EXHIBIT 10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONALD GRAHAM, Plaintiff, vs. RICHARD PRINCE, GAGOSIAN GALLERY, INC., and LAWRENCE GAGOSIAN, Defendants.	No. 1:15-cv-10160-SHS
ERIC MCNATT, Plaintiff, vs. RICHARD PRINCE, BLUM & POE, LLC, and BLUM & POE NEW YORK, LLC, Defendants.	No. 1:16-cv-08896-SHS

Rebuttal Report of Allan Douglass Coleman

I. INTRODUCTION

1. I am a photography critic, historian, theorist, and curator. In my professional capacity I publish under the pen name A. D. Coleman.

2. I have published eight books and more than 2,500 essays on photography and related subjects throughout my 50 year career. I lecture, teach, and publish widely having appeared on NPR, PBS, CBS, and the BBC and written for the *New York Times*, *Popular Photography* and *The Village Voice*, among others. My work has been translated into 21 languages and published in 31 countries.

3. I have served as a Getty Museum Guest Scholar and a Fulbright Senior Scholar, have received grants from the National Endowment for the Arts and the Hasselblad Foundation, and I was honored in 1996 as the Ansel and Virginia Adams Distinguished Scholar-in-Residence at the Center for Creative Photography.

4. My CV and a list of my publications for the last 10 years is included at Attachment A of this report.

5. I understand that these lawsuits involve Richard Prince's use of *Rastafarian Smoking a Joint*, a photograph by Plaintiff Donald Graham (the "Graham Work"), in his Instagram series work, *Untitled (Portrait)* (the "Prince-Graham Work"), and Prince's use of *Kim Gordon I*, a photograph by Plaintiff Eric McNatt (the "McNatt Work", and together with the Graham Work, "Plaintiffs' Works"), in his Instagram series work, *Untitled (Portrait)* (the "Prince-McNatt Work" and together with the Prince-Graham Work, the "Prince Works").

6. At the request of lawyers for Plaintiffs, I have analyzed the purpose and character of the Prince-Graham Work, the amount and substantiality of the Graham Work that was used in relation to the Prince-Graham Work, the nature of the Graham Work, and the effect of the

Prince-Graham Work on the market for or value of the Graham Work. I have also analyzed the purpose and character of the Prince-McNatt Work, the amount and substantiality of the McNatt Work that was used in relation to the Prince-McNatt Work, the nature of the McNatt Work, and the effect of the Prince-McNatt Work on the market for or value of the McNatt Work.

7. In summary, my opinions are that: (1) Plaintiffs' Works are creative and expressive and constitute art; (2) the Prince Works use a substantial portion of Plaintiffs' Works and the Prince Works are not transformative of Plaintiffs' Works; and (3) the Prince Works are likely to have a substantially negative impact upon the potential market for or value of Plaintiffs' Works. My opinions are based on my review of the materials in this case and my experience and specialized knowledge as a photography critic, historian, theorist, and curator.

8. I include in Attachment B a list of the materials provided to me and I have considered or relied upon some of them in the course of executing my assignment. I may update, refine, or revise my opinions if relevant new information comes to light.

9. I am not receiving any compensation for my work in this matter.

II. BACKGROUND

10. Because postmodern theory underpins the artistic practice of Richard Prince as manifested in this case while also buttressing Prince's own articulated defense and the supporting arguments of his defenders, and because most of the arguments in the defendants' expert reports I have reviewed are premised on elements of what in the discourse on art is generally referred to as "postmodern theory", I find it impossible to discuss the particulars of this case without first setting forth and analyzing this theory itself (as I understand it), as well as the ways in which Prince and his advocates and supporters use the theory to justify his actions.

11. As a critic, historian, and theorist specializing in photography (including what is commonly referred to as "photo-based art" and/or the work of "artists using photography" in

which latter categories Prince's work is usually grouped), and a public lecturer and teacher in post-secondary art and photography programs, I have been aware of postmodern theory since its emergence in the early 1970s.

