



**MAGNUM**

MAGNUM PHOTOS, INC. 72 Spring Street, N.Y. 10012 Tel. 966-8200 Telex: 420339 20, rue des Grands-Augustins, 75006 Paris, Tel. 4325-9009 Telex: 200254

**Michelle Stephenson**

TIME PICTURES  
1271 Avenue of the Americas  
New York, NY 10020

June 29, 1989

RE: STUART FRANKLIN'S ORIGINAL SLIDE MISSING

Dear Michelle:

Yesterday's return of the original slides submitted to you on June 7, 1989 by Magnum photographer Stuart Franklin while on assignment in Beijing for TIME was incomplete.

The original 35-mm slide showing the Chinese student standing in front of the tanks entering Tiananmen Square, which was published as a spread on page 10 and 11 on TIME dated June 19, is missing.

The missing slide is an invaluable and unique historical document of the most dramatic and important event of this decade. Its permanent loss will constitute irreparable damage to Stuart Franklin and Magnum.

Before any further action is taken on behalf of Magnum, we ask your utmost cooperation in conducting a complete and thorough search for the missing slide and keeping us apprised of its progress. I am certain that if TIME is able to concentrate its energies and resources in locating this slide, the problem can be resolved without further delay.

Sincerely,

Robert M. Dannin  
Editorial Director

Encl. 1 Delivery slip

Cc: Stuart Franklin  
Howard Squadron, Esq.

TIME MAG. JULIA RICHES

JUNE 7 1989

**MAGNUM**

MAGNUM PHOTOS, INC. New York 32 Spring Street, N. Y. 10012 Tel. 988-9200 Telex: 420339

TO:

DATE:

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*ONE missing #04*

PHOTOGRAPHER & SUBJECT FRANKLIN/CHINA	PRINTS - CONTACTS	COLOR
D489-128		<del>30 ORIGINALS (DISTRO)</del> <del>22 ORIGINALS (OTHER USE)</del>
+ CAPTIONS		
RETRIEVE: after 1 week _____ on _____	after 2 weeks _____ check with above _____	
EXPECTED PUBLICATION DATE: _____		
ACTION: _____ _____ _____ _____ _____		

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**MAGNUM**

MAGNUM PHOTOS, INC. 72 Spring Street, N.Y. 10012 Tel. 966-9206 Telex: 420335 20 rue des Grands-Augustins, 75006 Paris Tel. 4325-9009 Telex 200254

July 12, 1989

Michele Stephenson  
Time Pictures  
1271 Avenue of the Americas  
New York, NY 10020

Re: Missing original slide : Stuart Franklin (089-128/4)  
"Man stops tank in Beijing on June 5, 1989"

Dear Michele:

There does not seem to be any progress in locating Franklin's missing slide. This is an unfortunate development as we have been waiting patiently to hear if there are any results in the search. Since we have been reassured that the slide never left the Time-Life building, it is somewhat confusing that nobody can find it.

Moreover I was surprised at your hesitation to acknowledge the value of this picture and refusal to even consider compensation to Magnum and Mr. Franklin.

In light of this rejection, I am forced to turn the matter over to our counsel, Howard Squadron, Esq. of Squadron, Ellenoff, Plesent and Lehrer; 551 Fifth Avenue; New York, NY 10176. If you care to discuss the matter with him, please feel free to do so.

Sincerely,



Robert M. Dannin  
Editorial Director

Cc: Howard Squadron, Esq.  
Stuart Franklin

# TIME

THE WEEKLY NEWSMAGAZINE

TIME & LIFE BUILDING  
ROCKEFELLER CENTER  
NEW YORK 10020  
522-1212

August 1, 1989

Mr. Robert Dannin  
Ms. Francoise Piffard  
Magnum Photo  
72 Spring Street  
New York, NY 10012

Dear Bob and Francoise,

We are as distressed as you are over the loss of Stuart Franklin's original of the Chinese student confronting the tanks and are searching continually in hopes of somehow recovering it.

