

IN THE CIRCUIT COURT OF THE
TWENTIETH JUDICIAL CIRCUIT IN AND
FOR LEE COUNTY FLORIDA

UNTITLED PRESS, INC., a Florida
Corporation,

Case No. **08 - CA - 000032**
Judge: Winesett, Sherra

Plaintiff,

vs.

ROBERT FRANCIS MONTGOMERY a/k/a
ROBERT FONTAINE, and H.W.
GALLERY, INC., a Florida Corporation,

Defendants.

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CLERK OF COURTS
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D.C.

COMPLAINT FOR PURE BILL OF DISCOVERY

Plaintiff UNTITLED PRESS, INC., sues Defendants ROBERT FRANCIS MONTGOMERY a/k/a ROBERT FONTAINE and H.W. GALLERY, INC., a Florida Corporation, and alleges as follows:

1. The above-styled Complaint is for a pure bill of discovery.
2. The basis for the Court's jurisdiction in this action lies in equity.
3. Venue is proper in the Circuit Court in and for Lee County, Florida.
4. Plaintiff, UNTITLED PRESS, INC., is a Florida corporation doing business in Lee County, Florida.
5. Defendant, ROBERT FRANCIS MONTGOMERY a/k/a ROBERT FONTAINE, is a resident of Lee County, Florida.
6. Defendant, H.W. GALLERY, INC., is a Florida corporation doing business in Collier County, Florida.

7. The specific facts giving rise to the Plaintiff's cause of action are that Defendants sold, or have caused to be sold, or otherwise offered for sale, counterfeit works certified as being attributable to the internationally renowned artist, Robert Rauschenberg, for which Plaintiff has sole ownership and for which Defendants have improperly used the proceeds for Defendants' purposes.

8. Plaintiff, UNTITLED PRESS, INC., is an actual party and not a mere witness or other third party.

9. The Plaintiff's title, interest, and relationship to the items of discovery sought are that it holds the copyrights to any works attributed to artist Robert Rauschenberg.

10. Upon information and belief, the matters which give rise to the need for discovery by Plaintiff involve possible theft or forgery of original art and sales by Defendants using bogus Certificates of Authenticity.

11. The nature and content of matters or items specifically sought to be discovered and which are believed to be in the possession of the Defendants are actual or discarded works of Robert Rauschenberg or counterfeits intentionally misattributed to him.

12. The Plaintiff's right to the relief sought in this pure bill of discovery is necessitated by and for the identification of:


- a) possible Defendants,
- b) conditions precedent to maintaining a cause of action and/or
- c) additional causes of action (including civil theft for which adequate presuit notice of damages must be made).

13. A pure bill of discovery is an authorized proceeding and all elements for its foundation have been properly alleged herein.

14. This equitable action is brought merely to obtain the disclosure of facts within the Defendants' knowledge and/or other things in Defendants' custody, in aid of the prosecution of later damages actions by the Plaintiff which are now unknown and would presently be inadequate to vindicate this litigant's right to evidence.

WHEREFORE, Plaintiff respectfully demands relief through immediate discovery and leave of Court to amend its Complaint as parties and causes of action become identifiable.

Dated this 28th day of December, 2007.

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