12. I have written about, lectured about, and taught this aggregation of ideas that are called postmodern theory in my own work as a writer and educator. I consider some of it useful and provocative, some of it confused and obfuscatory.

13. The premise of postmodern theory is one of infinite recursion: It holds that human beings—and thus all of their activities, including art-making (broadly defined)—are effectively collages, mere composites of the cultural forces that formed them. Under this theory, the concepts of both "identity" and "individuality" as commonly understood are merely notional, and outdated ("discredited" is the standard postmodern term). Postmodern theory asserts that the individual human being is nothing more than culture's way of reproducing itself. Given that assumption, any expressive activity by any human entity—picture-making and linguistic utterance, in the present instance—cannot make any claim to originality. By definition, such activity can only mirror and reiterate what came before, with minor variations at best. Any output resulting from that activity—a picture, a text—may be unique insofar as that particular combination of received cultural bits and pieces may never have resulted previously. But it has no other claim to distinction—certainly nothing that would make it proprietary to the person who generated it, who has simply regurgitated a particular mix of cultural fragments.

14. As stated above, postmodern theory argues that there is no such thing as originality or authenticity, and that therefore any work of art in any medium, no matter how seemingly new and radical, merely recycles existing ideas and is thus in turn available at birth for recycling by others, both in theory and in practice. In the telling phrase of prominent

postmodern theorist Roland Barthes, this represents "the death of the author". Indeed, Brian Wallis in his report, employing that same notion, goes so far as to accuse Mr. Graham and Mr. McNatt of being pots calling the kettle black—suggesting that they appropriated the photographer Richard Avedon's work simply because they, like Avedon (and like portraitists before them stretching back centuries in the history of art) posed their subjects before blank backgrounds, historically one of the conventions of formal portraiture. (Brian Wallis Expert Report ("Wallis") ¶ 49.)

15. With its fundamental proposition that originality is a myth, postmodern theory is per se inconsistent with the concept of ownership or copyright. This theory would effectively preempt any claim to ownership of and control over rights (even for limited periods) by any creator anywhere. If its advocates prevail, copyright as a legal, ethical, and social construct will evaporate.

16. It is important to point out that postmodern theory has not achieved the universal acceptance in the U.S. that would signify at least widespread cultural acceptance. In the world of music, for example, the practice known as "sampling"—the re-use in one's own work of brief soundbites from recordings by other artists, effectively creating a collage of audio elements—has become commonplace. However, unlike postmodern practice in the visual arts, "sampling" has led to the establishment of clear rules and regulations resulting in a robust subsidiary rights-licensing division of the music industry, to the benefit of the makers of the sampled music, who receive both financial reward for their sampled output and on-the-record recognition for their contributions to the works that use their material.

17. Nor has postmodern theory achieved uniform acceptance even within the microcosms of the contemporary art world and academe. Indeed, the Alan Sokal/*Social Text*

controversy, in which a physicist demonstrated that a prominent journal of postmodern thought was susceptible to publishing "fashionable nonsense"—in that case, the ridiculous claim that gravity is merely a social construct (*see* http://www.physics.nyu.edu/faculty/sokal/#papers); the online availability of the Postmodernism Generator, a website that generates endless postmodern essays via an algorithm (http://www.elsewhere.orglpomo/); and other parodic responses to postmodern theory make clear its many weaknesses.

18. While postmodern theory claims the status of "theory", most of its ideas are not subject in any way to either proof or disproof in the scientific and/or legal sense – it represents a results-oriented posture that denies the constrained, process-oriented position embedded in copyright law.[1] Thus the claim of postmodern theory's ideas to any sort of validity and authority is arguable at best; the ideas have only whatever credibility high-profile cultural figures—such as those providing expert reports on Mr. Prince's behalf—have granted them.

