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Pryor Cashman's Brickell and Castelly Represent Photographers In Legal Battle Over Marilyn Monroe Photos Left In The Garbage

Pryor Cashman Litigation Partner Jamie Brickell and associate Nia Castelly are representing three individuals who have been sued by celebrity photographer Bert Stern over transparencies of Marilyn Monroe taken during the famed “Last Sitting.”

Stern commenced an action in New York State Supreme Court on September 24, 2008, claiming that Pryor Cashman clients Donald Penny, Michael Weiss and Robert Bryan “stole” seven chromes (similar to negatives) that Stern took of Marilyn Monroe only weeks before she died. Penny, Weiss and Bryan claim that the chromes were found in the garbage on a street in Manhattan over 30 years ago. They had been in discussions with Stern to produce prints of the film, but Stern reneged on the agreement and then filed his case.

In interviews with the media, Stern, even before he served his complaint, repeated his unfounded claim of theft and stated that Penny and Weiss had been greedy during the negotiations. Brickell responded to these baseless attacks on Penny and Weiss in interviews with a number of news outlets.

Brickell and Castelly recently filed counterclaims on behalf of Penny, Weiss and Bryan against Stern alleging breach of contract, conversion and defamation and seeking damages in excess of \$4.5 million.

To read the Associated Press account of the case, please [click here](#).