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COURT OF COMMON PLEAS
HAMILTON COUNTY OHIO

CARL SOLWAY GALLERY
424 Findlay Street
Cincinnati, OH 45214

Plaintiff,

vs.

NAM JUNE PAIK

and

KEN HAKUTA

and

NAM JUNE PAIK STUDIOS, INC.
341 Lafayette Street #4306
New York, NY 10012

Defendants.

A0306700

Case No. _____

Judge _____

COMPLAINT FOR DECLARATORY
JUDGMENT, SPECIFIC
PERFORMANCE, AND INJUNCTION

COPY FILED
CLERK OF COURTS
HAMILTON COUNTY

SEP - 5 2003

GREGORY HARTMANN
COMMON PLEAS COURTS

NATURE OF THE ACTION

1. Carl Solway Gallery, Inc. ("Solway") is an art dealer, which operates an art gallery and studio in Cincinnati, Ohio and sells works of art all over the world. Defendant Nam June Paik ("Paik") is an artist whose works of video art have been widely exhibited throughout the world. For the past twenty (20) years, Paik has created works of art that Solway has been authorized to fabricate and offer for sale. Beginning in approximately January 2002, Defendant Ken Hakuta

("Hakuta") has been represented to be Paik's primary business manager and all business issues have been directed to him.

2. In or about May, 2002, Hakuta, without any factual basis, raised a question with employees of Phillips de Pury and Luxembourg ("Phillips"); a New York City auction house, as to the authenticity of a work of art (Retrobot) that was fabricated by Solway (with Paik's authority and knowledge) and was to be auctioned on May 16, 2002 at Phillips. Defendant Hakuta has since questioned the authenticity of four (4) additional works of art (Stage, Tower, Ruin, and W3) fabricated by Solway (with Paik's authority and knowledge).

3. Plaintiff Solway has provided documentation to Defendants which demonstrate that each work of art is authentic and that they were fabricated with the authorization and knowledge of Paik. Despite Solway's efforts, Paik, through his business manager Hakuta, has refused to provide a certificate of authenticity for any of the works of art and this is jeopardizing the sale of each work of art. Without the certificates of authenticity (a) the sales of Tower, Ruin, Stage, and W3 will not be completed and neither Paik nor Solway will receive payment in full for these works of art; and (b) the auction of Retrobot, which is scheduled for November 2003 will not proceed as planned and this could subject Solway and Paik to an action to rescind the sale of Retrobot. The cancellation of the Phillips auction would materially harm Solway's professional reputation. Accordingly, Solway is initiating this declaratory judgment action pursuant to Ohio Revised Code §§2721.02, 2721.03 and 2721.13 and Rule 57 of the Ohio Rules of Civil Procedure to (a) determine that the works of art are authentic; (b) require Defendants to provide a certificate of authenticity for each work of art in question; and (c) enjoin Defendants from making any further false statements regarding the works of art.

JURISDICTION AND VENUE

4. Jurisdiction and venue are proper in this county and court because the dispute relates to the authenticity of works of art fabricated in Solway's Cincinnati studio for Defendant Nam June Paik ("Paik"). Paik has authorized and approved the fabrication and sale by Solway of works of art bearing his name over a twenty (20) year period.

PARTIES

5. Plaintiff, Carl Solway Gallery, Inc., is a corporation organized and existing under the laws of the State of Ohio, and having its principal place of business at 424 Findlay Street, Cincinnati, Ohio 45214.

6. Defendant, Nam June Paik ("Paik"), is an individual residing in New York and legally doing business within the City of Cincinnati and the State of Ohio by authorizing and approving the fabrication and sale of works of art bearing his name at a Cincinnati gallery and studio.

7. Defendant, Ken Hakuta ("Hakuta"), is an individual residing in Washington D.C. and since approximately January 2002, has been legally acting as the primary manager of the business affairs of Paik.

8. Defendant Nam June Paik Studios Inc. ("Paik Studios"), is a corporation organized and existing under the laws of the State of New York as of January 7, 2003, and having its principal place of business at 341 Lafayette Street #4306, New York, New York 10012. Paik currently conducts his business affairs under the corporation name Nam June Paik Studios, Inc.

**FACTUAL ALLEGATIONS
SUPPORTING CLAIMS FOR RELIEF**

Background Facts

9. Solway has been working with Paik since approximately 1984 and has fabricated over three hundred (300) works of video art with Paik's approval and knowledge.

10. Collaboration has been the basic principle of Paik's artwork. Paik has authorized fabrication of his video artwork by his assistants in Cincinnati, New York, and Korea.

11. In creating these works of art, a close relationship has developed between Solway and Paik.

12. In early 1996, a rumor was circulating by Paik's New York Dealer questioning the authenticity of Paik's works of art fabricated in Cincinnati. In response to this rumor, Paik wrote a letter in which he stated: "It is positively wrong for anyone to say that work done in Cincinnati studio or Korea, is any less authentic than the work done in New York Studio. I Strongly urge you to stop spreading this false statement." A copy of the letter is attached hereto as Exhibit A.

13. Paik and Solway's relationship has enhanced their respective reputations in the art world. However, the relationship suffered a drastic change shortly after Hakuta began managing Paik's business affairs. In fact, Defendant Hakuta has recently instructed Solway not to contact Paik or his wife, Shigeko Kubota, directly, and has instructed Solway to direct all communications to him.