19. In the minds of those who embrace postmodern theory, claiming to be an artist who subscribes to postmodern theory—and endorsement as such by assorted art-world luminaries—apparently constitutes a license to "appropriate". And while Prince cedes to others the right to "appropriate" and replicate his own works, as a critic, historian, and theorist, I do not find this a sufficient counterbalance to Prince's claim that he has the right to "appropriate" the work of others. Prince and his defenders trot out all the predictable tropes of postmodern jargon, which add up to the assertion that because Richard Prince is an acclaimed artist who sells at very high prices and in whom many individuals and institutions are heavily invested both financially and reputationally, his assertion of entitlement to the output of others is not to be questioned, and

[1] I am not expressing any opinion on the law, merely placing my opinions in the context of the law as I understand it.

he gets to do as he pleases. (*See, e.g.*, Allan Schwartzman Expert Report ("Schwartzman") ¶ 33; Daniel Wolf Expert Report ("Wolf") ¶¶ 13-15.)

20. I note in this regard that most challenges to artistic "appropriation" of the work of others involve a high-profile artist taking the work of lesser-known artists and claiming the right to do so by dint of art-world stature. In all such cases, assorted art-world figures have argued on the record that the status of these individuals as acclaimed artists producing works with high market value overrides the intellectual property rights of the lower-profile intellectual property producers (by definition less moneyed, less able to afford high-powered legal representation and/or to attract art-world defenders) whose intellectual property they have taken for their own use without permission or compensation.

21. Notably, despite the assertion—implicit in Mr. Prince's artistic practice generally, in his actions in the current case, and in the postmodern theory to which he avows he subscribes—that the concepts of authorship and individual creativity are dead, Mr. Prince and the experts providing reports on his behalf in these cases effectively claim that in one way or another Mr. Prince has established his own authorship and creativity in relation to the appropriated works by putting a distinctive creative imprimatur thereon through various devices that they single out: recontextualization, addition of textual elements, changes of size and shape and medium, etc. This strikes me as both self-contradictory and hypocritical.

III. NATURE OF PLAINTIFFS' WORKS

22. With this background, I first consider whether Plaintiffs' Works qualify as art. I conclude that they do.

23. As an initial matter, it is a given in both modernist and postmodernist discourse that art is whatever an artist says it is—that is, that any object or action, even an idea written down on paper or expressed aloud, can constitute a work of art if someone acting in the role of

artist claims it as such. By that commonly accepted guideline, Plaintiffs' Works are art if they claim them as such. While Mr. Prince is better known than Mr. Graham and Mr. McNatt, they are nonetheless artists.

24. Moreover, Plaintiffs' Works bear the marks of art. There are no neutral photographs. As the philosopher of science Thomas Kuhn has pointed out, "any description must be partial". By its nature, a photograph is a descriptive rather than a transcriptive artifact. As such, it reflects inevitably at least two sets of biases, two viewpoints, on which its existence in the world is predicated:

- Those of the inventors, designers, and manufacturers of the system—camera, lens, film, darkroom equipment and chemistry—employed in the physical production of that particular image.
- Those of the photographer who controls the specific application of that system to the occasion of the image in question.

25. To assume that these biases merely inflect—or even *infect*—the photograph is to miss the point: This conglomeration of biases, this stew of viewpoints—these *are* the photograph, these (in combination with its contents, the physical things represented) form its content. Plaintiffs' Works, therefore, are a manifestation of these biases interacting with whatever was before the lens at the moment of exposure.

26. Consequently, any response to Plaintiffs' Works—whether from an actively analytic/critical attitude or a more passively absorptive, spectatorial mode—involves the viewer with the ostensibly invisible presence of the photographer as well as the more insidiously covert influence of the medium itself.

27. In short, we must think of Plaintiffs' photographs as a form of collaboration between subject, photographer, and medium. The last of these operates subcutaneously—beneath the skin of the imagery; most commonly, it calls as little attention to itself as possible,

seeking no credit for the final results, even if in fact it dictates them outright. The more immediate, observable transaction is between subject and photographer; it is in this dialogue—sometimes contestual and sometimes cooperative—that control of the final image is negotiated.

