When  
9 you were explaining the experiment who was your  
10 anticipated audience for the explanation?

11 A. I didn't have any expectation of an  
12 audience. Aside from a few other artist friends  
13 I was totally in the dark. I was just basically  
14 alone in my studio.

15 Q. Let me just ask a different  
16 question. These are your words that you wrote  
17 in or about 1977?

18 A. Yes.

19 Q. Okay.

20 A. I believe they are.

21 Q. The first sentence I will read into  
22 the record says rephotography is a technique  
23 for stealing, parenthesis, pirating, close  
24 parenthesis, already existing images, comma,  
25 simulating rather than copying them, comma,

1 Prince  
2 Appropriation 1978. I think  
3 appropriation has to do with the inability of  
4 the author slash artist to like his or her own  
5 work, period. Especially if the work is all  
6 theirs, period. I think it's a lot more  
7 satisfying to appropriate, comma, especially if  
8 you are attempting to produce work with a  
9 certain believability, comma, an official  
10 fiction let's say. If you take someone else's  
11 work and call it your own, comma, you don't have  
12 to ask an audience, quote, to take my word for  
13 it, unquote, period. It's not like it started  
14 with you and ended up being guessed at. The  
15 effect you want to produce is not that different  
16 from what an audience sometimes experiences when  
17 viewing a good movie. And that's what -- and  
18 then in quotes -- somebody named Christian Metz  
19 called a general lowering of wakefulness.

20 MR. HAYES: I think what might have  
21 been an inadvertent misstatement is the  
22 sentence next to last is and what's that  
23 as opposed to that's what.

24 Q. Oh, sorry. And what's that what  
25 Christian Metz called a general lowering of

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1 Prince  
2 managing, with quotes around managing, rather  
3 than quoting them, reproducing their effect and  
4 look as naturally as they had been produced when  
5 they first appeared.

6 Was this a description by you in  
7 1977 of a practice that you were experimenting  
8 with at that time?

9 A. Yes.

10 Q. Let's look at the second -- I'm  
11 calling it an essay. Please don't be offended.  
12 Just these words.

13 A. It's okay.

14 MR. HAYES: Just as long as you're  
15 adopting that as a term of art for this  
16 purpose, that's fine.

17 Q. Appropriation 1978 states --

18 MR. HAYES: So do you want to read  
19 the rest of the --

20 MR. BROOKS: Not at this time, no.

21 MR. HAYES: Okay.

22 BY MR. BROOKS:

23 Q. Appropriation 1978 states -- and for  
24 the record, I have not read the entire piece  
25 that was written in 1977.

1 Prince  
2 wakefulness, unquote.  
3 (Clarification by reporter.)  
4 Q. Again, those were your words in  
5 1978?  
6 A. Yes.  
7 Q. When you would -- now, I'm asking  
8 about the first series of sentences. Okay?  
9 A. Mm-hmm.  
10 Q. Practicing without a license.  
11 When you would rephotograph would  
12 you actually use a camera?

13 A. Yes.

14 Q. So you would take an analog  
15 photograph of some image, is that right?

16 A. I would take a slide. I was using  
17 slide film.

18 Q. And then develop it?

19 A. I would send it to a commercial lab  
20 and have it developed.

21 Q. Now, in this digital age that we're  
22 in now are you able to appropriate images  
23 without actually using a camera?

24 MR. HAYES: Objection to the form of  
25 the question. Without actually using a

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1 Prince  
 2 camera?  
 3 Q. Well, for instance, like if you see  
 4 a photograph somewhere you can -- is it possible  
 5 to scan it and enlarge it?  
 6 A. I suppose so.  
 7 Q. And do a high-definition copy of it  
 8 without using a camera?  
 9 MR. HAYES: If you know.  
 10 A. I guess so.  
 11 MS. BART: Excuse me, I'd like to  
 12 hear the question back, please.  
 13 (Record read.)  
 14 MR. HAYES: I attempted to interpose  
 15 an objection that the question calls for  
 16 speculation, and I'll do that now.  
 17 MR. BROOKS: Okay.  
 18 BY MR. BROOKS:  
 19 Q. But you can answer.  
 20 A. I guess so.  
 21 Q. Well, you guess so?  
 22 MR. HAYES: Don't guess. If you  
 23 know, say so. If you don't, say so.  
 24 A. Yes, I believe you can. Yes.  
 25 Q. In creating the works that were in

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1 Prince  
 2 the Canal Zone show isn't is a fact that you  
 3 scanned some of Plaintiff's images directly onto  
 4 the canvas?  
 5 A. No.  
 6 MR. HAYES: Objection.  
 7 MS. BART: Objection, form.  
 8 A. No.  
 9 Q. Did somebody do that at your  
 10 request?  
 11 MS. BART: Same objection.  
 12 A. What I would do is send -- after I  
 13 tore the image out of the book --  
 14 Q. You're talking about Plaintiff's  
 15 book?  
 16 A. Yes.  
 17 I would send it off to a commercial  
 18 lab. And I believe it's called inkjet process.  
 19 Q. Right.  
 20 A. Now, I don't know too much about it  
 21 except that it -- you're able to reproduce in  
 22 almost any scale onto different surfaces. The  
 23 surface which I chose was canvas.  
 24 Q. Right. And the name of the lab that  
 25 you used?

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1 Prince  
 2 A. NancyScans.  
 3 Q. Where are they located?  
 4 A. Chatham, New York.  
 5 Q. Chatham, New York.  
 6 Near where you live Upstate?  
 7 A. It's about an hour, yes.  
 8 Q. And that's why -- we'll get to this  
 9 again later --  
 10 A. Okay.  
 11 Q. -- but in the book, the Canal Zone  
 12 book, it says the images -- some of your  
 13 paintings rather, are inkjet and acrylic on  
 14 canvas, correct?  
 15 A. Yes.  
 16 Q. And other material?  
 17 A. And other mediums, yeah.  
 18 Q. Have you ever heard of an inkjet  
 19 printer?  
 20 MR. HAYES: Objection.  
 21 Meaning other than in this context  
 22 or?  
 23 MR. BROOKS: No, just in general.  
 24 A. I don't understand -- heard of an  
 25 inkjet printer?

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1 Prince  
 2 Q. Have you ever gone into like a  
 3 Kinko's and asked them to make a copy for you?  
 4 A. No.  
 5 Q. Do you have a printer at home?  
 6 A. No, I don't.  
 7 Q. In your studio?  
 8 A. No.  
 9 Q. Do you have a computer?  
 10 A. I have a computer.  
 11 Q. Let me ask you a few questions about  
 12 the 1978 -- I'm going to call it an essay.  
 13 MR. HAYES: That's fine.  
 14 MR. BROOKS: I understand it's not  
 15 an essay.  
 16 MR. HAYES: Yeah, he adopted the  
 17 term. As long as we're clear it's an  
 18 adopted term, that's fine. No problem.  
 19 BY MR. BROOKS:  
 20 Q. Was it ever published anywhere,  
 21 Appropriation 1978, other than on your website?  
 22 A. The Appropriation 1978?  
 23 Q. Right.  
 24 A. I think a form of it or another --  
 25 maybe another edit of it was probably -- some of

1 Prince  
 2 the sentence structure was probably used.  
 3 I know the general lowering of  
 4 wakefulness was used in a book that I wrote  
 5 called Why I Go to the Movies Alone.  
 6 Q. That was the name of your book?  
 7 A. Yes.  
 8 Q. And do you know when that book came  
 9 out?  
 10 A. 1983.  
 11 Q. With respect to the essay, it states  
 12 appropriation has to do with the inability of  
 13 the author slash artist to like his or her own  
 14 work.  
 15 Do you feel that you have an  
 16 inability to like your own work?  
 17 A. I think at the time I wrote  
 18 it I was -- I was very interested in  
 19 anti-expressionism. I was very interested in  
 20 works or artworks that did not have to do with  
 21 personal dreams. I was very interested in  
 22 making things up and fiction and turning the  
 23 fiction into something that you can believe in.  
 24 Again, I have to say also that in  
 25 this year, especially '77 to '78, I was also

1 Prince  
 2 Q. You're speaking in the past tense,  
 3 fair enough, because I'm asking you about --  
 4 A. Yeah, this is what I'm -- I'm trying  
 5 to approximate what I was feeling thirty years  
 6 ago.  
 7 Q. Let's talk about now. Do you still  
 8 find it more satisfying to appropriate than to  
 9 create your own work?  
 10 A. Yeah, I do. I feel that I like to  
 11 get as much fact into my work and reduce the  
 12 amount of speculation. I believe there's too  
 13 much -- I like an artwork where that when you  
 14 see something, like a cowboy or a girlfriend, I  
 15 mean these are, in fact, true.  
 16 Q. Or a nurse?  
 17 A. Or a nurse, or a hood.  
 18 Q. And you feel, if it's not yours --  
 19 MR. HAYES: Let him finish.  
 20 MR. BROOKS: I'm sorry.  
 21 MR. HAYES: Have you finished your  
 22 answer?  
 23 THE WITNESS: I'm sorry. Yes.  
 24 Q. And you feel if it's not yours it's  
 25 more believable to the audience?

1 Prince  
 2 interested in reflecting about what was going on  
 3 at the time. I believe I was, what, twenty --  
 4 MR. HAYES: Nine.  
 5 A. Twenty-nine.  
 6 I had only been in New York for four  
 7 or five years. I was also very interested in  
 8 the whole punk rock movement and felt very much  
 9 a part of that attitude.  
 10 And the idea of not liking your own  
 11 work I thought was a kind of avant-garde,  
 12 revolutionary, very poetic position to take at  
 13 the time. Because most artists you meet have  
 14 these large egos and love what they do. So I  
 15 took the opposite point of view.  
 16 Q. And why did you feel that it was,  
 17 quote, more satisfying to appropriate?  
 18 A. I felt that, you know, again, I like  
 19 the idea of having a bit or a part or a share of  
 20 a public image, much like the pop artists who I  
 21 very much grew up with. And I was especially  
 22 enamored of Andy Warhol at the time.  
 23 And I felt that I wanted to  
 24 contribute to something that already existed in  
 25 the world.

