

Exhibit 1

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

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EMILY DAVIS, :  
 : Index No. 157289/2012  
 :  
 Plaintiff, :  
 :  
 :  
 v. :  
 : **AFFIDAVIT OF EMILY DAVIS**  
 :  
 PHOENIX ANCIENT ART, S.A. d/b/a :  
 PETRACH, and HICHAM ABOUTAAM, :  
 :  
 :  
 Defendants, :  
 :  
 -----X

STATE OF NEW YORK )  
 ) ss.:  
 COUNTY OF NEW YORK )

**EMILY DAVIS**, being duly sworn, deposes and says:

1. I was an employee of Petrarch LLC (“Petrarch”) d/b/a Electrum from May 2010 until May 2012.
2. My employer Petrarch, used the name Electrum in their New York gallery but I was employed by Petrarch.
3. As an employee I am fully aware of the facts surrounding the underlying matter.
4. I make this affidavit in opposition to the defendants’ motion to dismiss, pursuant to CPLR 3211(a)(1) and (7), seeking to oppose defendants’ motion to dismiss.
5. I worked directly under Hicham Aboutaam (“Aboutaam”), my supervisor and an owner of Petrarch.
6. On or about September 2010 I attended an art fair in Paris, France with my supervisor Aboutaam. On this trip Aboutaam came into my hotel room and grabbed my

arm and demanded that I sleep with him. I fought to free myself but he said, "I'm not going to let you go until you at least kiss me." He then forcibly kissed me and told me not to tell anyone about the incident, (the "Paris Incident").

7. After the Paris Incident I never felt comfortable in my work environment. I did not feel I could speak up about other incidents that occurred in my workplace because the Paris Incident frightened me. Aboutaam told me not to tell anyone.

8. Many times during my employment clients would come into the gallery and ask me questions about my sex life in the presence of my supervisor, Aboutaam, which would make me uncomfortable.

9. Even as early as the first week of my employment, a client made a comment about 'holding his penis' to me while Aboutaam laughed about it.

10. Aboutaam never asked the clients to stop and even joined in, laughing and condoning the harassing comments. I felt it was expected of me to entertain the clients by listening to their sexual comments and questions and to "play along" in order to keep the clients happy.


11. On or about March 2012, a high-valued client, Michael Steinhardt, asked me and my co-worker, Karen Simons, sexual questions in front of Aboutaam and it was more than I could bear. When Aboutaam and the client went to the back room I left the gallery because I could not handle the comments. The next day while at lunch in front of my other co-workers, Aboutaam reprimanding me for 'bailing' on him, telling me, "you bailed on the situation yesterday."

12. After 2 years of the sexual harassment and the verbal abuse I could not longer work at the gallery. I had to resign because I could not work there anymore. I was

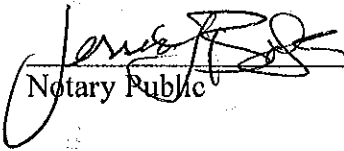
unable to perform my work without being harassed.

13. I resigned my position in May of 2012 because I had no choice but to finally leave this intolerable work environment which caused me emotional stress and physical injury.

14. I respectfully request the court deny the defendants' motion to dismiss.

  
\_\_\_\_\_  
Emily Davis

Sworn to and subscribed before me  
this 2 th day of February 2013

  
\_\_\_\_\_  
Notary Public

**JESSICA L. BOFFA**  
Notary Public, State of New York  
No. 02BO6273917  
Qualified in New York County  
Commission Expires Dec. 24, 2016