28. In that bargaining the photographer almost always has the upper hand. What I mean by this goes well beyond the fact that some subjects are extremely pliable, perhaps even helpless, insensate, inanimate. Any photographer worth his or her salt—that is, any photographer of professional caliber, in control of the craft, regardless of imagistic bent—can make virtually anything "look good". Which means, of course, that he or she can make anything look bad—or look just about any way at all. After all, that is the real work of photography: *making things look*, deciding how a thing is to appear in the image. For photographs do not "show how things look", since there is no one way that anything looks. Every thing has an infinitude of potential appearances, a multiplicity of aspects. What a photograph shows us is how a particular thing could be seen, or could be made to look at a specific moment, in a specific context, by a specific photographer employing specific tools and materials. The photographer, then, is an active partner (most often the dominant one) in the construction of any photographic version of the world.

29. Photography as performed by Mr. Graham and Mr. McNatt involves a set of both conscious and intuitive decisions that inherently qualify as interpretive, and thus creative.

30. As is well-known, the status of photography as an art-making medium was challenged from its very inception due to the mechanical and scientific component of its tools, materials, and processes. Responding to that second-class citizenship, such photographers as Alfred Stieglitz, Edward Weston, and Ansel Adams disdained the generic label "artist", proudly proclaiming themselves *photographers*.

31. Given the cultural acceptance of both documentary photography and formal portraiture as modes of creative photography, and thus as art, which is collected and shown in museums of art, reproduced and discussed in prominent art magazines, etc., I see no reason not to consider Plaintiffs as artists and Plaintiffs' Works as art.

32. Ultimately, in my opinion Plaintiffs' Works are creative and expressive in nature and clearly qualify as art.

IV. PURPOSE AND CHARACTER OF THE PRINCE WORKS

33. Next, I address defendants' contention that the Prince Works "transform" the meaning of Plaintiffs' Works. I reach the opposite conclusion.

34. In evaluating whether a reasonable observer would view the Prince Works as having transformed Plaintiffs' Works, I take account of all the works in question and circumstances surrounding their creation including among other things, whether Plaintiffs' Works are the dominant images in the Prince Works; whether the Prince Works change the composition, presentation, scale, color palette, and media originally used in Plaintiffs' Works; whether comment automatically constitutes alteration; and whether the addition of Mr. Prince's comments constitute an alteration of the images in Plaintiffs' Works.

35. As a preliminary matter, I clarify my use of the term "image" in the following analysis of the works by Graham, McNatt, and Prince.

36. Mr. Graham made the original version of his image (*Rastafarian Smoking a Joint*), from which all subsequent variations derive, using a Hasselblad camera loaded with black and white film, generating negatives from which he subsequently printed his images on photographic paper. He has subsequently issued what in the field of contemporary art and photography are known as "original" prints of that image, made in the darkroom on photographic paper, for exhibition and sale, and published them online at his own website in digital form.

Someone—without Mr. Graham's authorization—downloaded that low-resolution digital derivation of Mr. Graham's image of this Rastafarian man and uploaded it to Instagram, adding to it a caption.

37. Mr. McNatt made the original version of his image (*Kim Gordon I*), from which all subsequent variations derive, in color using a Canon EOS 6D 20.2 MP SLR digital camera and subsequently converted the image to black and white. The image was first published on or about September 9, 2014 in *Paper*'s thirtieth anniversary edition, online, and in print, and on an Instagram account controlled by *Paper* (a fashion and pop culture magazine). I understand the image was republished to *Paper*'s Instagram account. In each case, *Paper* published the image under license from Mr. McNatt and with a credit acknowledging Mr. McNatt's authorship. I understand that Mr. McNatt subsequently licensed a digital version, and published digital copies on his website, Instagram, and other social media accounts. Mr. Prince, without seeking or receiving permission from Mr. McNatt, copied and reproduced the image as it appeared on an Internet website. Mr. Prince uploaded a digital copy using his own Instagram account.