Defendants Have Interfered With The Sale of Retrobot

14. Beginning in approximately 1995, at the request of Jerald Ordovery, the attorney then representing Paik, Solway prepared an illustrated inventory of all Paik works of art in Solway's inventory. Each work of art was photographed and assigned an inventory number. This report was

periodically updated and the updates were sent to Paik and Ordover until Paik terminated Ordover in approximately the Fall of 1997. A copy of the illustrated report and the updates were sent to both Ordover and Paik.

15. In or about 1997, Solway fabricated the work of art now known as Retrobot with Paik's knowledge and approval.

16. On or about June 17, 1997, Mr. Ordover sent a letter to Solway requesting information about certain Paik sculptures held in inventory at Solway. A copy of this letter is attached hereto as Exhibit B.

17. In response to this letter, Anita Douthat, Registrar for Solway, sent Mr. Ordover a letter dated June 23, 1997, stating in answer number six that inventory number "1072 is now Retrobot" and that an illustration of this artwork was included in the inventory book previously prepared for Paik. This letter demonstrates that Retrobot is an authentic Paik artwork and confirmed that Paik was aware that this piece of artwork was in Solway's inventory. A copy of this letter is attached hereto as Exhibit C. Solway did not receive any further questions about Retrobot.

18. Subsequently, in 2001, Solway sold Retrobot to Enron Global Markets, LLC ("Enron"). A copy of this invoice is attached hereto as Exhibit D.

19. The art dealer Barbara Davis assisted Solway in selling Retrobot and arranged for the sale in Texas. However, Retrobot was never delivered because Enron specified that delivery would not occur until its new headquarters building was completed.

20. Retrobot was never delivered to Enron because it went bankrupt. However, in April of 2003, the bankruptcy trustees notified Solway that they entered into an agreement with Phillips to pick up Retrobot from Solway in Cincinnati and auction it off in New York City. Retrobot was delivered to Phillips and was scheduled to be auctioned in May of 2003.

21. When Defendant Hakuta learned of this auction, he called Solway and asked if Solway fabricated Retrobot. Solway informed Hakuta that he did fabricate Retrobot. Paik's New York Studio assistant Paul Garrin prepared the video for Retrobot.

22. Then, on May 12, 2003, an employee of Phillips called Solway and advised him that a representative of Paik was questioning the authenticity of Retrobot, and that Phillips needed assurance that the artwork was an authentic Paik work.

23. In response to this request for assurance as to the authenticity of Retrobot, and in an effort to obtain certificates of authenticity for this work, on May 12, 2003, Solway sent an email to Hakuta. In the e-mail, Solway advised Hakuta that he located photo documentation from the 1999 Miami Art Fair where Retrobot was displayed. The photograph demonstrates that Retrobot was showcased next to the banner stating, "Art Miami '99 International Distinguished Artist Award NAM JUNE PAIK Carl Solway Gallery and Galeria Ramis Barquet." Paik attended this show, and the exhibition of his own work being displayed which included Retrobot, and was honored for his contributions to video art and his career. The photographs were emailed to Defendant Hakuta the next day.

24. Despite the evidence that demonstrates that Retrobot is an authorized and an authentic Paik work of art, Defendants have failed to provide a certificate of authenticity.

25. Philips removed Retrobot from the May auction and has indicated that unless it receives a certificate of authenticity for Retrobot by September 15, 2003 it will not be included in its November 2003 sale. If this occurs, Solway and Paik could be subjected to a lawsuit by the trustee in the Enron bankruptcy to rescind the sale of Retrobot.

Defendants' Actions Have Impeded The Sale of Stage, Ruin And Tower

26. The actions of Hakuta have not only impeded and halted the sale of Retrobot, but have also interfered with the sale of the additional works of art: Stage, Ruin, and Tower to the art dealer Dolores An representing a South Korean client.

27. Early in 2001, Ms. An asked Solway if Paik could make three large sculptures for her client who was constructing a public building in South Korea.

28. During the first week in February, 2001, Solway and Mark Patsfall, who has been Paik's chief fabrication assistant in Cincinnati since 1984, met with Paik at his Miami Beach apartment. The purpose of the meeting was to plan the fabrication work for the year 2001, and respond to Ms. An's interest in commissioning 3 large works for her South Korean client. Solway and Patsfall brought for Paik's consideration and review 2 computer mock-ups of ideas for Ruin and Tower and a photograph of an earlier dismantled 1986 work, Stage, which was made for an exhibition at the Goldean Gallery in Santa Monica, California, suggesting it be reconstructed. All three of these works were to be fabricated from 50 year old wood television set cabinets from the late 1940's and early 1950's. Paik, Patsfall and Solway also discussed an idea for fabricating a work called Gulliver to be exhibited at an Art Fair later in 2001.

29. Immediately following the early February meeting, Paik sent a fax to Solway from his Miami Beach apartment on February 7, 2001 saying ... "I have a great idea for Gulliver ..." and continued in another paragraph to say ... "you can make and sell 3x junk TV structures, etc. ..." The reference to "junk TV structures" was Paik's reference to the use of the 50 year old wooden TV cabinets in describing the structures of Ruin, Tower, and Stage. A copy of this fax is attached hereto as Exhibit E. Solway proceeded to fabricate Ruin, Tower and Stage, based on Paik's authorization and approval, for Ms. An's client. Gulliver was also fabricated later in 2001 and subsequently sold

to Solway by Paik in July 2001. No other works were fabricated in 2001 by Solway, therefore, Paik's fax clearly referred to Stage, Tower and Ruin.

