



Smithsonian

Archives of American Art

A Finding Aid to the Gustave Harrow legal records relating to the Estate of Mark Rothko

Valerie Vanden Bossche

Funding for the processing of this collection was provided by the Smithsonian Institution Collections Care and Preservation Fund

2013 December 19

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Collection Overview

Repository:	Archives of American Art
Title:	Gustave Harrow legal records relating to the Estate of Mark Rothko
Date:	1957-1986
Identifier:	AAA.harrgust2
Creator:	Harrow, Gustave
Extent:	34.6 Linear feet
Language:	The collection is in English.
Summary:	The Gustave Harrow legal records relating to the Estate of Mark Rothko measure 34.6 linear feet and date from 1957-1986. The records document the case brought by the New York State Attorney General's Office as cross-petitioner to the case brought by Rothko's daughter Kate, against the executors of Rothko's estate, Frank Lloyd and the Marlborough Gallery, for mismanagement and self-dealing. There are also records related to Harrow's writings about the case. Lastly, included in the collection are materials relating to art law issues in connection with the Metropolitan Museum of Art.

Administrative Information

Acquisition Information

The Gustave Harrow legal records relating to the Estate of Mark Rothko were donated to the Archives of American Art by Marilyn Karp March 23, 1996. Mr. Harrow had deposited the papers with Ms. Karp, a colleague of Harrow's at New York University where he was an adjunct professor.

Separated Materials

Another small collection (11 items) of Mark Rothko papers were loaned to the Archives for microfilming on reel 3135. The papers were in the possession of George Carson, husband of Rothko's ex-wife Edith Carson. Carson gave the papers to the Mark Rothko Foundation and gave the Archives of American Art permission to microfilm them. The microfilm is available at Archives of American Art offices and through interlibrary loan but are not described in the container listing of this finding aid.

Related Materials

Among the holdings of the Archives of American Art are the Mark Rothko Foundation records, 1976-1987; Legal records relating to Richard Serra v. United States General Services Administration et al., 1985-1987.

The Archives of American Art interviewed multiple artists as part of the Mark Rothko and His Times Oral History Project. Many of the interviews reference Rothko and his work, and relationships with the artist.

The Legal records relating to Richard Serra v. United States General Services Administration et al., 1985-1987 contains documentation of another lawsuit handled by Gustave Harrow.

Processing Information

The collection was re-boxed by C. Spaeth in 1996. The collection was minimally processed and a finding aid created by Valerie Vanden Bossche in 2013 with funding provided by the Collections Care Pool Fund. Note that many of the original folders had unidentified numbers in addition to the master numbering system, these were transcribed exactly from the original folders.

Preferred Citation

Gustave Harrow legal records relating to the Estate of Mark Rothko, 1957-1986, undated. Archives of American Art, Smithsonian Institution.

Restrictions

Use of original papers requires an appointment and is limited to the Archives' Washington, D.C. Research Center. Use of archival audiovisual recording with no duplicate access copy requires advance notice. Contact Reference services for more information.

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Biographical / Historical

Gustave Harrow was a New York State Assistant Attorney General, and an adjunct professor in the Graduate Program in Arts Administration at NYU. Abstract Expressionist Artist Mark Rothko died on February 25, 1970 leaving the bulk of his estate, including 798 paintings (the greater part of his life's work) to the Mark Rothko Foundation which he had created shortly before his death. His daughter Kate [Rothko Prizel] brought suit against the estate executors and Marlborough Gallery for self-dealing, fraud, and conspiring with Marlborough owner, Frank Lloyd to waste the assets of the estate. The state of New York Attorney General's Office, represented by Harrow, joined the case as a cross-petitioner on behalf of the people of New York's interest as beneficiaries of the charitable Foundation. The case resulted in the return of most of the paintings, the removal of the executors (accountant Bernard Reis, artist Theodoros Stamos, and anthropology professor Morton Levine), and a \$9.2 million judgment against them and Frank Lloyd. The case had a lasting effect on laws dealing with artists' estates, and Harrow was instrumental in framing a bill that aimed at reducing fraud in the fine arts market. Harrow wrote about the Rothko Estate case in several articles and in the 1979 book *Art, the Artist, and the Consequences of Rothko: Lasting Legal Impressions from the Estate of Great Artist*.

Scope and Contents

New York State Attorney General Gustave Harrow's records relating to the Estate of Mark Rothko consist of legal and other documentation of the state's case in connection with the Mark Rothko Estate and Foundation, from Surrogate Court through appeals, as well as from Harrow's writings about the case, both during and after the trial. Various trial documents include affidavits, briefs, EBTs (examination before trial) trial transcripts, motions, depositions, notes and clippings, and miscellaneous records related to the case and post-trial activities. Also found are reference materials, Harrow's writings in connection with the case.

Unrelated to the Rothko case are Harrow's research materials for possible legal actions by the state in connection with Walter Annenberg's proposed donation of a Communication Center to the Metropolitan Museum of Art, and with other issues including donations, object authenticity and the Packard Collection.

Arrangement

The collection is arranged in 7 series.

- Series 1: General Files, 1957-1981, undated
 - Series 2: Motions, 1971-1979, undated
 - Series 3: Decisions, 1970-1979, undated
 - Series 4: Appeals Documents, 1972-1979, undated
 - Series 5: Miscellaneous Case and Post-Trial files, 1972-1984, undated
 - Series 6: Reference Materials, Notes and Writings, 1970-1986
 - Series 7: Metropolitan Museum of Art / Walter Annenberg Etc., 1971-1981, undated
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Names and Subject Terms

This collection is indexed in the online catalog of the Smithsonian Institution under the following terms:

Subjects:

Artists -- Legal status, laws, etc. -- United States
Decedents' estates -- New York (State)
Law and art -- United States
Transcripts

Names:

Annenberg, Walter H., 1908-
Mark Rothko Foundation
Metropolitan Museum of Art (New York, N.Y.)
New York (State). Attorney General's Office
Rothko, Mark, 1903-1970

Container Listing

Series 1: General files, 1957-1981

23.8 Linear feet (Boxes 1-24, 36)

Arrangement: Arranged in original numbered order; folder titles were transcribed exactly from original folders

Scope and Contents: General files consists of documentation of both the Surrogate Court trial and the appeals. Included are correspondence, memos, affidavits, briefs, trial transcripts, depositions, examinations before trial, exhibits, motions, subpoenas, appendices, and hand-written notes. There are also reference materials including exhibition catalogs and valuation materials. Researchers may wish to consult Box 1 containing an index to general files in five card file boxes; there are also hand-written indices in the first folder of the series.

