

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA

ART BROKERS USA INC., a
Florida corporation,
PUBLICIDAD EXTERNA LIMITADA,
a foreign corporation,

CASE NO: CACE-05-013997

Division 13

Plaintiffs,

v.

FERNANDO BOTERO ANGULO,
individually,

Defendant.

_____ /

PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS

Plaintiffs, Art Brokers USA Inc. and Publicidad Externa Limitada a/k/a Publix Bates, by and through their undersigned counsel and pursuant to *Fla.R.Civ.P.* 1.370, hereby request that Defendant, Fernando Botero Angulo, admit or deny the following requests:

1. Please admit that the document dated June 22, 1999 attached hereto as exhibit 1 is a true and correct copy of the Documento de Donacion executed by you and the Museum of Antioquia ("Museum").

2. Please admit that the document dated January 4, 2000 attached hereto as exhibit 2 is a true and correct copy of the Escritura Publica Numero Quince ("Escritura Publica") executed by you and the Museum and that the document dated December 16, 2000 attached hereto as exhibit 2-A is a true and correct copy of Escritura Publica Numero 5541 executed by you and the Museum.

3. Please admit that pursuant to the Escritura Publica you donated to the Museum a collection of your works of art and works of other artists.

4. Please admit that in the Escritura Publica you gave the Museum the complete dominion and title to your works of art that are identified in the Escritura Publica and the right and authority to market and sell products and services relating to those works, subject only to the exceptions expressly set forth in the Escritura Publica.

5. Please admit that the document attached hereto as exhibit 3 is a true and correct copy of the contract executed by the Museum and Publicidad Externa Limitada (“Publix”) on February 16, 1999 (“Commercialization Contract”).

6. Please admit that pursuant to the Commercialization Contract Publix was granted the right to exploit, reproduce, market and sell products owned by the Museum, including products relating to your works that you donated to Museum, pursuant to the terms set forth in the contract.

7. Please admit that the document attached hereto as exhibit 4 is a true and correct copy of a Prorroga de un Contrato de Explotacion Comercial executed by the Museum and Publix on July 23, 1999.

8. Please admit in the Prorroga de un Contrato de Explotacion Comercial attached hereto as exhibit 4 the Museum gave Publix the right to make reproductions of the works of art donated by you to the Museum.

9. Please admit that the document attached hereto as exhibit 5 is a true and correct copy of a Prorroga de un Contrato de Explotacion Comercial Compartida executed by the Museum and Publix on October 27, 1999.

10. Please admit that the document attached hereto as exhibit 6 is a true and correct copy of the Adenda Tres de un Contrato de Explotacion Comercial executed by the Museum and Publix in August of 2000.

11. Please admit that the document attached hereto as exhibit 7 is a true and correct copy of the contract between the Museum and Publix executed on August 26, 2000 (“Internet Contract”).

12. Please admit that Publix was authorized pursuant to the Internet Contract to develop and design a website to display and sell the products of the Museum including products relating to your works that you donated to Museum.

13. Please admit that exhibit 8 is a true and correct copy of a document containing the words www.museodeantioquia.org.co and www.ciudadbotero.com made by your handwriting.

14. Please admit that exhibit 8 is a true and correct copy of a document that was created during a meeting between you and Alvaro Vargas.

15. Please admit that by writing the website names on exhibit 8, you were authorizing those names to be used for websites on which products of the Museum, including the products relating to your works donated by you to the Museum, would be marketed and sold.

16. Please admit that you and Alvaro Vargas met in your apartment in New York City in or about September 1999 (“New York Meeting”).

17. Please admit that during the New York Meeting you discussed various projects that Publix was developing on behalf of the Museum including but not limited to the design and launch of a website.

18. Please admit during the New York Meeting you approved the design of gold medallions developed by Publix featuring works of art that you donated to the Museum.

19. Please admit that exhibit 9 is a true and correct copy of a photo of you and Mr. Vargas taken at the apartment of Pilar Velilla Moreno, executive director of the Museum.

20. Please admit that exhibit 10 is a true and correct copy of a photo of a giclee bearing your original signature.

21. Please admit that the giclee reflected in exhibit 10 was signed by you to evidence your approval of the giclee method of reproduction by Publix.

22. Please admit that your son Juan Carlos Botero took giclees to you in Italy in or about July 2002 (“July 2002 Giclees”) for your approval as products that could be sold by the Museum.

23. Please admit that you called representatives of the Museum and advised them that you approved of the July 2002 Gicless and that your only request was that the size of your signature remains the same size as shown in the original work.

24. Please admit that the July 2002 Giclees were developed by the plaintiffs Publix and Art Brokers.

25. Please admit that the letter dated February 11, 2000 and attached hereto as exhibit 11 is a true and correct copy of a letter executed by Pilar Velilla Moreno on behalf of the Museum.

26. Please admit that the letter dated June 16, 2000 and attached hereto as exhibit 12 is a true and correct copy of the letter executed by Pilar Velilla Moreno on behalf of the Museum.