1 Prince  
 2 MR. HAYES: Objection,  
 3 mischaracterizes what he said.  
 4 But if you want -- you can respond  
 5 to that if you want, but the statement --  
 6 A. I feel it's totally mine.  
 7 Q. Okay. But in the essay you said you  
 8 find appropriating satisfying especially if you  
 9 are attempting to produce work with a certain  
 10 believability?  
 11 A. Yes.  
 12 Q. So there's something about  
 13 appropriating images from other people that  
 14 helps you make a work of art that's more  
 15 believable, is that right?  
 16 A. I guess you can say that, yes.  
 17 Q. Do you still feel that way?  
 18 A. Probably not as much as I did in  
 19 1978.  
 20 Q. But to some extent?  
 21 A. I think you could say that.  
 22 Q. Is it part of your message now that  
 23 your artwork is more believable because it was  
 24 taken from someone else?  
 25 A. I don't have a -- I don't really



1 Prince  
 2 have a message.  
 3 Q. Okay. Is appropriating images from  
 4 other people, does that also make your job  
 5 easier in creating a new image?  
 6 A. No. Not really, no.  
 7 Q. Does it make it harder?  
 8 A. No, it's just something that --  
 9 something that I do and I love to do, and I've  
 10 always -- you know, I've been doing this for  
 11 quite a while.  
 12 Q. Right.  
 13 When you began to engage in the  
 14 practice of rephotographing the work of others  
 15 did you consider yourself at that time to be a  
 16 skilled photographer?  
 17 A. No.  
 18 MR. BROOKS: Let's mark as  
 19 Plaintiff's Exhibit 4 an article, or  
 20 actually an interview with Bates stamp  
 21 pages C226 through 228.  
 22 And this was I believe produced in  
 23 response to your discovery requests on  
 24 Friday.  
 25 MS. BART: We got them actually on

1 Prince  
 2 have a work Untitled with three women looking in  
 3 the same direction in 1980, if you recall?  
 4 A. Yes.  
 5 Q. And here's what appears to be your  
 6 answer. RP, I had limited technical skills  
 7 regarding the camera. Actually, I had no  
 8 skills. I played the camera. I used a cheap  
 9 commercial lab to blow up the pictures. I made  
 10 editions of two. I never went into a darkroom.  
 11 And yes, I really worked hard on Women, capital  
 12 W, period. I mean that piece still looks like  
 13 it was purposely made.  
 14 Do you recall making this statement?  
 15 A. Yes.  
 16 Q. And was it a true statement?  
 17 A. Yes, it was. It's absolutely true.  
 18 Q. The next question says, So you sort  
 19 of fell into photography, and the answer is, In  
 20 the early '80s I didn't have the subject matter  
 21 for painting, I didn't have the, quote, jokes,  
 22 initial cap J, unquote, until 1986. What I did  
 23 have was magazines. I was working at Time Life  
 24 and was surrounded by magazines. I wanted to  
 25 present the images I saw in these magazines as

1 Prince  
 2 Monday.  
 3 MR. BROOKS: Well, I can't help  
 4 that.  
 5 (Plaintiff's Exhibit 4, interview,  
 6 was marked for identification, as of this  
 7 date.)  
 8 Q. Mr. Prince, you've been handed  
 9 what's been marked as Plaintiff's Exhibit 4.  
 10 Do you recall being interviewed in  
 11 ArtForum Magazine in 2003?  
 12 A. Boy. I don't really recall being  
 13 interviewed, no.  
 14 Q. Do you know who Steve Lafreniere is?  
 15 A. No, I don't.  
 16 Q. Let's look at the second page of  
 17 this exhibit. And there's a question up at the  
 18 top where the interviewer is asking, I'd always  
 19 assumed that you purposely made your early  
 20 photos have an amateur look and that you'd done  
 21 them quickly, but looking at them today would  
 22 suggest otherwise. How worked on were pictures  
 23 like Untitled, three women looking in the same  
 24 direction, 1980.  
 25 Before I read the answer, did you

1 Prince  
 2 naturally as when they first appeared. Making a  
 3 photograph of them seemed the best way to do it.  
 4 I didn't exactly, quote, fall, unquote, as much  
 5 as steal, period.  
 6 Did you make that statement?  
 7 A. Yes, I did.  
 8 Q. Was that a true statement?  
 9 A. Yes, it is.  
 10 Q. When you said you had no skills,  
 11 I mean what did you mean?  
 12 A. I didn't have any skills. I had  
 13 never really -- I liked the idea of not knowing  
 14 how to use a mechanical apparatus at the time.  
 15 I didn't know anything about the medium.  
 16 Q. Right.  
 17 Do you remember saying in a  
 18 subsequent interview that you destroyed  
 19 photography?  
 20 A. Yes, I shot the sheriff or something  
 21 like that. Yeah, I did.  
 22 Q. What did you mean by that?  
 23 A. I changed it. I revolutionized it.  
 24 Q. How?  
 25 A. I changed it completely.

1 Prince  
 2 had produced in 1983, I made one copy, an 8 by  
 3 10, and I gave it away. And it wasn't until  
 4 1992 that it came back into the limelight, and I  
 5 think my attitude changed a bit and I was sort  
 6 of willing to become more part of the process I  
 7 suppose.

8 Q. And at that time you made ten copies  
 9 plus an artist proof?

10 A. At the time there was ten copies and  
 11 I believe two artist proofs, none of which I  
 12 own.

13 MR. HAYES: By the way, do you want  
 14 to read into the record the following  
 15 paragraph --

16 (Clarification by reporter.)

17 MR. HAYES: Do you want read into  
 18 the record the following paragraph --

19 MR. BROOKS: No, no, you can do that  
 20 when you have redirect. I don't want to  
 21 spend my time --

22 MR. HAYES: Okay. Just read back --  
 23 let me restate my statement because the  
 24 court reporter didn't get it.

25 The question is do you want to read

1 Prince  
 2 with products. And I believe I started taking  
 3 them, rephotographing them because of those  
 4 qualities.

5 Q. Do you see further down on the  
 6 second page of Exhibit 7 -- withdrawn.

7 Have you ever heard of Jim Krantz,  
 8 K-R-A-N-T-Z, before?

9 A. No.

10 Q. Well, he apparently was at least one  
 11 of the people who did the ads for Marlboro.

12 A. He did?

13 Q. According to this article.

14 And I'm just going to call your  
 15 attention to what he is quoted as saying at the  
 16 bottom of page 2. Fourth paragraph from the  
 17 bottom it says, Mr. Krantz said he considered  
 18 his ad work distinctive, comma, not simply the  
 19 kind of anonymous commercial imagery that he  
 20 feels Mr. Prince considers it to be.

21 I take it you disagree with  
 22 Mr. Krantz's statement?

23 MR. HAYES: Well, objection on  
 24 several grounds. First of all, we don't  
 25 know that Mr. Krantz actually said this.

1 Prince  
 2 in for context the following paragraph and  
 3 its reference to the fair use exceptions  
 4 to copyright law?

5 BY MR. BROOKS:

6 Q. Did you send an e-mail to this  
 7 reporter saying, at the top of page 2 of the  
 8 exhibit, I never associated advertisements with  
 9 having an author?

10 A. It sounds like something I would  
 11 have said. Whether or not I sent an e-mail to  
 12 him, I don't know. I don't recall.

13 Q. And you -- that actually is  
 14 something you believe, right?

15 A. Yeah. Advertisements have no  
 16 authors. They're art directed though, and I  
 17 believe -- I believe that sincerely. I believe  
 18 they're psychologically hopped-up images that  
 19 are too good to be true. They look like they  
 20 have a life of their own, and they look like a  
 21 film still.

22 I don't believe I've ever seen  
 23 an author or an artist's signature on an  
 24 advertisement.

25 What I believe -- they're associated

1 Prince

2 MR. BROOKS: Right.

3 MR. HAYES: And what you're now  
 4 doing is you're taking this entirely out  
 5 of context without consenting, for  
 6 example, to read the paragraph above that  
 7 I asked you to read in to put the entire  
 8 article into context.

9 MS. BART: I think you should do  
 10 that now for the record --

11 MR. HAYES: That article -- that  
 12 paragraph says Mr. Krantz --

13 MR. BROOKS: Now, I -- listen, if  
 14 you're going to enforce the seven-hour  
 15 rule, I object to your saying anything  
 16 other than objection, or direct him not to  
 17 answer.