38. Mr. Prince, via a hack, added his own self-described "gobbledygook" text[2] to those two Instagram posts, then performed what are called "screen grabs" of the altered posts, which resulted in low-resolution digital copies thereof (in a digital-image format such as a .jpg) downloading to his own computer. With these images, derived in part from online versions of the original images of Mr. Graham and Mr. McNatt, Mr. Prince generated the works that are under consideration in these cases.

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[2] Graham Compl. ¶ 36; *Richard Prince New Portraits*, GAGOSIAN, https://www.gagosian.com/exhibitions/richard-prince--june-12-2015 (last visited June 5, 2018).

39. All of these artifacts—the original images and derivatives thereof produced by Mr. Graham and Mr. McNatt, and the derivatives produced by Mr. Prince—qualify as images. That is, by their nature as objects and artifacts of a particular type, the physical and digital forms of their presentation define them as images.

40. Plaintiffs' Works are the dominant images in the Prince Works. In his derivations of the Instagram posts, Mr. Prince has "appropriated" the entirety of both Plaintiffs' Works, in the "Twitter compendium"[3] he has "appropriated" the cropped central section of the Graham photograph (the face and hair of its subject), all three of them presented "verbatim", so to speak—that is, without any visible alteration of their content. It is therefore obvious to me that Plaintiffs' Works are the dominant imagistic components in the Prince Works.

41. Nonetheless, Mr. Wallis and others claim that Mr. Prince sufficiently "transformed" the photographs in question—via changes in scale, medium, etc. (*See, e.g.*, Wallis ¶¶ 22-23; Lisa Phillips Expert Report ¶¶ 31-33.) I consider this argument specious. While I cannot determine the exact extent (if any) to which Plaintiffs' Works have been cropped around their edges in the process of posting them to Instagram, it is clear to me that this cropping is minimal. Further, it is apparent that any such cropping occurred during the original posting of these images by whichever Instagram subscribers put them online. Mr. Prince's screen grab deliberately captured the entirety of those posts, including the substantial borders that the Instagram posting process automatically places around posted images. I detect no other

[3] I understand that Mr. Prince created and/or displayed a compilation of two copyrighted photographs consisting of Graham's *Rastafarian Smoking a Joint* (cropped to the subject's face and hands, revealing the subject's act of lighting a marijuana cigarette) and a cropped copy of another photograph. Mr. Prince posted to Twitter this compilation, accompanied by Mr. Prince's message: "Booze Pot Sex. I guess I was wrong. (Memo to Turner: I DID NOT take make create this montage)." (Graham Compl. ¶¶ 8, 56.)

alteration of Plaintiffs' Works themselves as they appeared in those Instagram posts. Further, that Mr. Prince printed his screen grabs to canvas does not change the fact that the dominant images in the Prince Works are Plaintiffs' Works.

42. I next consider whether Mr. Prince's comments automatically constitute alteration to Plaintiffs' Works. Mr. Wallis appears to assert that, as a general principle, "comment" automatically constitutes an "alteration" (Wallis ¶ 37) even when said "comment" comprises nothing more than what Mr. Prince acknowledges is "gobbledygook". (*See supra* n.2.) That makes little sense. If even incomprehensible prose inherently represents the activity we call "commenting", then all speech, including infantile babbling, qualifies as commentary, in which case the term "comment" becomes meaningless.

43. Furthermore, given the nature of Mr. Prince's "comments", it is impossible to determine whether he is "commenting", if he is commenting at all, on the images involved in these Instagram posts, the original texts that accompanied them in these online presentations, or the combination of the two. As a critic, I find this distinction significant, because the Instagram posts themselves constitute what I refer to as image-text works. That is, by the choice of whoever posted them, these posts involve an intentional combination of images and texts. From a critical standpoint, they therefore require analysis as integrated wholes. And what Mr. Prince "appropriated" are those wholes, not just the separate elements thereof.