30. Stage is pictured in the Paik publication titled eine Data base, which demonstrates that it is a Paik work of art and it was fabricated in 1986. A copy of the cover of this catalog and the page showing Stage as a Paik artwork is attached hereto as Exhibit F.

31. Then, on April 6, 2001, Solway met with Paik at his Grand Street Studio in New York. There, Paik approved the fabrication of Ruin and Tower and approved the reconstruction of Stage. Additionally, Paik instructed Solway to have Patsfall prepare the software for the works of art.

32. After Paik approved the fabrication of Tower, Stage and Ruin, the South Korean client made a deposit and agreed to pay the balance in June of 2003 when the works of arts were completed. It was also agreed that the artworks would be shipped to South Korea after payment in full was received.

33. Subsequently, Solway was advised that Ms. An's client heard rumors questioning the authenticity of some of Paik's work and demanded certificates of authenticity before paying the remainder of the purchase price. Solway has provided Hakuta with documents demonstrating the authenticity of these works of art including the signature of Paik on each work of art. Solway also demonstrated that these were the only Paik works of art fabricated in Cincinnati in 2001, except for a work called Gulliver, which Solway purchased from Paik in July 2001. However, Defendants have refused to provide Solway with certificates of authority for Stage, Ruin, or Tower.

Defendants' Actions Have Impeded The Sale of W3

34. In 2001, Ms. An represented another South Korean client in the purchase of the Paik work of art named W3, which was made in 1994, but was never previously sold.

35. In approximately August 2002, Solway received a deposit for W3 from Ms. An.

36. Solway met with Hakuta on September 27, 2002, in New York City regarding this sale and Hakuta arranged for Paik to sign an aluminum plaque to attach to W3 and Hakuta personally returned it to Solway in New York.

37. Upon hearing rumors questioning the authenticity of some of Paik sculptures, Ms. An's client demanded a certificate of authenticity before paying the remainder of the purchase price. Solway contacted Hakuta to obtain a certificate of authenticity for this piece of art.

38. Hakuta did not respond to Solway's telephone calls and emails, and, therefore, Solway suggested that Ms. An contact Hakuta and request a certificate of authenticity. Thereafter, Ms. An contacted Hakuta and requested a certificate of authenticity, but Hakuta refused to provide the certificate.

39. In response to Ms. An's request for certificates of authenticity, Hakuta, on July 21, 2003, emailed Solway requesting information about W3, Tower, Stage, and Ruin. A copy of this email is attached hereto as Exhibit G.

40. In response to Hakuta's email, Solway sent him a letter on or about July 23, 2003, in which he included, among other items, descriptions of Tower, Stage Ruin, and W3. The letter also reminded Hakuta of the meeting in New York concerning W3 where Hakuta had Paik sign the work of art. Additionally enclosed with the letter was a copy of Paik's fax authorizing "3x junk TV structure" and pictures of all four works of art. A copy of the letter and enclosures are attached hereto as Exhibit H.

41. Hakuta did not respond to the authenticity issues raised in this letter. Because Hakuta failed to respond to the authenticity issues, Solway sent him another email on August 6, 2003, asking him why he was questioning the authenticity of the five artworks.

42. On August 15, 2003, Solway sent Hakuta another email stating that "It has now been 3 full weeks since I sent to you the full explanation and documentation on the 4 works of art sold to Dolores AnStage, Tower, Ruin, and W3....requesting certificates of authority for each of these 4 works of art from Nam June." The email again reminded Hakuta of the fax authorizing the fabrication and sale of the three works of art and that Hakuta, himself, arranged for Paik to sign W3. Further, Solway reminded Hakuta that W3 was pictured and represented to be a Paik artwork in Paik's catalog The Electronic Super Highway Travels With Nam June Paik, published in or about 1995, which was prepared in connection with an exhibit that traveled to eight museums. This publication demonstrates that W3 is an authentic Paik work of art. A copy of the cover of this catalog and the page showing W3 as a Paik work of art is attached hereto as Exhibit I.

43. Due to Hakata's non-responsiveness and Solway's suspicions that Hakuta was exerting undue influence over Paik, Solway sent a letter directly to Paik on August 18, 2003, requesting that he sign certificates of authenticity for the artworks Retrobot, Tower, Ruin, Stage, and W3. He also stated that upon receipt of the signed certificates he would make the full payment for these works of art. Paik did not sign or return the certificates of authenticity.

44. Then, on August 22, 2003, Hakuta called Solway on his cell phone and stated that "I have told you never to contact Nam June or Shigeiko and you continue to do it. I know your tactics. You are trying to play on the greed of Shigeiko."

45. Subsequently, Hakuta sent Solway an email instructing Solway never to contact Paik or Shigeiko directly.

46. Paik has failed to sign and deliver certificates of authenticity to Solway for any of the works of art. Without the certificates of authenticity, the sale of these works of art cannot be completed.

FIRST CLAIM FOR RELIEF
(Declaratory Judgment)

47. Plaintiff incorporates the allegations in paragraphs 1 through 46 as if fully rewritten herein.

48. Defendants' improper refusal to sign certificates of authenticity is preventing the auction of Retrobot and the sales of Tower, Stage, Ruin, and W3, and is damaging the reputation of Solway.