18 MR. HAYES: I object to the witness  
 19 being asked questions without it being put  
 20 in context by reading appropriate parts of  
 21 the rest of the article, which --

22 MR. BROOKS: Fine.

23 MR. HAYES: -- by the way, is two  
 24 sentences --

25 MR. BROOKS: Which you can read when

1 Prince  
 2 exhibit it in my show in nineteen -- that would  
 3 have been 1992?  
 4 Q. I guess.  
 5 A. I believe I did.  
 6 Q. Do you know how much that  
 7 rephotography -- withdrawn -- that work sells  
 8 for now?  
 9 A. No, I don't.  
 10 Q. Do you know what the most one of  
 11 them is sold for is? I'm talking about  
 12 Spiritual America.  
 13 A. Spiritual America?  
 14 I believe -- you mean the original  
 15 Spiritual America or the edition?  
 16 Q. The edition.  
 17 A. The edition?  
 18 Q. I'm sorry, when you say edition are  
 19 you saying A-D or E-D, because I'm not --  
 20 MR. HAYES: E-D.  
 21 Q. E-D.  
 22 A. E-D.  
 23 Q. Edition, okay.  
 24 A. The edition, I don't believe there's  
 25 been one up for sale for quite some time. But I

1 Prince  
 2 to think about making it again instead of making  
 3 it new. Making it new was an Ezra Pound way of  
 4 thinking, paren, industrial, close paren, and,  
 5 quote, making it again, unquote, is a more  
 6 R. Prince way of doing it, paren, technological,  
 7 close paren. Advertising images aren't really  
 8 associated with an author, more with a product  
 9 slash company, and for the most part put out or,  
 10 quote, art directed, unquote: They kind of end  
 11 up having a life of their own. It's not like  
 12 you're taking them from anyone.  
 13 I know the answer goes on, but that  
 14 part that I quoted is similar to what you were  
 15 testifying to about half an hour ago, correct?  
 16 A. Yes.  
 17 Q. That's your view, okay.  
 18 A. Yes.  
 19 Q. Do you have a different standard or  
 20 artistic practice for taking images when there  
 21 is a disclosed author and it's not an  
 22 advertisement?  
 23 A. No, not really. It's just a  
 24 question of whether I like the image.  
 25 Q. If you like it then you'll consider

1 Prince  
 2 believe the last one was maybe \$150,000.  
 3 Q. Now, if you could look back at  
 4 page 1 of Exhibit 8, there's a quote there from  
 5 you beneath that question, a part of which I  
 6 read where you said -- I'm going to just quote,  
 7 it's part of the question, I just want to ask  
 8 you if that part of your statement -- the part  
 9 of the answer reflects your thinking.  
 10 I like to think about making it  
 11 again instead of making it new.  
 12 MR. HAYES: Can you just show me  
 13 where you are? I'm sorry, I don't know  
 14 where you are.  
 15 MR. BROOKS: Yeah, I'm sorry. First  
 16 page, it says -- it's the second answer.  
 17 MR. HAYES: Oh, got it. The second  
 18 sentence -- the third sentence in the  
 19 answer, right?  
 20 MR. BROOKS: I'll read the whole  
 21 answer, but it's not necessary.  
 22 BY MR. BROOKS:  
 23 Q. The machinery of America,  
 24 quote/unquote, that's a pretty good way of  
 25 describing the way images get out there. I like

1 Prince  
 2 appropriating it?  
 3 MR. HAYES: Object to the form.  
 4 You can answer.  
 5 THE WITNESS: I'm sorry?  
 6 Q. You can answer.  
 7 MR. HAYES: I objected to form, but  
 8 you can answer it.  
 9 A. That's very difficult to answer  
 10 because it really depends on the --  
 11 Q. Okay.  
 12 A. -- my mood of the day.  
 13 Q. I understand. But when you do take  
 14 images, let's just say when you do, you don't,  
 15 in your own mind, differentiate between  
 16 advertisements and things where you know who the  
 17 author is and it's not an advertisement, is that  
 18 what you're saying?  
 19 MS. BART: Objection, form.  
 20 A. No, I -- I mean it's a good example  
 21 right here because the girlfriend is editorial.  
 22 Q. Right.  
 23 A. And the cowboy is advertisement.  
 24 Girlfriend came from a lifestyle  
 25 magazine which was a whole new type of magazine

1 Prince  
 2 Four is copyrighted?  
 3 A. No, I don't know.  
 4 Q. Do you share the proceeds when it  
 5 was sold with Mr. D'Orazio?  
 6 A. No. No, I don't.  
 7 Q. You keep the proceeds?  
 8 A. When there's a sale of this image,  
 9 yes, it's between myself and the dealer who  
 10 sells it.  
 11 He was -- I gave him a print.  
 12 I also gave Brooke Shields a print.  
 13 Q. She must have been appreciative?  
 14 A. I'm a, you know, agreeable guy.  
 15 Q. So getting back to in Exhibit 6  
 16 where you said, However, it would not bother me  
 17 in the slightest -- excuse me -- for someone to  
 18 appropriate my work.  
 19 A. Yes.  
 20 Q. Would that extend to Spiritual  
 21 America Four?  
 22 A. Yeah. I mean I don't -- I don't try  
 23 to control those kinds of things.  
 24 Q. But I mean just you wouldn't mind if  
 25 somebody did exactly what you did --

1 Prince  
 2 Q. And how do you know somebody else is  
 3 trying to sell Spiritual America Four?  
 4 A. I've seen it. That's the thing  
 5 about technology, it's what's new, it's what one  
 6 has to adjust to. I've seen it on the web.  
 7 Q. And that's fine with you?  
 8 A. It's fine with me, yeah. I have no  
 9 control over it. I mean it's their piece, not  
 10 mine.  
 11 Q. It's their piece?  
 12 A. They're putting their name on it.  
 13 Q. Who is they?  
 14 A. I don't recall. I don't know who  
 15 the person is.  
 16 Q. Okay. So your view is if you create  
 17 a work of art -- do you consider this a work of  
 18 art?  
 19 A. Yes, I do.  
 20 Q. If you create a work of art anyone  
 21 else who wants to is free to copy it and sell  
 22 it?  
 23 A. That's the optional or the operative  
 24 word you just said. Free.  
 25 Q. Right.

1 Prince  
 2 A. They already have.  
 3 Q. You can scan it --  
 4 A. I saw it on someone's screen --  
 5 MS. BART: Objection, form.  
 6 (Multiple speakers talking at once.)  
 7 (Interruption by reporter.)  
 8 (Discussion off the record.)  
 9 (Record read.)  
 10 MR. HAYES: Can I make a suggestion?  
 11 Withdraw both questions, restate the  
 12 first question.  
 13 BY MR. BROOKS:  
 14 Q. You wouldn't mind if somebody sold  
 15 Spiritual America Four, somebody else?  
 16 A. No.  
 17 Q. Without your permission?  
 18 A. They don't need my permission.  
 19 Q. And you're saying it has been done?  
 20 A. I don't know whether they've been  
 21 able to sell it. I haven't been able to sell  
 22 mine. Whether they've sold theirs, I don't  
 23 know.  
 24 Q. Well, you sold some of yours, right?  
 25 A. I sold some of mine, yes.

1 Prince  
 2 A. And art is about freedom. It's not  
 3 about being restricted. If I was restricted  
 4 then I couldn't transform these images.  
 5 Q. So but as far as you're concerned,  
 6 somebody else can just copy Spiritual America  
 7 Four, make no changes to it, and sell it, and  
 8 that's fine with you?  
 9 A. Yes, that's fine with me.  
 10 Q. That's part of your artistic  
 11 philosophy?  
 12 A. I believe that, yes.  
 13 Q. Does it matter if the person copying  
 14 your work is known as an appropriation artist or  
 15 does it not matter, can anyone do it, as far as  
 16 you're concerned?  
 17 A. There have been people who are known  
 18 as appropriation artists who have done what I've  
 19 done because of what I did.  
 20 Q. Right. But let me ask you this.  
 21 Do you feel that because you are known for  
 22 appropriating the work of others your reputation  
 23 itself entitles you to engage in that artistic  
 24 practice?  
 25 MS. BART: Objection to form.

1 Prince  
 2 was for the occasion of a show.  
 3 Q. A show of yours?  
 4 A. Of mine at the Patrick Seguin  
 5 Gallery.  
 6 Q. A show that has nothing to do with  
 7 the Canal Zone?  
 8 A. It had nothing to do with the Canal  
 9 Zone.  
 10 Q. All right. Well, for whatever  
 11 reason, they asked you some questions about the  
 12 Canal Zone --  
 13 A. Yes.  
 14 Q. -- probably because of the temporal  
 15 proximity. So I would like to have you look at  
 16 the second question.  
 17 Your series will be up at a time  
 18 when perhaps Barack Obama will be president.  
 19 It could become iconic if it coincides with a  
 20 pivotal moment in American history. And --  
 21 (Interruption.)  
 22 (Record read.)  
 23 Q. So then the answer apparently was,  
 24 That's possible. It is strange for a white man  
 25 like myself to start painting black people. I

1 Prince  
 2 Q. Which you had done with some  
 3 De Kooning works before?  
 4 MS. BART: Objection, form.  
 5 Q. Go ahead.  
 6 A. I had done the same thing to a  
 7 De Kooning book.  
 8 Q. Right. Now, you said -- I'm reading  
 9 what you said -- for two or three years I  
 10 continued to be inspired by these Rastafarians.  
 11 So, given --  
 12 A. That's the translation. This --  
 13 Q. Okay.  
 14 A. Can I just say that this is --  
 15 Q. Yes.  
 16 A. I've read this interview.  
 17 Q. Yes. In French?  
 18 A. Because it just came out in a book.  
 19 Q. Yes.  
 20 A. It's one of the worst translations  
 21 I've ever read. Anyway, I'm just -- I just  
 22 would like to get that on the record.  
 23 Q. Okay. But this translation was done  
 24 for my law firm, so you certainly haven't read  
 25 this translation. You may have read another bad

1 Prince  
 2 found a black-and-white book on Rastafarians  
 3 when I was on vacation in St. Barth's. I  
 4 started drawing directly in the book like I had  
 5 done before in a book of De Kooning's work. For  
 6 two or three years I continued to be inspired by  
 7 three Rastafarians -- I'm sorry, I continued to  
 8 be inspired by these Rastafarians. I drew faces  
 9 on their faces using the shades of the book, the  
 10 different skin colors, the wild hair styles, all  
 11 dreadlocked, their poses and their looks. I was  
 12 listening to Rasta music at the time, one of my  
 13 son's tapes.  
 14 Was that a Bob Marley tape?  
 15 A. No, it wasn't. It was a group  
 16 called Radiodread. One word.  
 17 Q. Now, the black-and-white book on  
 18 Rastafarians that you found, was that this  
 19 Yes Rasta book by Patrick Cariou?  
 20 A. Yes.  
 21 Q. And you said you started drawing in  
 22 the book. You actually -- actually in the book,  
 23 you didn't copy, you just write in the book, you  
 24 were drawing things?  
 25 A. Yes.