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Box 20, Folder 26	Foundation Meeting Feb 2 '77, 1977
Box 20, Folder 27	Election of Directors Etc. & Following, 1976
Box 20, Folder 28	Foundation Minutes May 14 1976 - 1976 Election Etc., 1976
Box 20, Folder 29	Foundation Meeting and FF Apr 7, 1977 May 9, 1977, 1975-1976
Box 21, Folder 1	Goldwater Letter (10-14-70) & Dickler & Foundation, 1977
Box 21, Folder 2-3	Asch Dec. Foundation Proc. - Decision 1-16-77, 1976
Box 21, Folder 4	Gustave Harrow Affidavit 1-13-76 - Letters of Administration, 1976
Box 21, Folder 5	Foundation Pro. - Reply Affidavit Gustave Harrow 12-23-76, 1976
Box 21, Folder 6-7	Gustave Harrow Affidavit 12-17-76, 1977
Box 21, Folder 8	Foundation Proc. Gustave Harrow Affidavit, 1976
Box 21, Folder 9	Affadavit of Gustave Harrow, 1976
Box 21, Folder 10	Affadavit of Gustave Harrow Dec 17, 1976, 1976

Box 21, Folder 11	Examination - Levine 12-1-76, 1976
Box 21, Folder 12	Examination & Doc. - Woodbury, Thomas C., 1976
Box 21, Folder 13	Levine - Copies of Docs., 1976
Box 21, Folder 14	Wilder & Sirchia - Copies of Docs., 1976
Box 21, Folder 15	Examinations - Wilder, Clinton, 1976
Box 22, Folder 1-2	Wilder & Sirchia - Copies of Docs. - for Wilder EBT, 1972-1976
Box 22, Folder 3	Wilder & Sirchia - Copies of Docs., 1976
Box 22, Folder 4	Wilder - General, 1973-1976
Box 22, Folder 5	Examination - Sirchia, Gerard - Nov 12, 1976, 1976
Box 22, Folder 6	Rothko - Lower Court Dec., undated
Box 22, Folder 7	Decisions, 1977
Box 22, Folder 8-9	Court of Appeals Decision, 1977-1978
Box 22, Folder 10	Bills of Cost - A.G. Notes, 1974-1978
Box 22, Folder 11	Out-Going Execs.' Accounting, 1976
Box 22, Folder 12	Objections - to Accounting - Final Acct. 1970-1976, 1976
Box 22, Folder 13	Tax Proceedings, 1973-1974
Box 22, Folder 14	Tax Assessment Etc., 1974-1975
Box 22, Folder 15-16	Reis Assets Etc., 1972-1974
Box 23, Folder 1	Bankruptcy (Reis) Fees, 1981
Box 23, Folder 2-3	(Rothko) Bankruptcy Settlement, 1980-1981
Box 23, Folder 4	Reis' Bankruptcy Proceedings and Transcripts, 1978-1979
Box 23, Folder 5	Fees and Restraints vs Reis and Stamos, 1977
Box 23, Folder 6-10	Legal Fees, 1976-1979
Box 23, Folder 11	Fee & 5-3.3 - Decision, 1978

Box 23, Folder 12-13	Fee Correspondence - Copy, 1979
Box 23, Folder 14	Payment & Judgement - Return of Pictures, 1978
Box 23, Folder 15	Bond & Return of Pictures, 1975-1976
Box 23, Folder 16	Enforcement of Decree Date of Sale v. Appreciation Values, 1978
Box 23, Folder 17	MOMA Proceeding, 1974-1978
Box 24, Folder 1	Guggenheim Exhibition Rothko, Mark Surrogate Court NY Co. 3-7-77 Special, 1976-1977
Box 24, Folder 2	Retrospective Articles Etc., 1978-1979
Box 24, Folder 3	Guggenheim Lists, 1973-1978
Box 24, Folder 4	Lists of Rothko Paintings, 1970-1972
Box 24, Folder 5	Eisenberg v. Rothko, 1978-1979
Box 24, Folder 6	Dickler EBT - Notes & Rich Motion & Mel - Karelsen Case EBT Dickler - New Evid., 1977
Box 24, Folder 7	S/B Slips - Stock Book - Karelsen Case EBT - New Evid., 1977
Box 24, Folder 8	Karelsen Case - EBT Dickler - New Evid in Karelsen - Kate vs. Karelsen & Saidenberg Not in Index Cards - Not in Reis Bankruptcy - Dickler's Dep.?, 1977
Box 24, Folder 9	Karelsen & Saidenberg, 1976-1978
Box 24, Folder 10	Greenspoon v. Foundation, 1978
Box 24, Folder 11	Pace - Contract, 1978
Box 24, Folder 12	Libel Action, 1974
Box 24, Folder 13	Reis v. Karelsen, 1979
Box 24, Folder 14	Reis v. Karelsen, 1979-1980
Box 24, Folder 15	Karelsen v. James et al, 1978

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Series 2: Motions, 1971-1979

1.5 Linear feet (Boxes 24-25)

Arrangement: Arranged in original numbered order; folder titles were transcribed exactly from original folders

Scope and Contents: Series 2 contains motions from pre-trial through the New York Supreme Court appeals. The documents are mostly photocopies. Indices are in the first folders of the series. Original sub-numbers were copied from original folders, although the significance of these is not immediately evident.