49. Plaintiff seeks a declaratory judgment pursuant to Ohio Revised Code, Section 2721.01 *et seq.* and Rule 57, Ohio Rules of Civil Procedure, seeking to declare that the works of art named Retrobot, Tower, Stage, Ruin, and W3 are all authentic Paik works of art and were fabricated by Solway pursuant to Paik's knowledge and authorization.

50. The dispute between Plaintiff and Defendants constitute an actual and justifiable controversy between the parties as prescribed by the provisions of Chapter 2721 of the Ohio Revised Code, which can be determined by a judgment of the court.

51. Because the urgency in completing the auction of Retrobot and the sales of Tower, Stage, Ruin, and W3, and the continuing damage to Solway's professional reputation for failing to deliver certificates of authenticity for the works of art, Plaintiff requests that the Court declare judgment at the earliest available opportunity.



SECOND CLAIM FOR RELIEF
(Specific Performance)

52. Plaintiff incorporates the allegations in paragraphs 1 through 51 as if fully rewritten herein.

53. Because money damages will not adequately remedy the Plaintiff's injury, Plaintiff requests the Court to order Paik to complete certificates of authenticity specifying that the works of art named Retrobot, Stage, Tower, Ruin, and W3 are authentic Paik artworks and for Paik to deliver said certificates to Solway.

THIRD CLAIM FOR RELIEF
(Injunction)

54. Plaintiff incorporates the allegations in paragraphs 1 through 53 as if fully rewritten herein.

55. Plaintiff seeks to enjoin Defendants from taking any further actions to impede, delay, or interfere with the auction of Retrobot by Phillips and with the sales of Tower, Ruin, Stage, and W3 to Ms. An as an agent for South Korean clients.

56. Plaintiff also seeks an injunction to prohibit Hakuta and Paik from further disparaging Solway's reputation and their unfounded questions about the authenticity of Retrobot, Stage, Ruin, Tower and W3 Paik works of art.

WHEREFORE, Plaintiff Carl Solway Gallery prays for judgment as follows:

A. That the Court adjudicate and declare that the artworks named Retrobot, Tower, Stage, Ruin, and W3 are authentic Paik works of art.

B. That Paik be ordered to complete and deliver certificates of authenticity for the artworks named Retrobot, Tower, Stage, Ruin, and W3 to Solway.

C. That Defendants be enjoined from taking any actions to impede, delay, or interfere with the auction of Retrobot by Phillips and with the sales of Tower, Ruin, Stage, and W3 through Ms. An to South Korean clients.

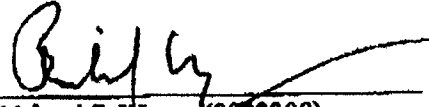
D. That Plaintiffs be awarded their costs and expenses herein, including, but not limited to, attorney's fees; and

E. That Plaintiffs be awarded such other and further relief as the Court deems appropriate.

Dated: September 5, 2003

Respectfully submitted,

STRAUSS & TROY



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2-1-96

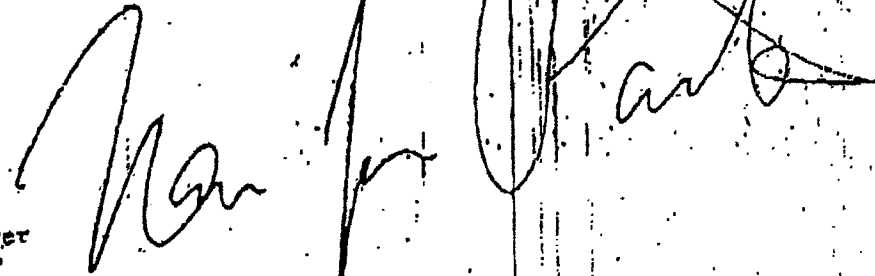
To
Holly Solomon

As I have written extensively in 1993 Venice Biennale catalog
(De Composition in the Media Arts - pages 15-22) collaboration
has been a basic principle of my art work. This collaboration
begins with Charlotte Moorman and Shuya Abe in the 60's and
continues today with the same philosophy. Paul Cayton, my
studio assistant in New York, my organization of assistants in
Cincinnati, and my assistants in Korea (Mr. Lee and Mr. Oh)
are all collaborators of equal importance. I fully appreciate
their final approval of and final approval of all work with my
collaborators.

It is positively wrong for anyone to say that work done in
Cincinnati or Korea is any less authentic than work
done in New York studio.

I am grateful for your political backing in NYC, but Cincinnati
fabrication and resale after-service of my work is of
equal importance and absolutely crucial for a techno-artist.
I saw in my lifetime how perfectly valid art movement such as
kinetic art or Art/Technology collapsed only because of poor
attention to after-service and stability problem. All collectors
buy artwork for 100 years guarantee. This kind of permanency can
not be guaranteed in the high overhead of Manhattan real estate.
Cincinnati makes possible guarantee for after-service and
maintenance up to year 2050 and beyond for not only what is produced
there, but also for what is produced in New York studio.

We are sailing in completely uncharted water of high tech and high
art. This new world dictates new rules of game. I consider the
rational collaboration of Solway and Solomon crucial for the
further success and longevity of our relationship.