1 Prince  
 2 translation, but you haven't read this one.  
 3 A. Oh. Well --  
 4 Q. This was done for us recently.  
 5 A. Okay. All right.  
 6 Q. But -- fine. If it's incorrect, I  
 7 would like to know.  
 8 So is it correct that you were  
 9 drawing in the Yes Rasta book?  
 10 A. Yes.  
 11 Q. And is it correct that given that  
 12 this is 2008, this interview, that this drawing  
 13 in the book went on for two or three years?  
 14 A. The drawing in the book -- no, I  
 15 believe it started when I bought the book.  
 16 Q. In 2008?  
 17 A. When I was on vacation. So 2005.  
 18 I bought the book and I started -- I was on  
 19 vacation, and I started to make drawings in the  
 20 book.  
 21 Q. Okay.  
 22 A. And --  
 23 Q. You were on vacation?  
 24 MR. HAYES: Hold on. He hasn't  
 25 finished his answer.

1 Prince  
 2 have --  
 3 BY MR. BROOKS:  
 4 Q. Did seeing this book Yes Rasta  
 5 somehow make a connection in your mind with the  
 6 Canal Zone?  
 7 A. Yes. I would -- yes, I'd say that.  
 8 Q. Now, have you been back to the Canal  
 9 Zone -- you said you went to Panama?  
 10 A. I had gone to Panama. And I had  
 11 just seen the jungles.  
 12 Q. Fairly recently?  
 13 A. Probably -- probably, yes.  
 14 In approximate to when I found the  
 15 book -- yes.  
 16 Q. In approximation to 2005?  
 17 A. Yes.  
 18 Q. Are there Rastafarians in the Canal  
 19 Zone now known as Panama, that part of the Canal  
 20 Zone?  
 21 A. No, there aren't.  
 22 Q. Are there any in St. Barth's?  
 23 A. No.  
 24 Q. Is the population of St. Barth's  
 25 primarily white, French white people?

1 Prince  
 2 you about.  
 3 A. Any location?  
 4 Q. Any Gagosian Gallery location?  
 5 A. Prior to? Yes.  
 6 Q. Okay. But this was the first one at  
 7 that Chelsea gallery?  
 8 A. Yes.  
 9 Q. Did you believe that the photos in  
 10 the Yes Rasta book, did you believe they were  
 11 distinctive?  
 12 A. Well, I didn't really --  
 13 MS. BART: Objection, form --  
 14 A. -- look at them as --  
 15 MS. BART: Hold on one second,  
 16 please.  
 17 Objection, form, calls for a legal  
 18 conclusion. The witness is here as a fact  
 19 witness, not an expert.  
 20 MR. HAYES: I join in the objection.  
 21 Q. Did you believe they were  
 22 distinctive?  
 23 MS. BART: Same objections.  
 24 A. I didn't think I would describe my  
 25 reaction. Also, I didn't really look at them as

1 Prince  
 2 Well, you've been going there 12  
 3 years, right?  
 4 A. Yes, I would agree with that.  
 5 Q. Now, the show that you were being  
 6 asked about that was going to be at the Gagosian  
 7 Gallery several days after the interview, was  
 8 that your first solo exhibition at the Gagosian  
 9 Gallery?  
 10 A. At that space or with Gagosian?  
 11 Q. Okay. Let's start with that space,  
 12 which is on West 24th Street.  
 13 A. 24th Street?  
 14 Q. Yes.  
 15 A. My first solo, yes.  
 16 Q. Okay. Now, you broadened the  
 17 question, which is fine. How about the other  
 18 Gagosian galleries of which there are a number,  
 19 right?  
 20 A. I've had shows at other galleries.  
 21 Q. But as of November 8th, 2008, had  
 22 you had any solo shows at the Gagosian Gallery  
 23 prior to November 8th, 2008, at any Gagosian  
 24 Gallery?  
 25 MR. HAYES: Any location he's asking

1 Prince  
 2 photographs.  
 3 Q. What did you look at them as?  
 4 A. Images in a book.  
 5 Q. Do you have any reason to doubt that  
 6 they're photographs?  
 7 A. I don't know if he made original --  
 8 I mean I'm not in a position to say whether they  
 9 were original photographs to begin with. I  
 10 don't know. I just saw them in -- I saw images,  
 11 reproductions of images in a book.  
 12 I mean that's my -- that was my  
 13 reaction. I believe my initial reaction was one  
 14 of which I associated with the Canal Zone.  
 15 Q. Did you like the pictures?  
 16 A. Yes.  
 17 Q. In the book?  
 18 A. I liked the pictures.  
 19 Q. You liked them a lot?  
 20 A. I liked them, yes.  
 21 Q. You thought they were original?  
 22 MS. BART: Objection, form, calls  
 23 for a legal conclusion.  
 24 MR. HAYES: Objection.  
 25 MR. BROOKS: No, it doesn't.

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1 Prince  
 2 MS. BART: Please check 17 U.S.C.  
 3 A. I didn't have that reaction, no.  
 4 I mean my reaction was they were documentary I  
 5 suppose.  
 6 Q. Had you seen pictures like that  
 7 before of Rastafarians?  
 8 MR. HAYES: Objection.  
 9 A. Yes, I had had a book on Bob Marley  
 10 that I was also looking at at the same time.  
 11 Q. Right.  
 12 And did you consider incorporating a  
 13 picture from the Bob Marley book into this Canal  
 14 Zone exhibition?  
 15 A. I did.  
 16 Q. And what made you decide not to do  
 17 that?  
 18 A. I did do it.  
 19 Q. It's in the book?  
 20 A. I believe there's an image --  
 21 Q. Of Bob Marley?  
 22 A. Not of Bob Marley. It was an image  
 23 that was in the Bob Marley book.  
 24 Q. We'll get to that later because I  
 25 wouldn't begin to know where it is.

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1 Prince  
 2 THE VIDEOGRAPHER: 1:05 p.m.  
 3 Off the record. End of tape 2.  
 4 (Recess taken: 1:05 p.m.)  
 5 (Proceedings resumed: 1:53 p.m.)  
 6 THE VIDEOGRAPHER: 1:53. On the  
 7 record. Beginning of tape 3.  
 8 BY MR. BROOKS:  
 9 Q. Mr. Prince, we were looking before  
 10 we broke for lunch at Exhibit 13. And we had  
 11 talked about the first question and answer that  
 12 you were asked and that you gave.  
 13 Then there's a second question which  
 14 says, What will the format for this new series  
 15 be, a large format like the nurse paintings,  
 16 question mark. And then your answer, Larger,  
 17 there are several figures white or black female  
 18 nudes beside clothed Rastafarians --  
 19 MR. HAYES: It's not the second  
 20 question, actually it's the third, just  
 21 for clarity.  
 22 Go ahead.  
 23 A. Okay, I got it.  
 24 MR. BROOKS: You're right, third  
 25 question.

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1 Prince  
 2 BY MR. BROOKS:  
 3 Q. Larger with several figures white or  
 4 black female nudes beside clothed Rastafarians,  
 5 a forest contrast like in the Luncheon on the  
 6 Grass by Manet from 1862-63 which still struck  
 7 me in the Picasso exhibition at the Musée  
 8 d'Orsay. I combined the Rastafarians from the  
 9 book with a series of hands playing the guitar  
 10 that I cut out and pasted. The nurses -- played  
 11 on the uniform, the Rastafarians's uniform is  
 12 merely a pair of shorts, almost nothing.  
 13 Sometimes they are nude like the women painted  
 14 from magazines or from photos of models in my  
 15 studio. In pictorial terms there is little  
 16 difference between white and black. It is this  
 17 kind of formal question that interests me. I've  
 18 already had a small Rastafarian exhibition in  
 19 St. Barth's. I called it Canal Zone as a  
 20 reference to the Panama Canal of my childhood.  
 21 I had put together a scene with gangs portrayed  
 22 by the Rastafarians to music by Ziggy Marley,  
 23 Bob Marley's oldest son, and the Wailers, his  
 24 original group.  
 25 With respect to this Manet painting,

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1 Prince  
 2 Le déjeuner sur l'herbe --  
 3 A. Right.  
 4 Q. Le déjeuner sur l'herbe, do you know  
 5 it by that name?  
 6 A. Yeah, the Luncheon on the Grass?  
 7 Q. Yes.  
 8 A. Yes.  
 9 Q. There are men, clothed men and naked  
 10 women in that, as I recall, in that painting,  
 11 right?  
 12 A. Yes.  
 13 Q. And you had just seen it at the  
 14 Musée d'Orsay?  
 15 A. Yes. At that time there were  
 16 several -- yes, I did.  
 17 Q. Were you trying in the photos in the  
 18 Canal Zone book or some of the -- not photos.  
 19 Let me start again.  
 20 Was it your intention when you made,  
 21 created the paintings that are in the Canal Zone  
 22 book, to evoke the Luncheon on the Grass, Manet  
 23 painting?  
 24 A. I was aware of Picasso's homage to  
 25 Manet. And I was also in the middle of making