27. Please admit that the letter dated June 16, 2000 and attached hereto as exhibit 13 is a true and correct copy of the letter executed by Pilar Velilla Moreno on behalf of the Museum.

28. Please admit that the letter dated April 8, 2002 and attached hereto as exhibit 14 is a true and correct copy of the letter executed by Pilar Velilla Moreno on behalf of the Museum.

29. Please admit that the letter dated April 8, 2002 and attached hereto as exhibit 15 is a true and correct copy of the letter executed by Pilar Velilla Moreno on behalf of the Museum.

30. Please admit that the letter dated February 11, 2000 and attached hereto as exhibit 16 is a true and correct copy of a letter executed by Pilar Velilla Moreno on behalf of the Museum.

31. Please admit that the letter attached as exhibit 16 accurately states that Alvaro Vargas, President of the Organization Publix Bates, was authorized by Fernando Botero and the Museum to commercialize and sell products of the Museum.

32. Please admit that you reviewed and modified the designs of “Medallas Conmemorativas” presented to you by Alvaro Vargas in New York City.

33. Please admit that during your visit to Medellin, Colombia on or about January 26, 2002 you agreed with the Museum to the exploration of the marketability in the United States of products relating to the works you donated to the Museum.

34. Please admit that your son, Juan Carlos Botero, met with Gillermo Gil (representative of the Museum) in Miami, Florida, and Mr. Gil showed him reproductions of your work in a form known as “giclees.”

35. Please admit that Guillermo Gil obtained the giclees referenced in the proceeding paragraph from Art Brokers.

36. Please admit that exhibit 17 is a true and correct copy of an invitation sent to Alvaro Vargas for a sculpture exhibition by Sophia Vari in Athens.

37. Please admit that you authorized the sending of the invitation to Mr. Vargas to attend the sculpture exhibition by Sophia Vari in Athens.

38. Please admit that Sophia Vari authorized the sending of the invitation to Mr. Vargas to attend the sculpture exhibition by Sophia Vari in Athens.

39. Please admit that Sophia Vari is your wife.

40. Please admit that on a telephone call with Pilar Velilla in the year 2002, you stated that he approved of the giclee material and the sale of giclees as long as it favored the Museum and the size of your signature remained the same size as shown in the original work.

41. Please admit that exhibit 18 is a true and correct copy of the Adenda Uno de un Contrato de Explotacion Comercial executed by Publix and the Museum on April 12, 2000.

42. Please admit that the document attached hereto as exhibit 19 is a true and correct copy of a letter executed by Pilar Velilla Moreno on behalf of the Museum.

43. Please admit that exhibit 20 is a true and correct copy of a document that was hand written by you.

44. Please admit that you wrote the document reflected in exhibit 20 for the purpose of donation books sold by Publix on behalf of the Museum to Empresa Publicas de Medellin.

45. Please admit that exhibit 21 is a true and correct copy of a professional large form negative made at the Museum with the consent of the Museum and your consent by a photographer hired by Publix for purposes of producing gicless.

46. Please admit that exhibit 22 is a true and correct copy of a document that bears your signature and the signature of Pilar Velilla and that certifies the authenticity of gold medallions produced by Publix on behalf of the Museum.

47. Please admit that exhibit 23 is a true and correct copy of a brochure for the sale of gold medallions that were produced by Publix on behalf of the Museum and approved for sale by you.

48. Please admit exhibit 24 is a true and correct copy a letter hand written by you and sent to Pilar Velilla.

49. Please admit that exhibit 25 is a true and correct copy of a letter dated February 9, 2001 sent by the Colombian Government Trade Bureau to Alvaro Vargas.

50. Please admit that exhibit 26 is a true and correct copy of a receipt showing payment by Publix for registration of the domain names www.ciudadbotero.com and www.museodeantioquia.org.co.

51. Please that exhibit 27 is a true and correct copy of the home page for the web site designed by Publix for the marketing over the internet of products related the works you donated to the Museum.

52. Please admit that exhibit 27 reflects your approval of the design of the Museum's website by the use of your own handwriting and signature.

53. Please admit that exhibit 28 is a true and correct copy of a handwritten note from Pilar Velilla to Alavaro Vargas expressing gratitude for his work in the United States on behalf of the Museum.

54. Please admit that exhibit 29 is a true and correct copy of the report from the photographer Leon Duque listing the equipment, lighting, film, camera, lenses and chemicals used and the developing process for the photographs in the Museum that were taken for the production of giclees by Publix.

55. Please admit that exhibit 30 contains true and correct copies of calling cards authorized by you and containing reproductions of works of art donated by you to the Museum.

56. Please admit that the calling cards reflected in exhibit 31 were produced without the consent of Publix.

57. Please admit that exhibit 31 contains your true and correct finger print stamped before Notaria Vientinueve Del Circula De Medellin, Heliobar De J. Vargas.

Garfinkel Trial Group

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FERNANDO BOTERO

A true and correct copy of the foregoing First Request For Admissions has been furnished by U.S. mail to Fernando Botero Angulo, 900 Park Avenue, New York, NY 10021 on this 26 day of September 2005.

Alan B. Garfinkel, Esq.