Box 24, Folder 16	Index, undated
Box 24, Folder 17	Index - Motions, circa 1978
Box 24, Folder 18	Prior to Motions - Notes, undated
Box 24, Folder 19	1 - 1a, 1b, 1c, 1971, undated
Box 24, Folder 20	2 - M1, D2, F43, 1971-1972
Box 24, Folder 21	3 - M2-3, D3-4, F44-44A, 1972
Box 24, Folder 22	4 - M4, D9-10, F118, 1972
Box 24, Folder 23	5 - M5, D11, F59, 1972
Box 24, Folder 24	6 - M6-7, D6 12 13, F51-58, 1972
Box 24, Folder 25	7 - M 8,9,10,11,12,14; D68-71, D8; F120, 129, 131, 1972-1975
Box 24, Folder 26	8 - M17, D7, F118, 1972
Box 24, Folder 27	9 - D14-15, F118, 1972
Box 24, Folder 28	10 - M18, D16, F61, 1972
Box 24, Folder 29	11 - M19-20, D18-19, F63 70 72, 1972
Box 24, Folder 30	12 - M21, D16A, F52, 1972
Box 24, Folder 31	13 - M22, D18a, F64, 1972
Box 24, Folder 32	14 - M23-25, D27-28, F76-77, 1972
Box 24, Folder 33	15 - M26, D39-30, F80, 1973
Box 24, Folder 34	16 - M37, D26, F81, 1972

Box 24, Folder 35	17 - M28, D21, F65, 1972-1973
Box 24, Folder 36	18 - M29, D31, F84, 1972-1973
Box 24, Folder 37	19 - M30, 34; D22-24; F69, 71, 72, 1973
Box 24, Folder 38	20 - M32, D32-34a, F85, 1973
Box 24, Folder 39	21 - M35, D35, F88, 1973
Box 24, Folder 40	22 - M36, D38, F90, 1973
Box 25, Folder 1	23 - M37, D39, F91, 1973
Box 25, Folder 2	24 - M38, D36, F92, 1973
Box 25, Folder 3	25 - M39, O40, F94, 1973
Box 25, Folder 4	26 - M40, D42, F95, 1973
Box 25, Folder 5	27 - M41, D43 46, F74, 1973
Box 25, Folder 6	28 - M42, D44, F90, 1973
Box 25, Folder 7	29 - M43, D51, F100, 1973
Box 25, Folder 8	30 - M44-45, D52, F101, 1973
Box 25, Folder 9	31 - D49, undated
Box 25, Folder 10	32 - D50, 1973
Box 25, Folder 11	33 - M46, D53-54, F103, 1973
Box 25, Folder 12	34 - M47, D55, F104, 1973
Box 25, Folder 13	35 - M48, D56, F105, 1973
Box 25, Folder 14	36 - M49, D57-58, F108, 1973
Box 25, Folder 15	37 - M50, D60, F109, 1973
Box 25, Folder 16	38 - M51, D59, 1973
Box 25, Folder 17	39 - D61 64, 1973-1974
Box 25, Folder 18	40 - M52, D62, F532, 1973

Box 25, Folder 19	41 - D63, 1973-1974
Box 25, Folder 20	42 - D65, 1974
Box 25, Folder 21	43 - D66, 1974
Box 25, Folder 22	44 - M53, D67, F110, 1974
Box 25, Folder 23	45 - M54, D79-80, F354, 1974
Box 25, Folder 24	46 - M55-56, D78 81, F356-357, 1974
Box 25, Folder 25	47 - M57, F355, 1974
Box 25, Folder 26	48 - M57, F355, 1974
Box 25, Folder 27	49 - M10, D72, F120, 1974
Box 25, Folder 28	50 - M58, F531, 1974
Box 25, Folder 29	51 - M59, D81a, F521, 1974
Box 25, Folder 30	52 - M13, D73, F131, 1974
Box 25, Folder 31	53 - M60, D816, F538, 1974
Box 25, Folder 32	54, 1974
Box 25, Folder 33	55 - D82, 1975
Box 25, Folder 34	56 - M15, D74, F131, 1974-1975
Box 25, Folder 35	57 - M61, F411 414 422, 1975
Box 25, Folder 36	58 - M62-63 65; D84-87; F43 432, 1975
Box 25, Folder 37	59 -M64, D88, F439, 1975
Box 25, Folder 38	60 - M16, D75-77, F132, 1976
Box 25, Folder 39	61 - M66, D91, F441, 1976
Box 25, Folder 40	62 - M67, D92, F433, 1975-1976
Box 25, Folder 41	63 - M63-64 66 68, D89-91 93 95, F441, 1975-1976
Box 25, Folder 42	64 - M69, D107, F442, 1976

Box 25, Folder 43	65 - M71, D106, F443-444, 1976
Box 25, Folder 44	66 - M72 81, D108 434 438, 1975
Box 25, Folder 45	67 - M73 75, D104-105, F436-437, 1976
Box 25, Folder 46	68 - M76, D94 99, F448-449, 1976
Box 25, Folder 47	69 - M77, D103, F451, 1976
Box 25, Folder 48	70 - M80, F520, 1976
Box 25, Folder 49	71 - M82, D125, F535, 1975, 1978
Box 25, Folder 50	72 - M83, F455, 1976
Box 25, Folder 51	73 - M84 95, D111-112 122, F458-459 466 513, 1976-1977
Box 25, Folder 52	74 - M85, D96 101, F460, 1976
Box 25, Folder 53	75 - M86, F457, 1975-1976
Box 25, Folder 54	76 - M87, F456, 1976
Box 25, Folder 55	77 - M88, D110, F461, 1976
Box 25, Folder 56	78 - M89, D115-116, F520, 1976-1977
Box 25, Folder 57	79 - M90, D97 102, F462, 1976
Box 25, Folder 58	80 - M91, D119, F490-497, 1976
Box 25, Folder 59	81 - M92, D118, F463, 1976
Box 25, Folder 60	82 - M93, D121, 533, 1976-1977
Box 25, Folder 61	83 - M99, D133, F523-524, 1977
Box 25, Folder 62	84 - M96, D117, F520, 1977
Box 25, Folder 63	85 - M97, F520, 1977
Box 25, Folder 64	86 - M98, F525, 1977
Box 25, Folder 65	87 - M99, D133, F523-524, 1978-1979
Box 25, Folder 66	88 - M101, D124, F537, 1970, 1978

Box 25, Folder 67	89 - M102, F536, 1978
Box 25, Folder 68	90 - M103, F530, 1978
Box 25, Folder 69	91 - M104 106, D130, F525-528A, 1978-1979
Box 25, Folder 70	92 - M108, D133, F540, 1978
Box 25, Folder 71	93 - M105, D129, F534, 1978
Box 25, Folder 72	94, 1972
Box 25, Folder 73	95 - M107, D132, F539, 1978-1979

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Series 3: Decisions, 1970-1979

0.8 Linear feet (Box 26)

Arrangement: Arranged in original numbered order; folder titles were transcribed exactly from original folders

Scope and Contents: Series 3 consists mostly of clippings of decision announcements from New York Law Journal, Miscellaneous Reports and other sources. There are also copies of some decisions.