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1 Prince  
 2 an homage to De Kooning at the time.  
 3 I don't believe there was a direct  
 4 interest in making or pointing to that  
 5 particular painting. It was more about the fact  
 6 that I was interested in Picasso paying homage  
 7 to a previous artist.  
 8 And I think, point of fact, I would  
 9 cite Cézanne's bathers as a more -- interest in  
 10 mine of making the Canal Zone paintings.  
 11 Q. Okay. Are you saying that one of  
 12 the points or one of the messages in the Canal  
 13 Zone paintings was to evoke Cézanne's bather  
 14 paintings?  
 15 A. I think if in fact there was a  
 16 message, it was -- there was three people, yes,  
 17 specifically Cézanne's bathers because of the  
 18 composition, Picasso's hands and feet, and the  
 19 masks that were on the De Kooning women.  
 20 Q. Did you put the masks on the  
 21 De Kooning women or were they there already?  
 22 A. Sometimes yes, sometimes no.  
 23 Q. And the feet, some of these  
 24 paintings -- and we'll look at them later --  
 25 have very large elephantine types of feet --

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1 Prince  
 2 A. Yes.  
 3 Q. -- is that what you're referring to?  
 4 A. Yeah. Feet that I would paint on  
 5 the paintings.  
 6 Q. So correct me if I'm wrong, but are  
 7 you saying that these, some of these Canal Zone  
 8 paintings were a tribute -- I'll say tribute  
 9 instead of homage -- to Picasso, De Kooning, and  
 10 Cézanne?  
 11 MR. HAYES: Object to the form, but  
 12 you can answer.  
 13 A. Well, I'm really interested in  
 14 making art that, you know, transforms something  
 15 that's already existed without getting involved  
 16 in the original intent of the image. I like  
 17 to -- I want to transform the existing image.  
 18 And by doing, by quoting, or in the  
 19 style of Picasso or in the style of De Kooning,  
 20 or even thinking about the composition of  
 21 Cézanne's bathers, it was a way in which I could  
 22 transform those images, yes.  
 23 Q. Which images?  
 24 A. The images that I first found in the  
 25 Yes Rasta book.

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1 Prince  
 2 Q. Where did you get the series of  
 3 hands playing the guitar?  
 4 A. There are several magazines  
 5 published. I mean to be -- you know, what I  
 6 remember specifically is Guitar Magazine. But  
 7 there were other magazines. I don't recall the  
 8 names, but I do recall they were like -- there  
 9 are several that you can buy on the newsstand.  
 10 Q. And did you cut those out as well?  
 11 A. Cut them out with -- yes, I did.  
 12 Q. And did you paste them onto the  
 13 other images?  
 14 A. Yes.  
 15 Q. And then you sent the whole thing to  
 16 that lab?  
 17 A. NancyScans.  
 18 Q. NancyScans. So they can be scanned  
 19 onto the canvas?  
 20 A. I'm not sure I would word it like  
 21 that.  
 22 MR. HAYES: Object to the form.  
 23 Q. So it could be transferred onto the  
 24 canvas?  
 25 A. What I -- no, I'm not sure I would

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1 Prince  
 2 word what I would -- that I sent to NancyScans.  
 3 Q. What did you send to NancyScans?  
 4 A. I sent a collage.  
 5 Q. What does that mean?  
 6 A. A collage.  
 7 Q. Well, in this case what do you mean  
 8 by collage?  
 9 A. It means I ripped out a reproduction  
 10 from a book or a magazine and cut it up, pasted  
 11 it, scotch taped, and then mounted it on a piece  
 12 of white paper and drew some dimensions,  
 13 60 inches wide and --  
 14 Q. So it could be enlarged?  
 15 A. So it could be enlarged -- yeah, I  
 16 mean I just say 60, yes, various sizes.  
 17 Q. And then NancyScan would enlarge it  
 18 to the size you told them?  
 19 A. Yes.  
 20 Q. And then they would send it back to  
 21 you?  
 22 A. They would send it back to me.  
 23 Q. By electronically or physically?  
 24 A. Physically. They would send me --  
 25 Q. So in this process that you've



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1 Prince  
 2 described you never actually used a camera,  
 3 correct, you personally?  
 4 A. For this, for the Canal Zone series,  
 5 no, I've never used a camera, no.  
 6 Q. And where did you get the nude  
 7 females that are in many of these paintings?  
 8 A. Mostly from Taschen, a lot from --  
 9 they had published a series of books on men's  
 10 magazines that was edited by a friend of mine,  
 11 that she sent me the books. And also --  
 12 (Interruption.)  
 13 A. Should I continue?  
 14 Q. Yes.  
 15 A. I remember some of the women came  
 16 out of two specific photographers' books,  
 17 Richard Kern and Eric Kroll.  
 18 Q. With a K?  
 19 A. Kroll with a -- K-R-O-L-L.  
 20 And Kern with a K.  
 21 Q. Now, you said Taschen, is that what  
 22 you said, T-A --  
 23 A. Taschen Publishers. T-A-C-H --  
 24 MR. HAYES: T-A-S-C-H-E-N.  
 25 A. T-A-S-C-H-E-N.

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1 Prince  
 2 Q. And what kind of magazine is that?  
 3 A. It's a publishing. They publish  
 4 books.  
 5 Q. When you said men's magazines --  
 6 A. They published a book on men's  
 7 magazines.  
 8 Q. And that's where you got the --  
 9 A. That's where I got some of the  
 10 images.  
 11 Q. Did you get some from -- I'll use  
 12 the term loosely -- porno magazines?  
 13 A. Porno?  
 14 MR. HAYES: Objection to form.  
 15 How loosely?  
 16 Q. Pornographic magazines.  
 17 A. Pornographic?  
 18 Q. I'm only asking you that because  
 19 I've read that in a number of the articles.  
 20 A. Yeah.  
 21 Q. I don't know if it's true, so that's  
 22 why I'm asking you.  
 23 A. I mean -- I suppose you're talking  
 24 about like something that's like triple X or --  
 25 you know -- I'm trying to think here.

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1 Prince  
 2 I mean Richard Kern and Eric Kroll's  
 3 images have been described -- I wouldn't  
 4 describe their images as pornographic, but they  
 5 have been by other people.  
 6 Q. Were some of the nude females just  
 7 anonymous where you didn't know who the  
 8 photographer was who had taken the pictures?  
 9 A. Especially the ones from the Taschen  
 10 publications they were -- even some of the  
 11 credits I suppose were anonymous where I didn't  
 12 know the models, I didn't know -- you know, I  
 13 didn't really pay attention.  
 14 Q. And were some of them, some of the  
 15 nude females in these paintings, models you had  
 16 hired for those paintings?  
 17 A. I hired a nude model, yes.  
 18 Q. The woman with the apron?  
 19 A. Yes.  
 20 Q. But she's not in the Canal Zone  
 21 paintings, right? Or maybe she is. I don't  
 22 think she is --  
 23 A. She was in -- I know -- I recall one  
 24 painting she's painted out, but there's a very  
 25 thin -- there's a lot of ghosts in some of these

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1 Prince  
 2 paintings. A lot of things got painted out.  
 3 That's part of the process. That's part of my  
 4 technique of how I transfer images and how I  
 5 make them different.  
 6 Q. Right.  
 7 A. So it's hard to say whether or not  
 8 she's in the painting. She's in the painting  
 9 physically in her representation, but it's very  
 10 difficult to see her. However, she is in the  
 11 catalog.  
 12 Q. Right. And to the extent she's in  
 13 the painting did somebody take her photograph?  
 14 A. I hired her and I took -- I spent an  
 15 afternoon taking her photograph, yes.  
 16 Q. So the photograph of that --  
 17 photographs of that woman in the inserts are  
 18 photographs that you took?  
 19 A. I took, yes, I took them.  
 20 Q. Did you have any assistants helping  
 21 you with cutting out, pasting, sending things to  
 22 NancyScan or did you do it yourself?  
 23 A. I did it myself.  
 24 Q. You do have at least two assistants,  
 25 right, Betsy and -- Betsy Biscione and Eric

1 Prince  
 2 Brown?  
 3 A. Yes.  
 4 Q. Do you have other assistants as  
 5 well?  
 6 A. Yes.  
 7 Q. How many others?  
 8 A. Do you want their names?  
 9 Q. No.  
 10 A. No, no. I have -- you mean  
 11 assistants that help me maybe in the studio  
 12 while I was doing these paintings?  
 13 Q. Right.  
 14 A. Two.  
 15 Q. In addition to those two?  
 16 A. Yes.  
 17 Q. So that's a total of four?  
 18 A. Yes.  
 19 Q. And some of the e-mails and things  
 20 refer to a Long Island studio?  
 21 A. Yes.  
 22 Q. And where is that?  
 23 A. It's in Wainscott.  
 24 Q. In your house in Wainscott?  
 25 A. I have a little studio in my garage.

1 Prince  
 2 November of 2008.  
 3 A. Well, I was probably wrong in  
 4 describing the exhibition that way, although I  
 5 did probably -- if that's the translation, I did  
 6 call the exhibition Canal Zone.  
 7 I don't believe -- I don't  
 8 remember -- I don't think -- it was a fairly  
 9 casual exhibition, so I don't believe there was  
 10 an invitation card. So I don't know if there  
 11 was a title to the show. I doubt very much --  
 12 usually you make up a postcard and you put the  
 13 title, but I don't think we did that for that  
 14 show.  
 15 Q. Let me just ask you this. This is  
 16 in late 2007, there was a show at the Eden Rock  
 17 Hotel in St. Barth's of some of your work,  
 18 correct?  
 19 A. Yes.  
 20 Q. And it was called the Eden Rock  
 21 show?  
 22 A. I don't think we called it anything,  
 23 but I might be mistaken.  
 24 Q. But it was about maybe 14 or 15  
 25 different works, right?