44. However, given the fact that neither Mr. Graham nor Mr. McNatt authored or otherwise authorized those Instagram posts, the images included therein without their permission merit consideration as separate elements. After all, it is these two photographers, and not the person or persons who posted the images to Instagram, whose copyrights are at issue. And their claims pertain only to their images, not to accompanying text in the posts. Consequently, one

must address Mr. Prince's use of the *images* in assessing the purportedly "transformative" aspect of his derivative works.

45. Arguably, the texts inserted into the Instagram posts by Mr. Prince do transform the original text offered by the person or persons who posted them, if only by (in the case of the Prince-Graham Work) establishing a question-and-answer, call-and-response dialogic dynamic. But that addition of a text comment does not constitute a transformation of the *original images*, taken as autonomous works unto themselves. Nor does it constitute a transformation of the derivative versions of those images as they appear in these posts. To argue otherwise is to propose that any republishing of a photograph with a different text caption constitutes a transformation. That would be an absurd result.

V. EFFECT ON MARKETS

46. Finally, I evaluate the effect of the Prince Works on the market for Plaintiffs' Works and conclude that the Prince Works are likely to have a substantial negative effect upon the potential markets for or value of Plaintiffs' Works.

47. Some of Mr. Prince's defenders propose that the publicity and recognition resulting from Mr. Prince's unauthorized appropriation of Plaintiffs' Works may have a positive effect on their market value in formats authorized by these photographers. (*See, e.g.*, Schwartzman ¶¶ 22, 33; Wolf ¶ 19.) Based on my review of the materials in this case and my experience and specialized knowledge as a photography critic, historian, theorist, and curator, I disagree. First, I find it hard to imagine that Mr. Prince's appropriations would lead anyone to the original artists, since Mr. Prince deliberately leaves them nameless in his own appropriated works and their accompanying texts.

48. Moreover, in response to the fanciful notion that the appropriations have somehow improved the market value of the works in question, it seems no less plausible to me

that the precedent set by Mr. Prince's high profile uses would encourage others to follow his example by appropriating these and other works by these photographers, thus devaluing not only these two images but putting at risk the entirety of their creative output.

49. Finally, in this regard, it seems to me that Mr. Prince's flippant and dismissive relationship to these posts incorporating the Plaintiffs' images signifies Mr. Prince's disrespect for Mr. Graham and Mr. McNatt as fellow artists, which, given Mr. Prince's prominence as an artist, could certainly have the effect of depressing the market value of these works of theirs in particular and their past, present, and future creative outputs in general.

50. Indeed, in my 50 years in the field I know of no instance in which the market for any visual artist whose work a more famous artist appropriated has increased as a result of said appropriation, nor any instance in which additional recognition, critical attention, or other benefit accrued.

VI. CONCLUSION

51. In summary, it is my opinion that: (1) the nature of Plaintiffs' Works is creative and expressive; (2) the use of Plaintiffs' Works in the Prince Works is substantial and the Prince Works are not transformative of Plaintiffs' Works; and (3) the effect of the Prince Works upon the potential market for or value of Plaintiffs' Works is likely to be substantially negative.

Date: 6/7/18

Allan Douglass Coleman

Allan Douglass Coleman

Attachment A

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Full name: Allan Douglass Coleman

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Educational background:

Doctoral studies, New York University; Communications Theory, 1982-1990

M.A., San Francisco State College, California, 1967; English Literature/Creative Writing

B.A., Hunter College (Bronx), NY, l964; English Literature
Editor-in-Chief, Hunter College Arrow (bi-campus newspaper), 1963-64 (Sigma Tau Delta, English honors society)

Stuyvesant High School, New York, New York, 1960

Professional Memberships

European Society for the History of Photography (ESHPh), 2002—.
PEN American Center, 1980—.
The Authors Guild, 1981—.
National Writers Union (founding member), 1984—.
International Association of Critics of Art (A.I.C.A.),1984—.
American Society of Journalists and Authors, 1991—.