In the meantime we have a first generation dupe which you said you also have. We sent the dupe to our Impact center to have it engraved in lieu of the original. Enclosed is a match print of that engraving, which, although not from the original, looks quite good. We also had contact prints and transparencies made to determine the quality obtainable from this dupe.

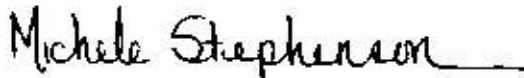
This is in no way an attempt to belittle the value of the original image. We simply are deeply concerned at its loss and wanted to see what we could do to help salvage a reproducible image of this photograph.

We're certain you have done these tests with your dupe as well. If you think the dupe we have brought better results, we will happily send it to you.

We will be glad to talk with either you or Mr. Squadron at your convenience in order to more definitively resolve this unfortunate matter.

Thank you for your patience.

Sincerely,



Michele Stephenson  
Picture Editor

### SQUADRON, ELLENOFF, PLESNET & LEHRER

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### TELECOPY MEMORANDUM

TO: Paul Ganci  
FROM: Madeleine DeLano  
SUBJECT: \_\_\_\_\_

TELECOPIER NO. 941-9325  
DATE: AUGUST 9, 1989

We are telecopying 2 pages, including this cover page. If you have any problems or do not receive the entire transmission, please contact David Warmack at (212) 661-6500 x392 for assistance.

Message:

File Number: 27475 015

# Time Inc. Magazines

Law Department

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Time & Life Building  
Rockefeller Center  
New York, NY 10020

212-522-1212  
212-522-0437 fax

*Magnum*  
27475/015

July 20, 1989

Howard M. Squadron, Esq.  
Squadron, Ellencoff, Plesent  
& Lehrer  
551 Fifth Avenue  
New York, NY 10017

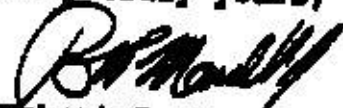
Dear Mr. Squadron:

I am writing you in response to Robert Dannin's letter of July 12, 1989 to TIME Picture Editor Michele Stephenson. We very much regret our inability to locate Stuart Franklin's missing slide, and the search here is continuing.

I do not know how Mr. Dannin received the impression that TIME Magazine refused to even consider compensation for losses that Magnum and Mr. Franklin have sustained in this matter. Such is not, and never has been, the case.

If you would like to contact me in an effort to arrive at a fair and reasonable compensation for this slide, I would be glad to talk to you. Similarly, if Mr. Dannin would like to discuss the matter further with Ms. Stephenson, that door is open, as well.

Very truly yours,

  
Robert P. Marshall Jr.  
Associate General Counsel

/cc  
cc: Michele Stephenson

APcc EEdaatt

Ex Bob

Re Report on meeting with TIME Magazine 10/31/89

Present at the meeting were Lynn Goodman of Squadron, Ellenoff; Michelle Stephenson (Time Pictures); Robert Marshall Jr. (Associate General Counsel, Time Inc. Magazines), the head of the Time Impact Center (the guy responsible for the lost slide) and Bob Dannin.

Meeting was very cordial. Time maintains that they made their best efforts to retrieve slide and investigate its disappearance. They acknowledge that it has been lost, accept all responsibility, and offer their sincere apologies. Moreover they recognize the unique historical value of the image.

In defending themselves against various claims they maintain that their duplicate is of superior quality and will suffice to meet future demand for sales of the image by Magnum and Franklin. Admittedly this is a weak defense. They do not seem overly confident that it will hold up in court.

I proposed a cash compensation of USD 150,000 to be paid to you. Their reaction was considered and calm. They will obviously have to file a report to their corporate superiors and return with a counter offer.

Lynn Goodman believes that the meeting went very well for us, although it is impossible to know what their final reaction will be. She made a very good point by explaining the expenses and complications that will arise in court, eg. expert witnesses and scientific evidence. They insist that our collectors print sales can be satisfied with the dupe (again, that's their opinion).

In summary it seems that they are willing for some form of cash settlement, but that the amount will be determined only by what they can justifiably tell their administration. In other words it will be up to Magnum to prove the amount of damages.

That's the progress report from here. Will keep you abreast of all developments.

Best regards,

Bob