Sam June 2003


copy Jerry DeSover

EX. A

JERALD ORDOVER

ATTORNEY AT LAW
138 SULLIVAN STREET
NEW YORK, N. Y. 10012

(212) 962-2350

FAX: (212) 674-8857

June 17, 1997

Ms. Anita Douthat
Registrar
Carl Solway Gallery
424 Findlay Street
Cincinnati, OH 45214

Re: Nam June Paik

Dear Anita Douthat:

I have been trying to reconcile the various inventory lists of Nam June's works. These include my copy of the inventory book sent to me on 3/11/96 containing photos, titles and inventory numbers; the various letters you have sent to me since then adding new works and removing sold and delivered works, and your lists of new titles and inventory numbers; and the lists of works in the Super Highway show, sold and unsold, and other unsold works in the Gallery stock, as of 1/24/97.

I have compared these to a list of works in the Super Highway show compiled by one of Paik's assistants from a videotape of the San Jose Museum installation.

Could you please give me the answers or info to and about the following:

1. I attach two lists you previously sent to us, which I have labeled "A" and "B". A is headed "Works in Progress" and lists works from Inventory Nos. 1043 through 1062. B lists works from Nos. 1057 through 1084. You had also sent us additions to list A in your letter dated March 19, 1996 and thereafter you corrected some of the numbers assigned to certain works listed therein in a talk with my assistant, Cheryl Kempler, on February 18, 1997.

Please confirm that the numbers assigned to the works in List B are correct, particularly #1062, Internet Dweller #9.

2. In List A, #1049 was assigned to Dragon. In your February 18 talk with Cheryl Kempler, you advised her that #1049 was then assigned to Boulder. Was the title of Boulder then changed to Cyber Rock of Ages, as it now appears in the book or is it a different work? What happened to Dragon?

EX. B

Ms. Anita Douthat

2

June 17, 1997

3. I don't find Wolf or Wall Deer on any list except in your 3/19/96 letter. Were their names changed? If so, to what?
4. Does WAIS Station II now bear inventory #1035, now that #I has been sold to Hyundai? Or will you assign it a new number?
5. In Carl's letter to me of April 18, 1996, he listed a group of works "firmly sold" from the Super Highway show. Most were marked for delivery in January, 1998, except for the first two on the list, which were marked for delivery in February, 1997. I attach a copy of the first page of that letter. Were these two works delivered to the buyer(s) back in February? Were any other sold works removed from the show earlier in the tour? If yes, please list them for me.
6. My book does not contain pages or photos for Nos. 1061 through 1070, 1075 through 1082 or anything after #1084. Could you send me labeled photos or photocopies of any of those which are in your book?

If you don't have pictures of them, please send me a list of the titles assigned to Nos. 1071-1078, the "Great Philosophers" group.

7. Finally, I enclose photocopies of three photos, taken from the videotape of the San Jose exhibition, which we can't identify and hope that you or Carl can. The third picture, hard to make out, was described to me as being a "train car".

Please try to get back to me with the answers soon. Some questions should be easy to answer, while others may require Carl's help. Please send me answers to the former now and we will await his return for the balance. Thank you very much for your help in this.

Sincerely yours,


Jerald OrdoverJO:ck
encls.

AWORKS IN PROGRESS

1043 Copenhagen Robot I
1044 Copenhagen Robot II
1045 Copenhagen Robot III
1046 Copenhagen Robot IV
1047 Copenhagen Robot V
1048 Copenhagen Robot VI
1049 Dragon
1050 Antelope
1051 Small Wall Animal #1
1052 Small Wall Animal #2
1053 Bird (Eagle)
1054 Watchdog Edition Example 1
1055 Watchdog Edition Example 2
1056 Watchdog Edition Example 3
1057 Bird (Wall)
1058 Blackbird
1059 Indianapolis Tree

WORKS IN PROGRESS

1061 Indianapolis Tree
1062 Internet Dweller #9

B

<u>Flicker</u>	1057	1057
<u>Phoenix</u>	1058	1058
<u>Watchdog</u>	1059	1059
<u>TV Jackass</u>	1060	1060
<u>Indianapolis Tree</u>	1061	126520
<u>Internet Dweller #9</u>	1062	1062
<u>Gun Boxes</u>	1063	
<u>Copenhagen Prints</u>	1064	
<u>Pocket Watch</u>	1065	
<u>Sonatine for Goldfish</u>	1066	
<u>TV Zen</u>	1067	
<u>TV Magnet</u>	1068	
<u>Chicago Hands</u>	1069	
<u>One Candle</u>	1070	
<u>Great Philosophers</u>	1071-1078	
<u>Swiss Flag</u>	1080	
<u>Des Moines Candle</u>	1081	
<u>Cars</u>	1082	
<u>Charlotte Moorman Robot II</u>	1083	126500
<u>Music Box Based on Piano Piece Composed in Tokyo in 1954</u>	1084	1394

Carl
Solway
Gallery,
Inc.

June 23 1997



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fax
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e-mail

solway@lac.net

Jerald Ordover
Attorney At Law
138 Sullivan Street
New York, NY 10012

Dear Jerald Ordover:

I FAXed Carl in Europe, so that we can give you definitive answers. The main points of confusion seem to stem from the discrepancy between working and final titles and the way accounting numbers are assigned. From now on, I will try to include former working titles on the list, ie: 1065 Life Has No Rewind Button (formerly Pocket Watch). Some numbers are used for materials or pieces that are never completed. I will try to indicate what has happened to missing numbers. I hope the most updated list and photos will help.