Literary Agency

Image/World Syndication Services, Staten Island, NY

List of Publications

1. Coleman, A. D. "FileMaker Pro 9 and an Open-Source Freeware Solution Make a Perfect Match for a Professional Writer!" Mac Edition Radio, 4 Feb. 2008, http://maceditionradio.com/node/4751.

2. Coleman, A. D. "Yang Yankang's Photographs of Tibet." Buddhism in Tibet. Ed. Yang Yankang. 1st ed. Beijing: China Publishing Ltd., 2008. Unpaginated.

3. Coleman, A. D. "Treating Word 2008 for Mac OS X Like You Own It: A Working Writer Streamlines the New Release." Mac Edition Radio, 22 June 2008, http://maceditionradio.com/node/4776.

4. Coleman, A. D. "Maggie Taylor and Jerry Uelsmann." Art World (China), no. 223, Oct. 2008, pp. 98-103.

5. Coleman, A. D. "Maggie Taylor: Circumstantial Evidence/Jerry Uelsmann: Prima Facie." Chip Foto-Video Digital (China), no. 79, Nov. 2008, pp. 12-23.

6. Coleman, A. D. "Chinese Walls: Reflections on Chinese Photography at Fotofest 2008." Ag: international journal of photographic art & practice (U.K.), no. 53, Sep. 2008, pp. 50-61.

7. Coleman, A. D. "Return of the Suppressed: Pictorialism's Revenge." Border Crossings (Canada), no. 108, Nov. 2008, pp. 72-79.

8. Coleman, A. D. "Photographic Seeing: The Camera Work of Kenneth Josephson." Ag: international journal of photographic art & practice (U.K.), no. 54, Dec. 2008, pp. 54-59.

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10. Coleman, A. D. "Maggie Taylor: Circumstantial Evidence." Beijing: See+ Art Space/Gallery, Oct. 2008, http://www.seegallery.net/en/onews.asp?id=279.

11. Coleman, A. D. "Jerry Uelsmann: Prima Facie." Beijing: See+ Art Space/Gallery, Oct. 2008, http://www.seegallery.net/en/onews.asp?id=277.

12. Coleman, A. D. "Arno Rafael Minkkinen's Walkabout." Beijing: See+ Art Space/Gallery, Apr. 2008, http://www.seegallery.net/en/onews.asp?id=275.

13. Coleman, A. D. "Creature Features." Creatures. Ed. Malave, George. 1st ed. Philadelphia: Xlibris, 2009. unpaginated.

14. Coleman, A. D. "Return of the Suppressed: Pictorialism's Revenge." Photoresearcher (Austria), no. 12, May 2009, pp. 16-24.

15. Coleman, A. D. "Counting the Teeth: Photography for Philosophers." Border Crossings (Canada), no. 112, Dec. 2009, pp. 56-61.

16. Coleman, A. D. "Diane Arbus: The Mirror Is Broken." Death Becomes Them: Unearthing the Suicides of the Brilliant, the Famous, and the Notorious. Ed. Strauss, Alix. 1st ed. New York: Harper Paperbacks, 2009.

17. Coleman, A. D. "Polaroid Collections: Another Ponzi Fatality?" Photograph Collector no. 30. 8 Aug. 2009, pp.1-4.

18. Coleman, A. D. "Polaroids on the Docket." Photograph Collector no. 30, 9 Sep. 2009, pp. 5-6.

19. Coleman, A. D. "New York Times Photo Ethics Policy." The Photographers Room. Ed. Marcello Comoglio, Lorenza Orlando. 9 Sep. 2009, http://www.thephotographersroom.com/blog/?p=615.

20. Coleman, A. D. "Steichen Then, Now, and Again: Legacies of an Icon," part 1. Ag: international journal of photographic art & practice (U.K.), no. 57, Sep. 2009, pp. 18-27.

21. Coleman, A. D. "Philip Tsiaras: Photography Using Artist." Philip Tsiaras: The Superreal. First ed. Thessaloniki: Thessaloniki Museum of Photography, 2009.