1 Prince  
 2 Q. In your garage, okay.  
 3 And in the summer do you do some of  
 4 your artwork there rather than in  
 5 Rensselaerville?  
 6 A. Yes.  
 7 Q. And these Rasta paintings, that's  
 8 what they've been called in a lot of articles,  
 9 that were in the Canal Zone, were those done in  
 10 your Long Island studio?  
 11 A. Well, the Canal Zone paintings were  
 12 mostly done by myself in the garage studio or  
 13 the studio in Long Island, yes.  
 14 Q. In Wainscott?  
 15 A. In Wainscott.  
 16 Q. Okay. Now, in this interview in  
 17 Figaro you also said you had a small Rastafarian  
 18 exhibition in St. Barth's, correct?  
 19 A. I don't believe -- is that what I  
 20 said?  
 21 Q. That's what it says here.  
 22 MR. HAYES: That's what the  
 23 translation said.  
 24 Q. I already had a small Rastafarian  
 25 exhibition in St. Barth's, and this is in

1 Prince  
 2 A. Yes, I believe that would be about,  
 3 yes.  
 4 Q. And were any of those works -- and  
 5 I'm not talking about the Canal Zone, I'm sorry,  
 6 I don't want to confuse you.  
 7 A. That's okay.  
 8 Q. I'm talking about the one the year  
 9 before in St. Barth's.  
 10 A. Right.  
 11 Q. Were any of those works --  
 12 withdrawn.  
 13 Did any of those works contain  
 14 materials, images appropriated from the  
 15 Yes Rasta book?  
 16 MS. BART: Objection to form.  
 17 MR. HAYES: Objection as to form.  
 18 A. Yes.  
 19 Q. How many of those 14 or 15  
 20 paintings?  
 21 A. There was one collage.  
 22 Q. Right. And that was called Canal  
 23 Zone, right?  
 24 A. I believe it was, yes.  
 25 Q. We're going to look at that in a

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1 Prince  
 2 second, but of those paintings that were  
 3 exhibited at the Eden Rock Hotel, are any of  
 4 those in the Canal Zone book?  
 5 A. There wasn't a painting that was  
 6 exhibited in that particular exhibition. It was  
 7 a collage.  
 8 Q. Well, there are 14 or 15 works,  
 9 right?  
 10 A. No, there were -- the 14 -- I  
 11 thought you were referring to -- the other 14 or  
 12 15 paintings in that show were different  
 13 paintings.  
 14 Q. No, I understand that. I  
 15 understand. They don't have material images  
 16 taken from Yes Rasta?  
 17 A. Right. Right.  
 18 Q. I'm just asking you, those  
 19 paintings, were any of those in the Canal Zone  
 20 book or the Canal Zone show at Gagosian  
 21 Gallery --  
 22 A. Oh, no. No.  
 23 Q. -- in 2007?  
 24 Now, how about the one collage which  
 25 does have images from the Yes Rasta book, the

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1 Prince  
 2 one you did in 2007, was that either in the  
 3 Canal Zone book or exhibited at the Canal Zone  
 4 show at the Gagosian Gallery?  
 5 A. It was never exhibited at -- it  
 6 didn't get in the show at the Canal Zone exhibit  
 7 at Larry Gagosian's.  
 8 Q. Okay. And it's not in the book?  
 9 A. It's not in the book.  
 10 MR. BROOKS: Let's mark as  
 11 Plaintiff's Exhibit 14 a document produced  
 12 by Gagosian defendants Bates stamped  
 13 GGP003781.  
 14 (Plaintiff's Exhibit 14, GGP003781,  
 15 was marked for identification, as of this  
 16 date.)  
 17 Q. Mr. Prince, does this refresh your  
 18 recollection that the title of that work of art  
 19 was The Canal Zone, comma, 2007?  
 20 A. That's what it says here, yes.  
 21 Q. And is this the work of art you've  
 22 been describing that was part of the show at the  
 23 Eden Rock?  
 24 A. Yes.  
 25 Q. And this is the only one on display

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1 Prince  
 2 at that show that had images taken from the  
 3 Yes Rasta book, is that correct?  
 4 A. Yes.  
 5 Q. And all of these images in this --  
 6 what did you call it, a --  
 7 A. Collage.  
 8 Q. Collage. These were all taken from  
 9 the Yes Rasta book, correct?  
 10 A. These images were what I would refer  
 11 to as -- it was sort of like, yes, they were  
 12 torn out, they were pages that were torn out of  
 13 the Yes Rasta book.  
 14 Q. And does this relate back to what  
 15 you were saying before that over the course of a  
 16 couple years you intermittently wrote in the  
 17 book and looked at it?  
 18 A. Yes, I think this probably was done  
 19 over the course of probably three seasons in  
 20 St. Barth.  
 21 Q. Is that because you left the book  
 22 there when you --  
 23 A. I left a number of, you know -- also  
 24 there was -- yes, I left a number of art-related  
 25 materials at the house.

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1 Prince  
 2 Q. In St. Barth's?  
 3 A. In St. Barth.  
 4 Q. Including Yes Rasta?  
 5 A. Including the book.  
 6 Q. The one you bought?  
 7 A. Yes.  
 8 Q. I got it. Okay.  
 9 What does mixed media on homasote  
 10 mean, do you know?  
 11 A. It's a description of the different  
 12 mediums that I -- the fact that I did use  
 13 different mediums, meaning paint --  
 14 Q. That explains the mixed media part.  
 15 MS. BART: Let him finish, please.  
 16 MR. HAYES: He's asking about  
 17 homasote, what that means.  
 18 Q. Yes, what does that mean?  
 19 A. It's the material which the pages  
 20 were pushpinned on. It's approximately an  
 21 8-by-4 piece of, for lack of a better word,  
 22 plywood.  
 23 MR. HAYES: It's wood?  
 24 THE WITNESS: Yeah.  
 25 MR. HAYES: Like a masonite type of

1 Prince  
 2 wood?  
 3 THE WITNESS: Yeah.  
 4 MR. BROOKS: I'm sorry?  
 5 MR. HAYES: It's like masonite, like  
 6 masonite manufactured wood.  
 7 MR. BROOKS: Okay.  
 8 BY MR. BROOKS:  
 9 Q. Now, did you have an assistant  
 10 helping you with the creation of Canal Zone 2007  
 11 or did you do it yourself?  
 12 A. I did it myself.  
 13 Q. And did you send it to a lab to be  
 14 completed?  
 15 A. No. This is a -- this is just what  
 16 I would refer to as an original collage.  
 17 Q. Okay. So you tore out these  
 18 pictures -- you nailed them to the piece of  
 19 plywood?  
 20 A. Yes.  
 21 Q. So it wasn't -- then it wasn't  
 22 enlarged?  
 23 A. This particular piece?  
 24 Q. Yes.  
 25 A. No.

1 Prince  
 2 A. Part of it, yes.  
 3 Q. So are each of the pictures, the  
 4 photos in this collage, an entire -- represent  
 5 an entire page from Yes Rasta?  
 6 A. I think they're individual pages.  
 7 Q. Right. Because this was not  
 8 enlarged?  
 9 A. No.  
 10 Q. Do you remember when the show at the  
 11 Eden Rock was put together or planned?  
 12 A. Probably November of 2007.  
 13 You know, I -- that's a guess.  
 14 MR. BROOKS: Let's mark as  
 15 Exhibit Plaintiff's 16 a series of e-mails  
 16 Bates stamped GGP004309, 4317 and 4325.  
 17 (Plaintiff's Exhibit 16, series of  
 18 e-mails, was marked for identification, as  
 19 of this date.)  
 20 Q. If you could look at the first page  
 21 of Exhibit 16, it appears to be an e-mail to you  
 22 dated August 8th, 2007. Do you see that?  
 23 A. Mm-hmm.  
 24 Q. And Jazz Man 611, is that somebody  
 25 from the Eden Rock Hotel that you know?

1 Prince  
 2 Q. And you did not obtain Mr. Cariou's  
 3 permission to create Canal Zone 2007, did you?  
 4 MS. BART: Objection, form.  
 5 MR. HAYES: Objection as to form.  
 6 Q. You can answer.  
 7 A. No.  
 8 MR. BROOKS: I'd like to mark as  
 9 Plaintiff's Exhibit 15 a one-page document  
 10 Bates stamped GGP004296.  
 11 (Plaintiff's Exhibit 15, GGP004296,  
 12 was marked for identification, as of this  
 13 date.)  
 14 (Discussion off the record.)  
 15 Q. Mr. Prince, Plaintiff's Exhibit 15  
 16 depicts the same work of art that we've been  
 17 looking at as Exhibit 14, is that correct?  
 18 A. Yes.  
 19 Q. Canal Zone 2007?  
 20 A. Yes.  
 21 Q. Where are we seeing this, is this at  
 22 the Eden Rock Hotel or somewhere else or what?  
 23 A. It's at the Eden Rock gallery.  
 24 Q. So this is actually a photo of that  
 25 show, that exhibition, a part of it?

1 Prince  
 2 A. Yes.  
 3 Q. And he was responding to an e-mail  
 4 from you dated August 3rd it looks like, saying  
 5 that Larry Gagosian was going to handle  
 6 everything. Do you see that?  
 7 A. Yes.  
 8 Q. And that right now he's previewing  
 9 three other works at his house out here on  
 10 Long Island. What did you mean by that, if you  
 11 remember?  
 12 A. There were three works that were  
 13 going to be part of the show.  
 14 Q. The Eden -- we're calling it the  
 15 Eden Rock show. I know that might not have been  
 16 the name.  
 17 A. Okay.  
 18 Q. And what do you mean -- what does  
 19 that mean to you, previewing? Was he showing  
 20 them to potential buyers, is that it?  
 21 A. He -- I had given him -- we were  
 22 sort of -- I like to refer to Larry's house  
 23 as off-off-off-broadway, sort of a way of  
 24 previewing different works that have never  
 25 been shown before.