Box 26, Folder 1	Index to Decisions, 1972-1973
Box 26, Folder 2	To Dismiss Petition - K. Rothko Attained Majority, 1972
Box 26, Folder 3	To Dismiss Petition - Subject Matter Jurisdiction, 1972
Box 26, Folder 4	To Dismiss Petition - Subject Matter Jurisdiction Appeal, 972-1973
Box 26, Folder 5	For Advance Payment of Commissions Mary A. Rothko Estate, 1972
Box 26, Folder 6	Temporary Restraining Order, 1972
Box 26, Folder 7	Right of Election - To Refer to M. Midonick, 1972
Box 26, Folder 8	Construction Proceeding - To Dismiss or Stay, 1973
Box 26, Folder 9	Right of Election, 1972-1973
Box 26, Folder 10	Right of Election - Appeal, 1973
Box 26, Folder 11	H. Ferber Deposition, 1972
Box 26, Folder 12	Preliminary Injunction, 1972
Box 26, Folder 13	Preliminary Injunction - Appeal, 1972
Box 26, Folder 14	Construction Proceeding - To Substitute Attorney, 1972
Box 26, Folder 15	Right of Election - Substitution of Attorney, 1972
Box 26, Folder 16	To Deliver Paintings - to Warehouse, 1972
Box 26, Folder 17	Motion for Appendix, 1972
Box 26, Folder 18	Kate Rothko - Permission to Change Attorneys, undated
Box 26, Folder 19	Interrogatory Motions - For Protective Orders - AG Interrog. I, 1972
Box 26, Folder 20	For Protective Orders - AG Interrog. II, 1972

Box 26, Folder 21	For Protective Orders - AG Interrog I & II - Appeal, 1972-1974
Box 26, Folder 22	To Extend Time to Object to Interrogatories, 1973
Box 26, Folder 23	To Compel Answers to Interrog. I & II, 1972-1973
Box 26, Folder 24	Motion in AD to Stay - Answers to Interrog I & II, 1973
Box 26, Folder 25	To Compel Answers to Interrog. I & II - Appeal, 1973
Box 26, Folder 26	Protective Order for AG Interrog. - Appeal, 1973
Box 26, Folder 27	Motion to Sever Trial - Attempt, 1972
Box 26, Folder 28	1. To Dismiss AG's Cross Petition - 2. To Vacate Notices of EBTs Served by AG, 1972-1973
Box 26, Folder 29	To Vacate Notices of EBTs - Appeal, 1973
Box 26, Folder 30	To Dismiss Foundation's Appeal - To Vacate Notices of EBTs, 1973
Box 26, Folder 31	To Dismiss Foundation's Appeal & for Protective Order, 1973
Box 26, Folder 32	To Compel Lloyd's EBT, 1972-1973
Box 26, Folder 33	AG Deposition - for Deposition of AG, 1973
Box 26, Folder 34	AG Deposition - For Deposition of AG - Appeal, 1973, 1977
Box 26, Folder 35	AG Deposition - For Deposition of AG - Leave to Appeal, 1973
Box 26, Folder 36	AG Deposition - For Deposition of AG - Leave to Appeal, 1973
Box 26, Folder 37	AG Deposition - For Referee - And Additional Disclosure, 1973
Box 26, Folder 38	AG Disclosure - To Fix a Trial Date and a Schedule for Examinations, 1973
Box 26, Folder 39	AG Deposition - Memoranda Decision, 1973
Box 26, Folder 40	EBTs of Foundation Directors - For Protective Order for Levine - Notice EBT of Marlborough, 1973
Box 26, Folder 41	EBTs of Foundation Directors - For Disclosure Proceedings - NY Times Article, 1973
Box 26, Folder 42	EBTs of Foundation Directors - Referee's Opinion on EBTs: Saidenberg, Kozak, Schwartz, Karelsen, Greenspoon, Richtenthal, 1973

Box 26, Folder 43	EBTs of Foundation Directors - Greenspoon Producing - Foundation Minutes, 1973
Box 26, Folder 44	EBTs of Foundation Directors - To Strike Mag Interrogatories, 1973
Box 26, Folder 45	EBTs of Foundation Directors - To Strike for Contempt II - Names of Purchasers, 1973
Box 26, Folder 46	EBTs of Foundation Directors - For Levine EBT, 1973
Box 26, Folder 47	EBTs of Foundation Directors - To Draw Funds for Christopher Rothko, 1973
Box 26, Folder 48	EBTs of Foundation Directors - Confidentiality of Interrog., 1973
Box 26, Folder 49	EBTs of Foundation Directors - To Strike Marlborough's Interrogs on AG, 1973
Box 26, Folder 50	EBTs of Foundation Directors - To Reopen EBTs - Referee's Decision, 1973
Box 26, Folder 51	EBTs of Foundation Directors - Conference - Submission of Briefs - Establishing Trial Date, undated
Box 26, Folder 52	EBTs of Foundation Directors - Continuation of Conference of 10/23/73, 1973
Box 26, Folder 53	EBTs of Foundation Directors - To Vacate or Modify Petitioner's Notice of Discovery - Referee Opinion, 1973
Box 26, Folder 54	EBTs of Foundation Directors - for Protective Order Terminating Disclosure to take Reis, Stamos, Bial & Accountants EBTs - Referee Decision, 1973
Box 26, Folder 55	EBTs of Foundation Directors - Referee Decision on AG Notice to Discover, 1973
Box 26, Folder 56	EBTs of Foundation Directors - Amendment on Referee Decision on AG Notice to Discover, 1973
Box 26, Folder 57	EBTs of Foundation Directors - To Take EBTs of Marlborough Employees, 1973
Box 26, Folder 58	EBTs of Foundation Directors - Referee Decision - To Have Documents Delivered, 1973
Box 26, Folder 59	EBTs of Foundation Directors - Referee Decision on Reis Examination, 1973
Box 26, Folder 60	EBTs of Foundation Directors - Reis Examination Amendment of Referee's Decision, 1973
Box 26, Folder 61	EBTs of Foundation Directors - Referee Decision Concerning Protective Order Denying Discovery and Interrogatories of Northrup, 1973
Box 26, Folder 62	EBTs of Foundation Directors - Swetlitz Deposition - Referee Decision, 1973

