

## **Park West Gallery Successfully Defends Reputation in Defamation Trial**

*Art Gallery is pleased with the recent verdict determining that it had not defamed Fine Art Registry*

April 30, 2010 (FPRC) -- Park West Gallery is pleased with the recent verdict determining that Park West had not defamed Fine Art Registry, but is disappointed that the jury determined that FAR had not defamed Park West Gallery. FAR's testimony was that their false and malicious statements were only their opinions and hyperbole, and they pled a defense based on the first amendment. Park West Gallery, on the other hand did not plead a first amendment defense but relied only on the truth of their statements, which were upheld by the jury.

Park West was seeking damages from the web-based art tagging and art sales site for its nearly three year cybersmear campaign against the gallery. The campaign, which began in 2007 and continues to this day, includes hundreds of internet postings, numerous press releases and nearly 100 videos, all containing false information.

"Although not the central issue of this defamation case, this trial gave us the opportunity to reaffirm the authenticity of Park West's artwork, which was defended compellingly by our witnesses," said Rodger Young, lead counsel for Park West Gallery. The court accepted without reservation the qualifications of the three expert witnesses presented by Park West: Bernard Ewell, American Society of Appraisers and Daniel David, publisher and copyright holder of the Divine Comedy by Salvador Dali as well as retired FBI agent Robert Wittman, who formed the FBI Art Crime Team and presented expert testimony on art fraud as well as practices and procedures within the art industry.

During the trial, FAR attempted to present three experts on authenticity of art and signatures. None of the three had previously been accepted as experts in any court of law. Two of them—Nicholas Descharnes and Roy Saper—were totally rejected by the court as experts and were determined to have no expertise in the authenticity of graphic art or signatures. The third, Frank Hunter, although accepted by the court subject to cross examination as an expert in graphic art, admitted at his deposition and at trial that he was not an expert on signatures. Their expert witnesses presented an unconvincing account, which the jury rejected, as FAR's defamation claims against Park West were rejected in totality.

During the trial FAR's attorneys and witnesses were cited twelve times for violating the court's rulings regarding the presentation of evidence. Seven of the violations were by the attorneys themselves. On the second violation, Donald Payton, lead counsel for FAR, was told by U.S. Federal Judge Lawrence Zatkoff that he believed that the violation was intentional. On the twelfth violation, Judge Zatkoff imposed a \$5000 sanction against Jonathan Schwartz, another of FAR's attorneys. "Despite the best efforts by the court, the harm could not be undone," said Rodger Young. "Also, we believe the jury's award to FAR for a Lanham act violation had no basis in the evidence presented at trial. The jury incorrectly determined that Park West Gallery violated the trademark of FAR on a website allegedly owned by Park West, which Park West did not own and has never owned. We are confident that we will prevail at an upcoming new trial, where we are again suing FAR for defamation."

Park West will continue to aggressively defend the reputation of our 41-year-old company, our brand and the art of our 1.2 million satisfied customers.

For more information, please visit [www.parkwestart.com](http://www.parkwestart.com).

#### About Park West Gallery

Founded in 1969, Park West is one of the largest art dealers in the world, selling works of art through its galleries in Michigan and Florida, at art auction events across the country, and on cruise ships internationally. The Park West Gallery collection includes oil and acrylic paintings, watercolors and drawings, hand-signed limited edition etchings, lithographs, serigraphs and hand-embellished graphic works. Park West Gallery also offers an extensive selection of sports memorabilia - autographed by celebrity athletes and a unique collection of rare animation art. Park West Gallery occupies a 63,000 square foot headquarters and gallery in Southfield, Michigan and an 181,000 square foot fulfillment center and gallery in Miami Lakes, Florida.

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