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1 Prince  
 2 House and all those, right?  
 3 A. Mm-hmm.  
 4 Q. And we all know who Ron Perelman is.  
 5 Okay. Donny Deutsch is an advertising person or  
 6 public relations person? Don't know him?  
 7 A. I don't know him.  
 8 Q. Did Larry Gagosian buy one of these  
 9 paintings? His name is listed here.  
 10 A. I gave him --  
 11 Q. You gave him.  
 12 A. -- the painting.  
 13 MR. BROOKS: Let's mark as  
 14 Exhibit 20 an article from the Art  
 15 Newspaper Bates stamped C00242 and 243.  
 16 (Plaintiff's Exhibit 20, article  
 17 from Art Newspaper, was marked for  
 18 identification, as of this date.)  
 19 Q. Have you ever seen this article  
 20 before in the Art Newspaper?  
 21 A. Yes, I was aware of it.  
 22 Q. Let me ask you this. There are some  
 23 photos at the top of the article, which, if you  
 24 will compare them with Exhibit 14, seem to  
 25 represent a part of that work, the Canal Zone

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1 Prince  
 2 2007. Take Exhibit 14 if you want and compare  
 3 them. Don't take my word for it.  
 4 Or 15. Either one will do.  
 5 14 is probably better.  
 6 See --  
 7 A. Yes.  
 8 Q. -- there's a guy with a hat?  
 9 A. Mm-hmm, yes.  
 10 Q. There are like eight frames there,  
 11 right, or eight collaged pages. And so that  
 12 comes from --  
 13 A. Yes.  
 14 Q. -- the canal Zone 2007 painting  
 15 work --  
 16 A. It seems like --  
 17 Q. -- apparently?  
 18 A. No, not apparently. It comes from  
 19 this section, the middle of the collage.  
 20 Q. Correct. Indicating the middle of  
 21 Exhibit 14, right?  
 22 A. Yes.  
 23 Q. Do you have any idea of how either  
 24 the Art Newspaper or Andrew Goldstein who wrote  
 25 this piece got a part of Exhibit 14?

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1 Prince  
 2 A. No clue. I don't.  
 3 Q. Okay. In the third paragraph he  
 4 states that, among other things, that Garry  
 5 Gross sued you over Spiritual America and that  
 6 the case was settled out of court. That's not  
 7 correct?  
 8 A. That is not correct.  
 9 Q. You also say that -- he also says  
 10 rather that the essay for the show's catalog,  
 11 for instance, was written by James Frey.  
 12 Is it pronounced fray or fry? How  
 13 do you pronounce F-R-E-Y?  
 14 A. I believe it's fray.  
 15 Q. Fray, okay.  
 16 The essay for the show's catalog,  
 17 for instance, was written by James Frey, the  
 18 controversial author who fabricated whole swaths  
 19 of his 2003, quote, memoir, unquote, A Million  
 20 Little Pieces.  
 21 Now, this is a reference to the  
 22 catalog for the Canal Zone show in 2008,  
 23 correct?  
 24 MS. BART: Objection, form.  
 25 A. I -- I don't know. I'm --

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1 Prince  
 2 Q. Okay. Well, was there a catalog for  
 3 the Canal Zone show that took place at the  
 4 Gagosian Gallery --  
 5 A. Yes.  
 6 Q. -- in November-December 2008?  
 7 A. Yes.  
 8 Q. And was there a story in there by  
 9 James Frey?  
 10 A. Yes, there was.  
 11 Q. Did you ask him to write it?  
 12 A. I did.  
 13 Q. And did he write it?  
 14 A. He did write it.  
 15 Q. And did he base it on your pitch?  
 16 A. He based it on my pitch.  
 17 Q. And additions to your pitch that you  
 18 wrote in 2008?  
 19 MS. BART: I'm sorry, can I hear the  
 20 question again?  
 21 (Record read.)  
 22 A. I think I told him of the additions.  
 23 I'm not positive but I think, yes.  
 24 Q. And also had an opportunity to see  
 25 some of the Canal Zone paintings in your

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1 Prince  
 2 Long Island studio in the summer of 2008,  
 3 correct?  
 4 A. Yes.  
 5 Q. You invited him there?  
 6 A. Yes.  
 7 Q. And was his essay based, as far as  
 8 you know, on those paintings as well as your  
 9 pitch and the additions to your pitch?  
 10 A. His essay was essentially based on  
 11 my pitch.  
 12 Q. Last question, was it also based on  
 13 the so-called guns and ammo paintings that were  
 14 part of the 2007 show at the Eden Rock, if you  
 15 remember?  
 16 A. I don't think so, no.  
 17 Q. Okay. Now, how long have you known  
 18 Mr. Frey?  
 19 A. Three years.  
 20 Q. Did you know him when he wrote  
 21 A Million Little Pieces?  
 22 A. No.  
 23 Q. Are you aware that he misrepresented  
 24 that book as a memoir?  
 25 A. No.

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1 Prince  
 2 MS. BART: Objection, form.  
 3 Q. Have you ever heard that he was on  
 4 the Oprah Winfrey Show talking about the book  
 5 and then went back on the show and told her this  
 6 was not an actual memoir, it was fiction?  
 7 A. Yes, I was aware of that.  
 8 Q. When did you become aware of that?  
 9 A. That's hard to say.  
 10 Q. Let me ask you this. Was it before  
 11 you met and made his acquaintance or after?  
 12 A. It was before I made his  
 13 acquaintance.  
 14 Q. And how did you become acquainted  
 15 with him?  
 16 A. He was -- I met him because he was a  
 17 collector of art, and an author.  
 18 Q. Yes. And after A Million Little  
 19 Pieces he wrote a book Bright Shiny Morning?  
 20 A. Yes.  
 21 Q. Did you design the cover for him?  
 22 A. No, I did not design it.  
 23 Q. What did you do?  
 24 A. I provided the images.  
 25 Q. For his cover?

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1 Prince  
 2 A. Yes.  
 3 Q. What images?  
 4 A. They were images that I had  
 5 published in a previous book of mine.  
 6 Q. What was the name of that book?  
 7 A. Adult Comedy Action Drama.  
 8 Q. So you gave him those images and  
 9 then somebody else designed the cover for his  
 10 book?  
 11 A. Yes.  
 12 Q. All right. We've been talking --  
 13 withdrawn.  
 14 Before we get to this pitch that  
 15 you wrote, I'd like you to go back and look at  
 16 Exhibit 4 again, which is the interview of you  
 17 with Steve Lafreniere.  
 18 Do you remember we were looking at  
 19 this interview before?  
 20 A. Yes.  
 21 Q. It was in 2003, correct?  
 22 A. This was 2003.  
 23 Q. Well, that's what it says on the  
 24 front page, ArtForum March 2003.  
 25 A. Yes, that's what it says.

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1 Prince  
 2 Q. Okay. Now, at the bottom of the  
 3 second page -- I don't mean to rush you. If you  
 4 want to look at --  
 5 A. No.  
 6 Q. -- something on the first page, be  
 7 my guest.  
 8 The interviewer at the very bottom  
 9 is asking you, is naming three other well-known  
 10 contemporary artists, right?  
 11 A. Yes.  
 12 Q. Longo, Schnabel, and Sherman.  
 13 You know those people, right?  
 14 A. Yes, I do.  
 15 Q. And he says -- or she -- no, he says  
 16 that they've all made movies and I've wondered  
 17 why you haven't. Do you see that question?  
 18 A. Yes.  
 19 Q. And then, according to this, your  
 20 answer was I'm not very collaborative, I like  
 21 being alone, working alone, I hate actresses,  
 22 I don't like having to ask permission, a green  
 23 light is not something I would be happy waiting  
 24 for. Does that sound like an answer you gave in  
 25 2003?

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1 Prince  
 2 A. It's the answer I gave, yes.  
 3 Q. And then the interviewer asks you  
 4 anyway, well, what movies do you like, just from  
 5 the '80s, and I see you mentioned Road Warrior  
 6 and Blade Runner, which I guess you would agree  
 7 those are both post-apocalyptic movies, is that  
 8 right?  
 9 A. Yes.  
 10 Q. And I'm not really familiar with  
 11 the others. Are any of the others also  
 12 post-apocalyptic movies?  
 13 A. Terminator.  
 14 Q. Okay, all right. That's an Arnold  
 15 Schwarzenegger movie?  
 16 A. Yes.  
 17 Q. And did that, did your appreciation  
 18 for that genre inform your writing of the pitch,  
 19 of your pitch?  
 20 A. I guess you could say that, yes.  
 21 MR. BROOKS: Let's mark as  
 22 Exhibit 22 -- just so you know, I skipped  
 23 21, I'm not going to -- it's not going to  
 24 be marked.  
 25 Exhibit 22 is the pitch, Bates

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1 Prince  
 2 stamped PR79 and 80.  
 3 (Plaintiff's Exhibit 22, pitch, was  
 4 marked for identification, as of this  
 5 date.)  
 6 Q. Mr. Prince, is this the pitch you  
 7 wrote for a movie -- for a movie?  
 8 A. Yes.  
 9 Q. And do you remember we were looking  
 10 at an e-mail you sent to Mr. Gagosian, is this  
 11 the pitch that you were referring to in that  
 12 e-mail?  
 13 A. Probably, yes.  
 14 Q. Are there different versions of it?  
 15 A. Yes.  
 16 Q. Okay. Did you type it yourself on  
 17 the computer?  
 18 A. Yes, I did.  
 19 Q. Okay. So, again, it's this Charles  
 20 Company, which is a person and not a company,  
 21 and his family, they arrive in St. Barth's,  
 22 everyone is crying because there's a nuclear  
 23 war, correct?  
 24 A. Yes.  
 25 Q. And what are we supposed to do, most

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1 Prince  
 2 of the world is destroyed, correct?  
 3 A. Yes.  
 4 Q. And you say you compare this to  
 5 On the Beach and Lord of the Flies?  
 6 A. Yes.  
 7 Q. For reasons that are probably  
 8 obvious?  
 9 A. Yes.  
 10 Q. And he's an architect in this  
 11 version, this person Charles Company?  
 12 A. Yes.  
 13 Q. And not somebody who's used to  
 14 shooting people or anything like that?  
 15 A. No, he's not used to.  
 16 Q. But he learns, he has to learn?  
 17 A. He adapts, yes.  
 18 Q. And they stay at the Eden Rock Hotel  
 19 with some other people?  
 20 A. I believe his relatives, yes.  
 21 Q. And, again, that's a hotel in  
 22 St. Barth's?  
 23 A. Yes.  
 24 Q. All right. Now, and then at the  
 25 very end it says his son is standing lookout.

