

THE AM LAW DAILY

For an Undisclosed Price, You Can Now See Marilyn Monroe's Last Photo Shoot

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Posted by Zach Lowe

Jamie Brickell, a partner at Pryor Cashman in New York, happens to live in the same Westchester County town as Donald Penny, one of three photographers who accidentally found themselves in possession of some of the last known photographs of Marilyn Monroe--photos that happen to be, in online parlance, not safe for work. They're neighbors, and their kids attend the same school, but the photos temporarily brought Brickell and Penny together in a lawyer-client relationship.

Penny didn't actually discover the photos. A photographer-friend, Robert Bryan, did. In the early 1970s, he found them among the trash outside of famed photog Bert Stern's studio. Stern had snapped 2,500 images of Monroe shortly before her death in 1962 and published them as a collection called *The Last Sitting*. New York Magazine recently recreated some of the shots with Lindsay Lohan mimicking Marilyn.

Most of the images Bryan found in the trash were of the skinny British model Twiggy, but Bryan wasn't interested in those, Brickell says. He dug further and found seven transparencies of Monroe from *The Last Sitting*. He stuffed them in a shoe box and kept them there for 35 years, Brickell says.

As a photographer, Bryan knew it would violate copyright law to duplicate and sell them, so he never tried, Brickell says. But when Bryan showed the photos to Penny and a third friend, Michael Weiss, they contacted Brickell and asked if it would be alright to approach Stern and talk about a deal. Brickell said yes. Stern, however, was furious. He sued the three photographers for \$1.7 million in New York trial court last year, accusing them of stealing the photos.

Brickell and Stern's lawyer, Stephen Weingrad of Weingrad & Weingrad, settled the suit on Monday. Penny and Weiss will produce nine copies of each print for sale. The group will split the profits with Stern; exact terms of the settlement were undisclosed.

"I'm so happy this thing got resolved," says Brickell, who has been holding onto the Monroe photos since the litigation started but swears he was "never" tempted to swipe one for himself. "Nobody benefits from a fight."

Weingrad did not immediately return calls seeking comment.