Now, to answer your questions:

1. Yes, Internet Dweller #9 is number 1062. Photos are enclosed.
2. Dragon was never built. The project was abandoned. Boulder was a working title for what later became Cyber Rock of Ages.
3. Wolf became TV Jackass. Both Stag and Buck are Wall Deer.
4. WAIS Station II is # 1035 on my list. I think the first version was sold before we started the inventory book. We have never photographed #II.
5. February, 1997 is a typo and should read 1998. Hacker Newbie and Photosynthesis II are still in the show. Two sold works have been removed from the show: TV Buddha Re-Incarnated (#1024) and Internet Dweller #4 (#1016). Others were removed very early in the tour, prior to the inventory book. (WAIS Station, Burn Calories Not Octane, John Cage Robot, Charlotte Moorman Robot, and Internet Dwellers 2, 6, 9. The show now includes WAIS II, Cage II, Moorman II, Phiber Optik. Another Internet Dweller was built with the #9, but with a different set of initials. The old one was Internet Dweller. gd.nine.azab, the new one is Internet Dweller. skaz.nini.cmsw. This is now #1062, photos enclosed.

website: www.solwaygallery.com

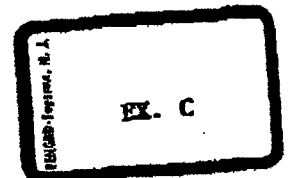
Member: Art Dealers Association of America

P. 22

Sep 5 2003 15:31

Fax: 5136299426

STRAUSS AND TROY



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6. Internet Dweller #9 is 1062 (photos included). 1063 is materials only. Copenhagen prints are 1064 (no photo). Life Has No Rewind Button (formerly Pocket Watch) is 1065 (photos included). Sonatine for Goldfish (1066), TV Zen (1067) and TV Magnet (1068) are remade historic pieces not for sale, no photos. No photo for Chicago Hands (1070). Numbers 1071 - 1078 are assigned to the "Great Philosophers". You should have photos for 1071-1074. 1071 is still untitled, 1072 is now Retrobot, 1073 is still untitled, and 1074 is now Sex, Lies, and Media. There are three other robots in progress. 1075-1077. They are not finished or photographed. For now, I am leaving 1078 unassigned, in case another robot is built. Only two pieces after 1084 are photographed: Generation X is 1086 (photos included) and Internet Dweller #12 is 1087 (photos included).

7. The first photo is Family of Robot: Grandfather, 1986. This was sold to the Robert J. Shiffler Collection many years ago and is on loan for the tour. The 2nd photo is Internet Dweller: mpbd three cgsspy, which has never been on the inventory list because it is a gift from Nam June Paik to Mark Patsfall. The 3rd is a wooden train car that is part of the Junk Floor installation, in the traveling show, not a separate piece.

I hope this is of assistance. Please let me know if you need more information.

Best regards,

Anita Douthat, Registrar
Carl Solway Gallery

website: www.solwaygallery.com

Member: Art Dealers Association of America

STRAUSS AND TROY Fax: 5136299426 Sep 5 2003 15:32 P.23

Solway
Gallery,
Inc

June 5, 2001



Enron Global Markets, LLC
1400 Smith St.
Houston, TX 77002-7361

424
Findlay
Street
Cincinnati
Ohio
USA
45214

Attention: Jeffrey A. Shankman

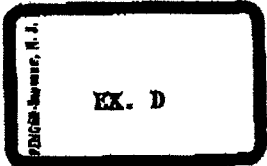
phone
513
621-0069
fax
513
621-6310
e-mail
solway@iac.net

INVOICE

Nam June Paik
"Retrobot"
1997
video sculpture
101 x 73 x 17.5 inches
welded steel framework,
fourteen 9" color television sets,
four 13" color television sets,
one 19" color television set
two channel video on laser disks

total price **\$250,000.**

A Solway Gallery staff technician will come to Houston to install the piece, at no cost to you, when you are ready for delivery and installation.
Shipping from Cincinnati to Houston to be paid by Enron.



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Member: Art Dealers Association of America

STATEMENT

INVOICE NO.	INVOICE DATE	PURCHASE ORDER	AMOUNT	
			GROSS	DISCNT
109899N1002800	08082001		250000.00	0.00
			TOTAL	250000.00

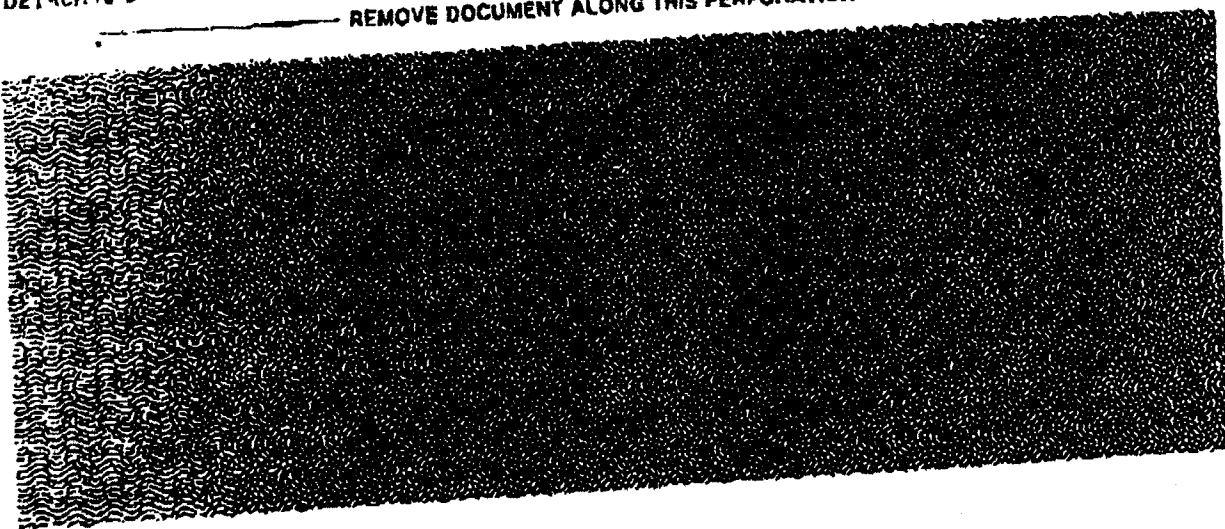
SPECIAL INSTRUCTIONS:

FEDEX TO VENDOR/COMPANY # 0989

CHECK # 1000034471 ATTACHED BELOW

DETACH AND RETAIN THIS STUB FOR YOUR RECORDS.

REMOVE DOCUMENT ALONG THIS PERFORATION



Payment Received July 12, 2001

FROM :

PHONE NO. : 385 5386445

FEB. 06 2001 03:05PM F1

¹⁰⁰ cal volume
 I Apologize for ^{2/2/2001}
 SHigetko's behavior

Gulliver's giant
 I HAVE A

Super A IDEA,
 I can also save the
 Little guy.



Gulliver's giant
I HAVE A

Super A IDEA,
I can also save the
Little guy.

10 pieces.

3X JUNK TV structure

You can make them in
Cincinnati and sell.

200 K for me is o.k.

VYT BAKAITIS NEW YORK

Letter to N.J.P., 4. 11. 1990

I thought to share "Time Piece, for George" with you as a souvenir of our departed friend Maciunas. It actually happened to me recently upstate that while I sat by a stream in the woods I was reminded of a friendly exchange George and I once had regarding reincarnation. It was years before, in June 1975, in NY City, he had told me he could see himself re-
 living as a frog, and then, years later, just as I was remembering this, there was the frog, right in front of me, about to jump by the edge of the stream. So the poem is what I saw, then and there. Of course, as you may know, George had little tolerance for poems, at least in the time I was acquainted with him; he had made the point, when I was trying to show him a poetry journal with my translation of a Lithuanian poem by his colleague Jonas Mekas, of refusing to open it "unless it has something visual". It was partly in deference to this conviction that I decided to keep my dedication to him first-name only. (Earlier, I had tagged a full formal dedication to a "visual" shaped poem which I managed to cook up as presumably more acceptable to him; though it's not been published and George never got to see it, but that's another story.)

105 B

BURT BARR NEW YORK

Two episodes, 1993

1. One day in the neighborhood where I live, I saw Nam June on the sidewalk. That is where I usually see him. We were talking for awhile, when I put my glasses on to see what a work-man was doing, several feet away. Nam asked if I needed glasses to see the man. I said that I've needed reading-glasses for a number of years, but now I need glasses for other things as well, including my being able to see the man who was fixing the sidewalk.

"Don't you need glasses?" I asked.

"Only when I read the stock-market", Nam replied.

"Don't you need them to look at video?" I asked.

"I never look at video", Nam said.

2. During a screening at the Museum of Modern Art, I was sitting between Shigeko and Nam June. Shigeko had been sitting there. When I arrived I sat one seat away from her. Minutes later Nam June arrived and sat one seat away from me.

Nam began telling me he was making out his will, that stated that anyone in the world

could take his videos, in their entirety or any part of them, and use them in any way they wanted. And he said that there would be no cost - that they would be absolutely free.

I thought about this, realizing that most artists take all kinds of precautionary measures to protect their works - whether they're alive or after, in their wills. I further realized that if his works were to be readily accessible and totally free of cost, that many would make use of them; and that his name would grow and grow - and that his fame would soar. Immortality would be insured.

I soon replied, and said that was the most brilliant thing thing I ever heard of. Shigeko spoke out, and said that was the stupidest thing she ever heard of.

LORENZO BIANDA VERSCIO

Nam June Paik, Biennale Venezia 16 Marzo, 1993

La prima volta che incontrai Paik, all'occasione di un seminario a Parigi, rimasi stupito nel verificare la relativa importanza dell'uso della parola. La mia conoscenza della lingua inglese era al tempo assai scarsa e la sua rimane per sempre una versione coreana di quell'idioma. Non so come fu possibile intenderlo; la parola era risultata un mezzo, per lo più formale, per esprimere all'altro l'intenzione di avere qualche cosa da comunicare. Questa sensibile immediatezza, nell'usare il mezzo di comunicazione come supporto in sé irrilevante, la riscontro regolarmente nelle sue opere.

MICHAEL BIELICKY DÜSSELDORF/PRAG

Big sleep, 1993

Paik kam zu den Treffen mit seinen Studenten ziemlich selten und unregelmäßig. Wobei das nicht bedeutet, daß es schlecht gewesen wäre. Den meisten von uns war es recht und auch von Nutzen.