Box 26, Folder 63	EBTs of Foundation Directors - Petitioner's Notice for Discovery - Referee's Decision, 1973
Box 26, Folder 64	EBTs of Foundation Directors - for Inspection of Painting - Referee Memorandum, 1973
Box 26, Folder 65	EBTs of Foundation Directors - Rulings on Applications before B. Meyer, 1973
Box 26, Folder 66	EBTs of Foundation Directors - Reis Interrogatories, 1974
Box 26, Folder 67	EBTs of Foundation Directors - For Production of Plant Inventory - Referee Decision, 1972
Box 26, Folder 68	EBTs of Foundation Directors - Memorandum for Examination Corrections, 1974
Box 26, Folder 69	EBTs of Foundation Directors - For Protective Order for Communications between AG and Rothko and Northrup - Referee Decision, 1974
Box 26, Folder 70	Contents Proceeding - Construance of Will, 1974
Box 26, Folder 71	Contents Proceeding - Consturance of Will Appeal, 1975
Box 26, Folder 72	Contents Proceeding - Construance of Will - To Dismiss Appeal, 1974
Box 26, Folder 73	Contents Proceeding - Construance of Will - For Leave to Appeal, 1975
Box 26, Folder 74	Contents Proceeding - To Punish Executors for Contempt, 1974
Box 26, Folder 75	Contents Proceeding - For Marlborough Non-Interference with Delivery, 1974
Box 26, Folder 76	Contents Proceeding - To Terminate Control of Clerk, 1975
Box 26, Folder 77	Contents Proceeding - Fees, 1976
Box 26, Folder 78	Contents Proceeding - Fees, 1976
Box 26, Folder 79	Contents Proceeding - Fees, 1976
Box 26, Folder 80	Contents Proceeding - To Impound Paintings - Insurance, 1974
Box 26, Folder 81	Contents Proceeding - To Quash Subpoena, 1974
Box 26, Folder 82	Contents Proceeding - To Quash Subpoena, undated
Box 26, Folder 83	Contents Proceeding to Hold in Contempt, 1974
Box 26, Folder 84	Contents Proceeding - To Suspend Executors - Re: Tax Proceeding, 1974

Box 26, Folder 85	Contents Proceeding - To Remove Restrictions Concerning - The Confidentiality of all Pretrial Briefs Transcript, 1974
Box 26, Folder 86	Contents Proceeding - Meyer Fee, 1975
Box 26, Folder 87	Contents Proceeding - Trial Decision for Removal, undated
Box 26, Folder 88	Contents Proceeding - Restraining Order - Temp., 1975
Box 26, Folder 89	Contents Proceeding - Restraining Order - Temp., 1975
Box 26, Folder 90	Contents Proceeding - For Interim Mandatory Injunction Interim Receiver, 1975
Box 26, Folder 91	Contents Proceeding - For Interim Mandatory Injunction Interim Receiver, 1975
Box 26, Folder 92	Contents Proceeding - Administrator, 1975-1976
Box 26, Folder 93	Contents Proceeding - Decree, 1976
Box 26, Folder 94	Contents Proceeding - Decree Modification, 1976
Box 26, Folder 95	Court Proceeding - To Reargue Prior Court Decision - Return of Paintings, 1976
Box 26, Folder 96	Contents Proceeding - Motion for Marlborough's Records, 1976
Box 26, Folder 97	Reis & Stamos - Stay of Enforcement - AD 1st Dept., 1976
Box 26, Folder 98	To Stay Enforcement - Reis & Stamos - AD 1st Draft Motion to Reargue, 1976
Box 26, Folder 99	Leave to Appeal - Motion for Stay of Enforcement Reis & Stamos, 1976
Box 26, Folder 100	To Modify Order for Stay - Reis & Stamos - To Extend Time to Perfect Appeal, 1976
Box 26, Folder 101	To Modify Order for Stay - Reis & Stamos - To Extend Time to Perfect Appeal, 1976
Box 26, Folder 102	To Stay Enforcement without Bond - Levine - AD 1st Draft, 1976
Box 26, Folder 103	To Stay Enforcement - Levine - AD 1st Draft - Motion to Reargue, 1976
Box 26, Folder 104	For Leave to Appeal for Stay of Enforcement - Levine - AD 1st Dept., 1976
Box 26, Folder 105-106	To Modify Order for Stay - Levine - Extend Time to Perfect Appeal, 1976
Box 26, Folder 107	To Stay Enforcement - Marlborough & Lloyd - AD 1st Draft, 1976
Box 26, Folder 108	To Appeal Marlborough's Stays, 1976

Box 26, Folder 109	For Stay in Enforcement and Canada Records - AG Motion, 1976
Box 26, Folder 110	Levine - For Stay in Enforcement and Canada Records to Strike, 1976
Box 26, Folder 111	Levine - For Contempt, 1976
Box 26, Folder 112	Levine - To Punish for Contempt - Pictures Shipped after Injunction, 1976
Box 26, Folder 113	Levine - For Marlborough to Report Sales, 1976
Box 26, Folder 114	Levine - Bond, 1976
Box 26, Folder 115	Levine - To Limit the Record, 1976
Box 26, Folder 116	Levine - Motion for Relief, 1976
Box 26, Folder 117	Levine Motion for Relief - Appeal, 1977
Box 26, Folder 118	Levine - To Punish for Contempt, 1976
Box 26, Folder 119	Levine - Dates for Appendices & Points, 1976
Box 26, Folder 120	Levine - Accounting Procedure - Protective Order for Reis, 1976
Box 26, Folder 121	Levine - Accounting Proceeding - Reis Protective Order, 1976-1977
Box 26, Folder 122	Levine Accounting Proceeding - Protective Order, 1977
Box 26, Folder 123	Levine - To Extend Time to Serve Points, 1976
Box 26, Folder 124	Levine - Foundation Elections, 1977
Box 26, Folder 125	Levine - Trial of Removal - Appeal, undated
Box 26, Folder 126	Guggenheim Exhibit, 1977
Box 26, Folder 127	For Leave to Appeal - Motion for Levine Relief, 1977
Box 26, Folder 128	Trial of Removal - Court of Appeal Decision, 1977
Box 26, Folder 129	Pace, 1978
Box 26, Folder 130	Prizel v.Karelsen & Saidenberg - Settlement Agreement, 1978
Box 26, Folder 131	Costs & Disbursements, 1978
Box 26, Folder 132	Decree - Court of Appeals - Recovery of Costs, 1978

