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Patricia Glaser, Partner

Judge Dismisses Lawsuit Against Frank Gehry

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A lawsuit against Frank O. Gehry over an alleged agreement related to the proceeds from sales of jewelry designed by the famed architect was dismissed Monday by a Los Angeles judge.

Los Angeles Superior Court Judge Jane L. Johnson granted a motion by Gehry's lawyers to throw out the case on grounds that Fred Nicholas, who helped bring the suit, never demonstrated that such an agreement was in place.

Johnson's decision came as both sides rested their cases and were preparing their final arguments.

"I'm very reluctant to do this, I can tell you right now," Johnson said.



Circa Publishing Enterprises of Culver City sued Gehry's firm, Gehry Design LLC, for breach of contract in Los Angeles Superior Court in May 2007. Nicholas is an adviser to Circa and his son, Anthony Nicholas, is the director.

According to Circa Publishing attorney Richard A. Grossman, the company entered into a written agreement in August 2003 with Gehry Design in which Circa would have exclusive rights to produce, distribute and sell jewelry designed by Gehry, the architect of the Walt Disney Concert Hall and other landmark buildings.

Circa was entitled to half the proceeds of items sold under the deal, according to Grossman.

Circa officials later introduced Gehry to Tiffany & Co. representatives, and that meeting led to a preliminary understanding between Circa and Tiffany for Circa to distribute and sell items with the Gehry trademark that would be referred to as the Frank Gehry Collection, according to Grossman.

However, Gehry and Gehry Design later entered into a direct contract with Tiffany that excluded the services of Circa, Grossman said. The attorney was not immediately available for comment on today's ruling.

The architect's lawyer, Patricia L. Glaser, said Nicholas knew as an attorney that by giving the contract back to Gehry in March 2004 that he was calling an end to their deal.

In her ruling, Johnson cited the 2004 correspondence, saying Nicholas' lawyers had presented "no satisfactory explanation as to why the agreement was returned."

Johnson also said Nicholas's action was "consistent with an abandonment of an agreement."

The judge also said that she never saw any written formal demand from Nicholas to Gehry for his 50 percent share.

Outside the courtroom, Gehry said he was relieved the case ended in his favor.

"I couldn't understand why he wanted so much money for doing nothing," Gehry said.

The legal battle was the first lawsuit Gehry had ever been involved in and caused him many sleepless nights, he said. Trial testimony showed that Gehry and Nicholas, both 80, had been friends for about half their lives.

But asked if he still considered Nicholas a friend, Gehry said, "No."

Nicholas had testified that Gehry told him he wanted their contract returned to him so he could deal directly with Tiffany.

Glaser said the motion granted in Gehry's case is typically difficult to win.

"They are rarely granted, but in this case it was the right decision," Glaser said.

Grossman said Nicholas helped Gehry get the contract to design the Walt Disney Concert Hall, but the architect denies the assertion.

The Frank Gehry Collection was three years in the making and involved working with nine Tiffany designers, according to businessweek.com. The collection was unveiled in Beverly Hills on March 26, 2006, and the pieces ranged from \$125 silver rings to a \$1 million diamond brooch shaped like the floor plan of the Guggenheim Museum.

Gehry is also known for designing the Guggenheim Museum in Bilbao, Spain, and the Dancing House in Prague. His proposal for a new home for the New Jersey Nets in Brooklyn was rejected in June by the club owner as too pricey.

Glaser, Weil, Fink, Jacobs, Howard & Shapiro, LLP is a full service law firm in Los Angeles, California. Formed in 1988, the firm's clientele includes a diverse mix of international, national and local corporations and private entrepreneurs throughout the nation.

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