Es gab immer wieder neue Studenten, die sich bemüht haben, Schüler von Paik zu werden. So sagte er zu ihnen immer, er sei ein schlechter Professor, da er sowieso nie anwesend sei. Davon ließen sich die Neubekehrten aber nicht abschrecken, und sie drängten darauf, daß der große Meister sich ihre Videobänder anschaut. Er fragte dann immer, wie lang die Bänder wären, und dann ging das Licht aus und die Videos wurden vorgeführt. Nervös und voller Erwartung warteten die Kandidaten auf den Kommentar. In den meisten Fällen, nachdem das Licht wieder eingeschaltet wurde, schlief Paik. Dann

wachte er auf und meinte: "Nicht schlecht, aber vielleicht ein bißchen zu lang."

"Paik (Nein, ich bin Experimentalist)", 1986

MARIELOUISE BLACK NEW YORK

"A portion of the transcript from the 1992 inaugural events for the Center for Curatorial Studies at Bard College: Nam June Paik joined Eric Fischl, Jeff Koons, Tim Rollins and Fred Wilson in a panel discussion entitled 'Contemporary Art and Exhibition'. Ingrid Sischy moderated." April 3, 1992

Nam June Paik:

Waiting in this kind of panel for my turn to come is like waiting in the dentist's waiting room that my turn comes.

So, now we continue. So I can make either a list of the propaganda of my schools, or I can do something else. Maybe I do something else.

It is maybe about time that artists self-analyze our own hypocrisy. Artists live on the crumbs of the super-rich, yet artists always say the most radical things. They tend to bite the hand which they feed (sic), but they don't quite bite, you know, they just nibble. And then ... we live either on super-rich money or tax money of the middle class... Middle class made Nazis. Don't think Nazis were made by power. In Germany, his power didn't want Nazis. (The) so-called hand-worker class... like, you know, Archie Bunker - these people - made the Nazis at the beginning of National Socialism.

So, then, art is the same thing. We live on the crumbs of the this so-called (?), like Citibank... (?) So, we are the prime example of what long time ago Mr. Marcuse said - repressed paradox. It is better to have some paradox than nothing. Also, it's about time, since socialism is gone. Of course, we try to live on National Endowment of the Arts, and that's middle-class tax money. And, then they control, and the middle-class control is much worse ...

Fin de Siècle II, 1989
 Installation in the Whitney Museum of American Art, New York, for the Exhibition
 "Image World: Art & Media Culture"

Mirage Stage, 1968

Courtesy Carl Solway Gallery, Cincinnati

"Stage", "Ruin", and "Tower" and "W3" all are in Cincinnati, not shipped, awaiting final full payment. Dolores is asking for "certificates of authenticity", requested by her clients, in order to facilitate her getting the balance of money owing from her clients.

On another subject, I have tried several times to call you, and Lee Weinel, our CPA accountant, also has tried several times to reach you, both by phone and email. We would like to respond to your request for "more detail", but are asking specifically what you want. We would like to clear up any question regarding our \$90,000 payment to Nam June, and also settle the matter of any "authenticity" question on 'Retrobot'. What can we do to resolve both these matters so we can move forward in a positive manner?

Carl Solway

Carl Solway Gallery

424 Findlay Street

Cincinnati Ohio 45214
phone 513 621 0069
fax 513 621 6310
solway@iac.net

July 23, 2003

Ken Hakuta

Dear Ken,

With regard to the sale to Dolores An, here is the information you have requested.

In 2001, after a visit to Nam June where he signed a piece from 3 wood TV cabinets for the 3 "junk TV structures", he sent me a fax authorizing me to make and sell the 3 works which he describes as "3x (meaning 3 works) junk TV structures" and agreeing to be paid a total of \$200,000. for the 3 works. These are the 3 works in the enclosed photos which Dolores sold to a Korean client. A copy of the fax from Nam June is enclosed.

One of the works, "Stage" was actually first built in 1986 for an exhibition at the Goldeen Gallery in Los Angeles, as a temporary installation, and then totally dismantled after the exhibition. So this work had to be re-built completely since the cabinets used in 1986 were used subsequently for other works. Nam June signed the re-construction of this work as "1986" since the piece dates from a 1986 idea, and is illustrated in a Paik book with a 1986 date on it.

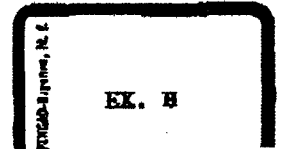
The other two works were signed by Nam June as "2001".

At the same meeting, I discussed with Nam June the idea for a piece called "Gulliver" to which he also refers in the enclosed fax. I purchased "Gulliver" from Nam June in July 2001. See the enclosed Bill of Sale summary showing "Gulliver" listed on that purchase from Nam June.

"W3" is a work from 1994 that was included in the Electronic Superhighway exhibition, consisting of 64 TV sets hanging on the wall, in a dark room, run on a delay line. I never thought this piece was commercially viable, but Dolores found a client in Korea who wanted it for their new building.

On September 27, 2002, you and I met in NYC at the Tribeca Grand Hotel and you had Nam June sign a piece for the "W3" and also a piece from a cabinet for the Brooks Museum piece.

"W3" was sold to Dolores for \$135,000. The production cost was \$25,000, leaving a net of \$110,000 to be divided \$55,000 to Nam June and \$55,000 to Solway.



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SEP 5 2003 16:20

Fax: 5136299426

STRAUSS AND TROY