Box 26, Folder 133	Appeal - Reis - From Bill of Costs Awarded in 9/5/78 Order, 1978
Box 26, Folder 134	Eisenberg v. Rothko - To Vacate the Dismissal Action, 1978-1979
Box 26, Folder 135	Fees - & 5-33, 1979
Box 26, Folder 136	Notes on Meyer's Decisions, 1972-1973
Box 26, Folder 137	Reis v. Karelsen, 1979
Box 26, Folder 138	Reis Bankruptcy, 1978

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Series 4: Appeals Documents, 1972-1979

4.3 Linear feet (Boxes 26-31)

Arrangement: Arranged in original order; folder titles were transcribed exactly from original folders

Scope and Contents: Series 4 contains files originally designated "M" consisting of motions, plus New York Supreme court, and New York Supreme Court Appellate Division documents. Additionally there are appendices, briefs, and depositions.

Box 26, Folder 139	M Files - Motion To Dismiss - K.Rothko Attained Majority, 1972
Box 26, Folder 140	M Files - Motion to Dismiss - Subject Matter Jurisdiction, 1971-1972
Box 26, Folder 141	M Files - Motion to Dismiss - Subject Matter Jurisdiction - Appeal, 1971-1973
Box 26, Folder 142	M Files - Election, 1973
Box 26, Folder 143	M Files - H. Ferber Depostion, 1972
Box 26, Folder 144	M Files - Motion Temp. Restraining Order, 1972
Box 26, Folder 145	M Files - Preliminary Injunction - Appeal, 1972-1973
Box 26, Folder 146	M Files - Record on Appeal, 1973
Box 26, Folder 147	M Files - Brief for the Attorney General, Cross-Petition-Respondent, undated
Box 27, Folder 1	M Files - Answering Brief and Appendix of the Attorney General of State of New York as Respondent, undated
Box 27, Folder 2	M Files - Motion to Dismiss - Construction Proceeding, 1972
Box 27, Folder 3	M Files - Construction Proceeding, 1972-1974
Box 27, Folder 4	M Files - Construction Proceeding - Motin to Punish for Contempt, 1974
Box 27, Folder 5	M Files - Construction Proceeding - Motion for Stay of Decree Pending Appeal, 1974
Box 27, Folder 6	M Files - Construction Proceeding - Motin to Dismiss Appeal, 1974
Box 27, Folder 7	M Files - Construction Proceeding - Motion for Marlborough Non-Interference, 1974
Box 27, Folder 8	M Files - Construction Proceeding - Motion for Leave to Appeal, 1975
Box 27, Folder 9	M Files - Construction Proceeding - Motion to Terminate Control of Clerk, 1974-1975

Box 27, Folder 10	M Files - Construction Proceeding - Fees, 1975-1979
Box 27, Folder 11	M Files - Election Proceeding - Motin to Refer to Midonick, 1972-1973
Box 27, Folder 12	M Files - Motion to Deliver Paintings to Warehouse, 1972
Box 27, Folder 13	M Files - Appendix of Respondent-Appellant, 1974
Box 27, Folder 14	M Files - Joint Appendix...Herbert Ferber...Will of Mary Alice Rothko, 1975
Box 27, Folder 15	M Files - Motion for Protective Order - AG Interr. I, 1972
Box 27, Folder 16	M Files - Motion for Protective Order - To Strike Interrog. I, 1972-1973
Box 27, Folder 17	M Files - Motion for Appendix, 1972
Box 27, Folder 18	M Files - Motion for Protective Order to Strike Interrog. II, 1972-1973
Box 27, Folder 19	M Files - Foundation's Motion to Dismiss AG for Protective Order - EBT of Foundation Directors, 1972-1973
Box 27, Folder 20	M Files - Marlborough's Motion to Dismiss AG for Protective Order re EBT of Foundation Directors, 1972-1973
Box 27, Folder 21	M Files - Motion to Stay Order Directing Foundation Directors' EBTs Pending Appeal, 1973
Box 27, Folder 22	M Files - Motion to Dismiss Foundation's Appeal, 1973
Box 27, Folder 23	M Files - Appellate's Appendix, 1973
Box 27, Folder 24	M Files - Motion to Sever, 1972
Box 27, Folder 25	M Files - Motion for Time to Objet to Interrog., 1972-1973
Box 27, Folder 26	M Files - Motion to Fix Date for Lloyd's EBT, 1973
Box 27, Folder 27	M Files - Motion to Strike Answers to hold Marlborough in Contempt, 1972-1974
Box 27, Folder 28	M Files - Post-Trial Memorandum of Marlborough Gallery, Inc. & Marlborough A.G. etc., 1973-1975
Box 27, Folder 29	M Files - Motion for Leave to Appeal to Court of Appeals - AG Protective Order, 1973
Box 27, Folder 30	M Files - Motion for Stay of Order to Compel Answers (Purchasers' Names), 1973

Box 27, Folder 31	M Files - Motion for Referee, 1973
Box 27, Folder 32	M Files - Motion for Levine Protective Order, 1973
Box 27, Folder 33	M Files - Motion for Disclosure Proceeding - N.Y. Times Article, 1973
Box 27, Folder 34	M Files - Motion to Fix a Trial Date and to Conclude Discovery, 1973
Box 27, Folder 35	M Files - Motion to Examine Non-Party Witness, 1973
Box 27, Folder 36	M Files - Motion to Strike MAG Interrog., 1973
Box 27, Folder 37	M Files - Motion to Strike Interr. & Contempt II, 1973
Box 27, Folder 38	M Files - Motion for Levine Protective Order, 1973
Box 27, Folder 39	M Files - Motion Opposing Discovery Reis & Stamos, 1973
Box 27, Folder 40	M Files - Motion to Terminate EBTs, 1973
Box 27, Folder 41	M Files - Motion to Take Depositions of R, S & L, Bial, Schwartz, Swetlitz & Kozac, 1973
Box 28, Folder 1	M Files - Motion - Discovery Notices, 1973
Box 28, Folder 2	M Files - Motion for EBT of MNY Employees, 1973
Box 28, Folder 3	M Files - Motion to Transfer Custody of an Exhibit, 1973
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Box 30, Folder 12	Brief of Attorney General, Cross-Petitioner-Respondent (Appeal from Order Directing Disclosure), 1973
Box 30, Folder 13	Brief of...Barbara B. Northrup on Appeal from Orders Denying Motions for Protective Orders and Compelling Answers to Interrogatories, 1973