22. Coleman, A. D. "Beneath even the old Adam: The Photographs of Robert Stivers." Beijing: See+ Art Space/Gallery, Apr. 2009, http://www.seegallery.net/en/onews.asp?id=334.

23. Coleman, A. D. "Animal Longings: The Still Lifes of Kate Breakey." Beijing: See+ Art Space/Gallery, Apr. 2009, http://www.seegallery.net/en/onews.asp?id=340.

24. Coleman, A. D. "Memory's Mirror: The Photographs of Jerry Spagnoli." Beijing: See+ Art Space/Gallery, Apr. 2009, http://www.seegallery.net/en/onews.asp?id=337.

25. Coleman, A. D. "Running Deeper: The Photographs of Connie Imboden." Beijing: See+ Art Space/Gallery, Apr. 2009, http://www.seegallery.net/en/onews.asp?id=335.

26. Coleman, A. D. "Taking a Different Tack: Maggie Sherwood and the Floating Foundation of Photography." Samuel Dorsky Museum of Art, 8 Apr. 2009.

27. Coleman, A. D. "Lettre de A. D. Coleman au comité de direction de la FPS, 24 juillet 2004." Vevey: fsphoto, 24 July 2009, http://www.fsphoto.ch/news/2005/02/lettre_de_ad_co.html. (In French.)

28. Coleman, A. D. "Steichen Then, Now, and Again: Legacies of an Icon," part 2. Ag: international journal of photographic art & practice (U.K.), no. 58. Dec. 2009.

29. Coleman, A. D. "What Did Polaroid Know, and When Did Polaroid Know It? (continued)." ESHPh: The International Letter (Vienna), Jan. 2010, pp. 17-19.

30. Coleman, A. D. "Polaroid Collection in der Krise. Streit um eine Auktion mit wichtigen Werken aus der Sammlung." Photonews (Germany) no. 228, May 2010, pp. 4-5. (In German.)

31. Coleman, A. D. "Counting the Teeth: Photography for Philosophers." The Weight of Photography: Photography History Theory and Criticism, Introductory Readings. Ed. Swinnen, Johan & Luc Deneulin. First ed. Brussels: ASP - Academic & Scientific Publishers, 2010, pp. 281-88.

32. Coleman, A. D. "AppleCare, the Apple Store, ioSafe Solo, and Time Machine Have My Back." Mac Edition Radio, 2 July 2010, http://maceditionradio.com/node/4802.

33. Coleman, A. D. "The Compleat Writer: Backing It Up, Part 1." Mac Edition Radio, 10 Sep. 2010, http://maceditionradio.com/node/5989.

34. Coleman, A. D. "In the Face of Forgiveness: Steven Katzman's Epiphanies." Photo Technique: Variations on the Photographic Arts, no. 31, 4 July 2010.

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Attachment B

Defendants' Expert Reports
Alice E. Marwick
Sandra Minott-Phillips
Lisa Phillips
Allan Schwartzman
Brian Wallis
Daniel Wolf

Graham Filings
Corrected Amended Complaint and Exhibits
Gagosian's Answer to Complaint
Prince's Amended Answer to Complaint

McNatt Filings
Complaint and Exhibits
Defendants' Answer to Complaint

Motion to Dismiss (Fair Use)
Defendants' Memorandum of Law in Support of Motion to Dismiss (Fair Use)
Plaintiffs' Memorandum of Law in Opposition to Motion to Dismiss (Fair Use)
Defendants' Reply Memorandum in Support of Motion to Dismiss (Fair Use)
Judge Stein's Opinion (Motion to Dismiss *re* Fair Use)

Depositions
Donald Graham Deposition Transcript
Exhibits to Donald Graham Deposition
Eric McNatt Deposition Transcript
Exhibits to Eric McNatt Deposition
Richard Prince Deposition Transcript
Exhibits to Richard Prince Deposition