

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

CARL SOLWAY GALLERY, :
 :
 Plaintiff, :
 :
 v. : DECLARATION
 : OF KEN HAKUTA
 :
 NAM JUNE PAIK, KEN HAKUTA : CASE NO. C-1-03-00678 (SSB-JS)
 and NAM JUNE PAIK STUDIOS, INC., :
 :
 Defendants. :

Washington)
)ss.:
 District of Columbia)

KEN HAKUTA, hereby declares:

1. I am a defendant in the above-captioned action. I offer this declaration in support of the defendants' motion to dismiss the complaint. The statements herein are based upon my personal knowledge.

2. Since December 2001, at the request of my uncle, the artist Nam June Paik, I have been assisting him with his business affairs. I have over 25 years experience in business, hold a Masters of Business Administration from Harvard Business School and have been active in the art world for nearly two decades. For the past seven years I have served as a trustee of the Smithsonian Institution American Art Museum in Washington D.C. and as a Board Member of the Harvard Business School California Research Center.

3. In January 2003, with my uncle's consent, I formed a New York corporation by the name of Nam June Paik Studios, Inc., ("NJP Studios"). NJP Studios' primary place of business is in New York. Since the

formation of NJP Studios, I have provided assistance to my uncle through NJP Studios.

4. Nam June Paik is best known for his works which incorporate elaborate video and multimedia elements. His pieces have been shown at the world's leading modern art museums and have been the subject of one man shows at, among other places, the Guggenheim Museum in New York and the Pompidou Centre in Paris. His works regularly sell for hundreds of thousands of dollars and have sold for as much as a million dollars.

5. Over the past several months, I have received requests from Carl Solway and from an auction house in New York named Phillips de Pury & Luxembourg for a certificate of authenticity from Nam June Paik for a piece named Retrobot. I have not responded to these requests, as my uncle has informed me that Retrobot is not his work. I have also received requests from Carl Solway to procure for him certificates of authenticity for pieces entitled Tower, Ruin, Stage and W3. I have not responded to these requests as my uncle has informed me that these are not his authentic works. I assume that when Mr. Solway accuses me of "questioning the authenticity" of these five works, he is referring to the fact that I have not responded to these requests for authentication.

6. Carl Solway claimed to me that he fabricated Retrobot with Nam June Paik's approval. Mr. Solway has offered no explanation as to why he had neglected, for the prior two years, to disclose the sale of this piece to either my uncle or to me. When I first spoke with him about the

piece in 2003, he originally claimed that he had sold it to Enron for \$160,000. He later said that it had been for \$200,000 and when I asked for documentation, he told me that it had actually been for \$250,000. He claimed that he had not previously sent the sale proceeds to my uncle due to an accounting issue. Mr. Solway has never provided me with any documentation showing that Nam June Paik authorized the fabrication of Retrobot or that Nam June Paik approved the final product sold to Enron. Nor has Mr. Solway explained why the piece bears a replica of Nam June Paik's signature as opposed to a real signature. Mr. Solway has not provided me with documentation showing that Nam June Paik authorized the fabrication of Tower, Ruin, Stage or W3 or that he ever approved the final pieces which Solway sold to Dolores An.

7. In the course of my duties as Nam June Paik's business manager and as an officer of NJP Studios, I have never traveled to the State of Ohio. Neither I nor NJP Studios has solicited any business in the State of Ohio. Neither I nor NJP Studios has transacted any business in Ohio or entered into any contracts with persons in the State of Ohio. Neither I nor NJP Studios has derived any revenue from selling goods in Ohio or from providing services to persons in Ohio.

Dated: Washington, District of Columbia
October 23, 2003

I declare under penalty of perjury that the foregoing is true and correct.



Ken Hakuta