Box 30, Folder 14	Reply Brief and Supplemental Appendix of Appellants Stamos and Reis, 1977
Box 30, Folder 15	Brief in Behalf of Petitioner-Respondent Kate Rothko, 1977
Box 30, Folder 16	Appendix to Reply Brief of Marlborough Gallery, Marlborough A.G. and Francis K. Lloyd, 1977
Box 30, Folder 17	Record on Appeal of Attorney General, 1973
Box 31, Folder 1	Record on Appeal, 1973
Box 31, Folder 2	Brief on Cross-Appeal of Attorney General, 1972
Box 31, Folder 3	Answering Brief of Attorney General (In Answer to Main Brief of Appellants J. Russell Rogerson et al), 1972
Box 31, Folder 4	Reply Brief on Cross-Appeal of Attorney General (In Response to Manufacturers' Answering Brief) [Gebbie], 1972
Box 31, Folder 5	Petition to Set Aside Directors of Mark Rothko Foundation, 1976

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Series 5: Miscellaneous Case and Post-Trial files, 1972-1984

1.6 Linear feet (Boxes 31-32)

Arrangement: Arranged alphabetically by subject

Scope and Contents: Series 5 is comprised of post-trial files and other miscellaneous materials related to the case. Included are notes, clippings, correspondence, documents on fee arrangements, legal documents, and documents gathered together for the BBC documentary "The Rothko Conspiracy."

Box 31, Folder 6-7	BBC, 1972-1979
Box 31, Folder 8	Breed - Abbott Memo on Conduct of Trial, 1974
Box 31, Folder 9	Damage Amounts, 1978
Box 31, Folder 10-12	Determination of Attorney's Fees, 1975-1976
Box 31, Folder 13	Reis & Attorney's Fees etc., 1971-1977
Box 31, Folder 14	Fees, 1979
Box 31, Folder 15	Gebbie Foundation - Post-Trial Memorandum of Attorney General, 1973
Box 31, Folder 16	General Correspondence & Articles about Rothko Case, 1978-1981
Box 31, Folder 17	Index - Reis & Stamos, undated
Box 31, Folder 18	Indices - Various, 1972-1973, undated
Box 31, Folder 19	Internal Index to Files, 1972-1977, undated
Box 31, Folder 20	IRS Notes, 1982
Box 31, Folder 21	Kavelson, 1973-1974
Box 32, Folder 1	Lloyd - Prosecution - D.A. & Marlborough, 1977-1983
Box 32, Folder 2	People of State of New York against Francis K. Lloyd - Transcript, 1982
Box 32, Folder 3	Lloyd's Conviction, 1982-1983
Box 32, Folder 4	Notes & Miscellaneous, 1975-1979
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Box 32, Folder 6	Rothko Estate Miscellaneous 1982-1984, 1982-1984

Box 32, Folder 7	Rothko Estate - Decree, 1978-1981
Box 32, Folder 8	N.J. - Rothkos - Lloyd, 1980
Box 32, Folder 9	Recent Info as to Pictures, 1979-1981
Box 32, Folder 10	Return and Movement of Pictures, 1978-1981
Box 32, Folder 11	Returned Paintings & Computation of Damages, 1978
Box 32, Folder 12	Rothko Distribution - Diary & Correspondence, 1978-1981
Box 32, Folder 13	Settlement Proposal - Dickler, Paul Weis, 1974
Box 32, Folder 14	Settling Transcript - Sept 76 - no moe corrections to transcripts, 1976
Box 32, Folder 15	Severence of Trial Issues - Notes, 1972, undated
Box 32, Folder 16	Stamos & Levine - Estate - Foundation Accounting?, 1978
Box 32, Folder 17	Subs., Sales - Misc., 1974
Box 32, Folder 18	Telephone Numbers & Addresses - Rothko, 1978
Box 32, Folder 19	Testimony on 5-8-72 - L, 1974
Box 32, Folder 20	Trust & Estates - General, 1972-1976

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Series 6: Reference Materials, Notes, and Writings, 1970-1986

1 Linear foot (Boxes 32-33, 36)

Arrangement: Arranged alphabetically by subject

Scope and Contents: Series 6 contains clippings, correspondence, notes, and Gustave Harrow writings about the trial, including articles and a book entitled *Art, the Artist, and the Consequences of Rothko: Lasting Legal Impressions from the Estate of a Great Artist*. Also included is one video recording of a BBC TV program.

Box 32, Folder 21	Book on Ethics - Rothko Source Material for Background, 1972-1974, undated
Box 32, Folder 22-23	Clippings 1 and 2, 1971-1974
Box 32, Folder 24	Clippings [Loose between 2 and 3], 1974-1977
Box 32, Folder 25	Clippings 3, 1976-1979
Box 32, Folder 26-27	Clippings 4 and 5, 1975-1977
Box 32, Folder 28	Clippings - American Lawyer, 1979
Box 32, Folder 29	Clippings - Art Worker's News, 1974
Box 32, Folder 30	Clippings - Christian Science Monitor, 1974
Box 32, Folder 31	Clippings - Daily News, 1975
Box 32, Folder 32	Clippings - Globe and Mail, 1975
Box 32, Folder 33	Clippings - International Herald Tribune, 1973-1975
Box 32, Folder 34	Clippings - Knickerbocker News, 1977
Box 32, Folder 35	Clippings - New York Law, 1972-1976
Box 32, Folder 36	Clippings - New York Magazine, 1978
Box 32, Folder 37	Clippings - New York Post, 1975-1977
Box 32, Folder 38-40	Clippings - New York Times, 1971, 1972, 1973
Box 33, Folder 1-6	Clippings - New York Times, 1974-1979
Box 33, Folder 7	Clippings - Newsday
Box 33, Folder 8	Clippings - The Sunday Sun, Baltimore MD - Spectator, 1975