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1 Prince  
 2 Does that refer to these guns and ammo paintings  
 3 or not?  
 4 A. I think when it says cut to a year  
 5 later --  
 6 Q. Yes.  
 7 A. Does it say that?  
 8 Q. Yes, it does.  
 9 A. Those paintings are the substitute  
 10 for what I would call the storyboard.  
 11 Q. In other words, the bottom half of  
 12 somebody's body sometimes with a gun?  
 13 A. Yes.  
 14 Q. Did you ever submit this pitch or a  
 15 subsequent version of it to a movie studio or  
 16 production company?  
 17 A. Production company, I don't know if  
 18 that's how you would describe it. So I can't  
 19 say -- I would have to say no.  
 20 Q. Who did you submit it to --  
 21 withdrawn.  
 22 Did you submit it to anyone with a  
 23 view to getting it made into a movie?  
 24 A. Yes.  
 25 Q. To getting a green light?

1 Prince  
 2 Q. When did you decide to do the Canal  
 3 Zone paintings, the ones that are in the Canal  
 4 Zone book?  
 5 A. June of 2008, late June.  
 6 Q. So after you wrote this let's call  
 7 it an addendum to your pitch?  
 8 A. Yes.  
 9 Q. By the way, in the paintings -- I  
 10 didn't finish, besides the Amazons there are  
 11 also the ultimate ones. Those are like masters  
 12 of the universe?  
 13 A. Ultimate ones? That I don't -- I  
 14 don't -- to tell you the truth, I don't know  
 15 what I was referring to -- power.  
 16 Oh, maybe the people who owned  
 17 things.  
 18 Q. Like the hedge fund people who go  
 19 there at Christmas time?  
 20 A. Maybe, yeah.  
 21 Q. And then also Charlie Company also  
 22 represents family, and that's also a tribe  
 23 according to this?  
 24 A. Yes.  
 25 Q. Now, in the paintings are there any

1 Prince  
 2 which appears to be an e-mail from Betsy Biscone  
 3 at Prince Studio to James Frey, do you see that?  
 4 At the top of the second page?  
 5 A. Yes.  
 6 Q. She says, Lovely speaking with you  
 7 just now, and she is attaching the pitch,  
 8 capital T, capital P, correct?  
 9 A. Yes.  
 10 Q. And then she says, And a few images  
 11 from last December's Eden Rock show. So those  
 12 are images of what you called before guns and  
 13 ammo, those paintings, from the Eden Rock show?  
 14 A. Yes.  
 15 Q. And then -- that was September 9th,  
 16 2008. And then on September 11th, 2008, the  
 17 same person Betsy writes to Melissa -- do you  
 18 know Melissa at Gagosian Gallery?  
 19 A. Yes.  
 20 Q. She says towards the bottom of that  
 21 e-mail, Lastly, we love James' draft, I just  
 22 sent Richard off to the city and ask that he  
 23 touch base with him today. Can you believe he  
 24 wrote all that in just one night?  
 25 Were you aware that he had taken

1 Prince  
 2 depictions of let's call them, to use your term,  
 3 the ultimate ones?  
 4 A. No.  
 5 Q. And are there any depictions of this  
 6 guy Charlie Company or his family?  
 7 A. You could say his daughter got into  
 8 a couple of the pictures.  
 9 Q. One of the nude women?  
 10 A. Yes.  
 11 Q. Is she a lesbian too?  
 12 A. No.  
 13 Q. So when we get to that painting  
 14 you'll --  
 15 A. I don't think -- it's not -- well,  
 16 you probably have it. It's not in the catalog.  
 17 Q. All right. I already asked you  
 18 about this, but let's mark as Plaintiff's 24  
 19 pages Bates stamped PR88 through 91.  
 20 (Plaintiff's Exhibit 24, PR88  
 21 through 91, was marked for identification,  
 22 as of this date.)  
 23 Q. Mr. Prince, I've placed in front of  
 24 you Plaintiff's Exhibit 24. If you could look  
 25 at -- start out by looking at the second page,

1 Prince  
 2 your pitch and changed it quickly like that in  
 3 September?  
 4 MS. BART: Objection, form.  
 5 A. No.  
 6 Q. You can answer.  
 7 A. No, I wasn't aware of it.  
 8 Q. Well, you gave him the pitch, right?  
 9 I mean we agreed to that, right?  
 10 A. I believe I verbally gave him the  
 11 pitch, yes.  
 12 Q. And it looks like Betsy actually  
 13 emailed it to him?  
 14 A. If she did -- if she says she did,  
 15 I believe her.  
 16 Q. But then she said -- she also said  
 17 he did a draft. Okay, my question is did you  
 18 ever see that draft?  
 19 A. No.  
 20 Q. To this day?  
 21 A. A draft by James Frey?  
 22 Q. Yes.  
 23 A. No.  
 24 Q. You know he wrote an essay that's in  
 25 the Canal Zone book?



1 Prince  
 2 Q. Well, it's your movie, right?  
 3 MR. HAYES: No.  
 4 MS. BART: But that's not his  
 5 script.  
 6 A. It's not my -- it's his essay based  
 7 on -- based.  
 8 Q. Right. On your pitch?  
 9 A. Really, I mean I think you would  
 10 have to ask him this question.  
 11 Q. I'm going to.  
 12 A. I think this would have to be more  
 13 fleshed out in order to answer that kind of  
 14 question, whether or not I would root for a guy  
 15 like that. I mean I don't know what that has to  
 16 do with anything --  
 17 MS. BART: Me neither.  
 18 A. -- that we're talking about, but --  
 19 Q. Well, let me ask you this. Does  
 20 this pitch or the essay that ended up in the  
 21 Canal Zone book, do either of them have anything  
 22 to do with the paintings, your paintings in the  
 23 Canal Zone book and show?  
 24 MS. BART: Objection to form.  
 25 MR. HAYES: Objection to form.

1 Prince  
 2 the end of 2008, right?  
 3 A. Yes.  
 4 Q. Those were your paintings, right?  
 5 A. Yes.  
 6 Q. Okay, first, your pitch that you did  
 7 in 2007 and modified in March 2008 --  
 8 A. Yes.  
 9 Q. -- does that relate to your  
 10 paintings?  
 11 A. Yes.  
 12 Q. Does his modification of your pitch  
 13 relate to your paintings?  
 14 MR. HAYES: Objection to form.  
 15 MS. BART: Join.  
 16 A. Does his modification -- again, part  
 17 of his modification I would say, not all of it.  
 18 Q. Can you tell me which part?  
 19 Well, bear in mind that's not the  
 20 final draft.  
 21 MR. HAYES: So you -- what you want  
 22 him to do is compare the draft to the  
 23 painting --  
 24 MR. BROOKS: Well, I'm going to --  
 25 (Multiple speakers talking at once.)

1 Prince  
 2 Q. You can answer.  
 3 A. You mean does his essay?  
 4 Q. Have any bearing on your paintings  
 5 in the Canal Zone show and book?  
 6 A. I think there are parts of his essay  
 7 that are fairly close to my original pitch,  
 8 not -- but I wouldn't say all of his essay.  
 9 Q. But are they also --  
 10 MS. BART: I had attempted to  
 11 interpose an objection before the witness  
 12 started speaking, and I will do that now.  
 13 Q. I think maybe you misunderstood my  
 14 question. My question was whether the pitch or  
 15 the essay had a bearing on your paintings that  
 16 are in the show and the book?  
 17 MS. BART: Objection, form.  
 18 MR. HAYES: Form also.  
 19 A. Does my pitch have anything to do --  
 20 is that the question?  
 21 Q. Let's start with your pitch.  
 22 A. I'm sorry, I'm getting just a little  
 23 confused here.  
 24 Q. There's a Canal Zone book and a  
 25 show, right, that was at the Gagosian Gallery at

1 Prince  
 2 (Interruption by reporter.)  
 3 MR. HAYES: You want him to compare  
 4 the draft or --  
 5 MR. BROOKS: Well, that's what we're  
 6 talking about now.  
 7 MR. HAYES: Let me just finish.  
 8 Or the essay?  
 9 MR. BROOKS: Right now the draft.  
 10 (Discussion off the record.)  
 11 MR. BROOKS: Let's get this answer  
 12 and then we'll take a break.  
 13 A. Yeah, I would say every year at  
 14 Christmas you and your family go to St. Barth.  
 15 That has to do with my original pitch.  
 16 You stay at Eden Rock --  
 17 (Clarification by reporter.)  
 18 A. You stay in Eden Rock.  
 19 Everything is gone. Everything  
 20 is gone.  
 21 Every major city in North America,  
 22 Russia, Europe, Middle East, that has to do with  
 23 my original pitch.  
 24 First day you're shocked, second day  
 25 you're scared, third day you're confused, fourth