Box 33, Folder 9	Clippings - The Village Voice, 1974-1976
Box 33, Folder 10-11	Magazine Articles, 1970-1983
Box 33, Folder 12	MRF - Rothko (Ferber), 1986
Box 33, Folder 13	Notes and Correspondence for Articles, 1972-1977
Box 33, Folder 14	Shapiro, Meyer, 1964, 1983
Box 33, Folder 15	Writings by and about Harrow, 1978-1982
Box 36, Folder 4	Video Recording, "For Love of Money," BBC TV, 1979 1 Videocassettes (U-matic)

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Series 7: Metropolitan Museum of Art / Annenberg Etc., 1971-1981

1.6 Linear feet (Boxes 33-35)

Arrangement: Arranged in original order

Scope and Contents: Found here are reference materials assembled by Harrow for legal actions unrelated to the Rothko case. They include his research about the proposed Walter Annenberg gift of a communications center to the Metropolitan Museum of Art in 1976. Included are clippings and articles, Metropolitan Museum reports, notes, correspondence, and one sound cassette recording of the 3/14/1977 Metropolitan Museum of Art Board Meeting. The remainder of the materials concern various other issues at the museum, including administrative issues, challenges to the authenticity of certain pieces, the de Groot donation, the Packard Collection, and alleged misattributions in an Asian Art exhibition.

Box 33, Folder 16	Charlotte Devree [Executive Committee representative], 1977
Box 33, Folder 17	Executive Committee - Devree, 1977-1979
Box 33, Folder 18	From Devree, 1976
Box 33, Folder 19	From Devree - Excerpts [Meetings], 1977
Box 33, Folder 20	Ex-Officio Reps (Morgan) 6/77 Exec. Comm., 1977
Box 33, Folder 21	From Goldsmith, 1976-1978
Box 33, Folder 22	From Manhattan Bd. Annenberg - Mets Docs of 3/14/77 Hearing, 1977
Box 33, Folder 23	Material from Annenberg, 1977
Box 33, Folder 24	Mets. Memos - Annenberg, 1976-1977
Box 33, Folder 25	Met. Misc. Annenberg - Pd. Press, 1977
Box 33, Folder 26	Conferences, 1977
Box 33, Folder 27	Diary & Misc. Correspondence, 1977
Box 33, Folder 28	Memos, 1977
Box 33, Folder 29	Notes, 1977
Box 33, Folder 30	Annenberg - Met press 1, 1976-1977
Box 34, Folder 1	Annenberg - Met Press 2, 1976-1977
Box 34, Folder 2-3	Press, 1973-1977

Box 34, Folder 4	From Redman, Roland, 1977 Notes: Contains Sony C60 sound cassette of 3.14.77 Board Hearing - Met Gilpatric
Box 34, Folder 5	Hoving, 1981
Box 34, Folder 6	Mets Docs from Manhattan BD. Hearing 3-14-77, 1977
Box 34, Folder 7	Met Constitution & By-Laws, 1977
Box 34, Folder 8	Names & Appointments Met, 1977
Box 34, Folder 9	Met Annual Report 1977, 1977
Box 34, Folder 10	Met Annual Report 1979, 1979
Box 34, Folder 11	American Bicentennial Wing of the Metropolitan Museum of Art 1976, 1976
Box 34, Folder 12	Metropolitan Museum of Art Master Plan Report July 15, 1971, 1971
Box 34, Folder 13	Met - The Second Century - The Comprehensive Architectural Plan for the Metropolitan Museum of Art, 1971
Box 34, Folder 14	De Groot Estate, 1972-1973
Box 34, Folder 15	De Groot Fund, 1977
Box 34, Folder 16	Muscarella - Met, 1976-1978
Box 34, Folder 17	Packard, 1977-1979
Box 34, Folder 18	Copies of Fong Chow's File 1 - Li Ch'eng Painting - Wintry Forest, 1972-1973
Box 34, Folder 19	Copies of Fong Chow's File 2 - Shih Toa Painting - Album 1972 - from Cheng Dai - Chien, 1975
Box 34, Folder 20	Copies of Fong Chow's File 3 - Gift of Catalogue - 1976 - from Wen Fong, undated
Box 34, Folder 21	Copies of Fong Chow's File 4 - Shih Chi Painting - 1973, undated
Box 34, Folder 22	Copies of Fong Chow's File 5 - Han Kan Painting - 1977 - Dillon Fund, undated
Box 34, Folder 23	Copies of Fong Chow's File 6 3 Paintings - Purchase from P.B., 1976
Box 34, Folder 24	Copies of Fong Chow's File 7 - 3 Vases - 1972, 1972
Box 34, Folder 25	Copies of Fong Chow Files 8 - Packard - 1975, 1975-1976

Box 34, Folder 26	Copies of Fong Chow's Files 9 - The "25" Paintings - C.C. Wang, 1975-1976
Box 34, Folder 27	Copies of Fong Chow's Files 10 - Cloister Piece, undated
Box 34, Folder 28	Packard - Nov 10, 1977 - FF, 1977
Box 34, Folder 29	Fong Chow 12/21/79 - 2 Pix (+ 1 Pic), 1972-1979
Box 34, Folder 30-37	Packard 1, 1975-1976
Box 34, Folder 38-39	Incense Burner (Jade) & F.C. Misc, 1978-1979
Box 34, Folder 40	Met - Packard - Lee, 1975-1977
Box 34, Folder 41	1 Packard (Lee) Documents, undated
Box 34, Folder 42-48	2, 3, 4, 5, 6, 7, 8 Packard (Lee) Notes, 1974-1976, undated
Box 34, Folder 49	The "25" Lee, 1976
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Box 34, Folder 51-52	Copies of Lee's File on Packard 2, 3 Notes, undated
Box 35, Folder 1-2	Copies of Lee's File on Packard 4,5 Notes, 1975
Box 35, Folder 3	Copies of Lee's File on Packard 6 Photo, Estimates & Notes, 1976
Box 35, Folder 4	Copies of Lee's File on Packard 7 Estimates, undated
Box 35, Folder 5	Copies of Lee's File on Packard 8 Notes, 1975
Box 35, Folder 6	Sackler Wing, 1978
Box 35, Folder 7-8	Paid Press etc. & Misc. & General, 1977-1979

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