



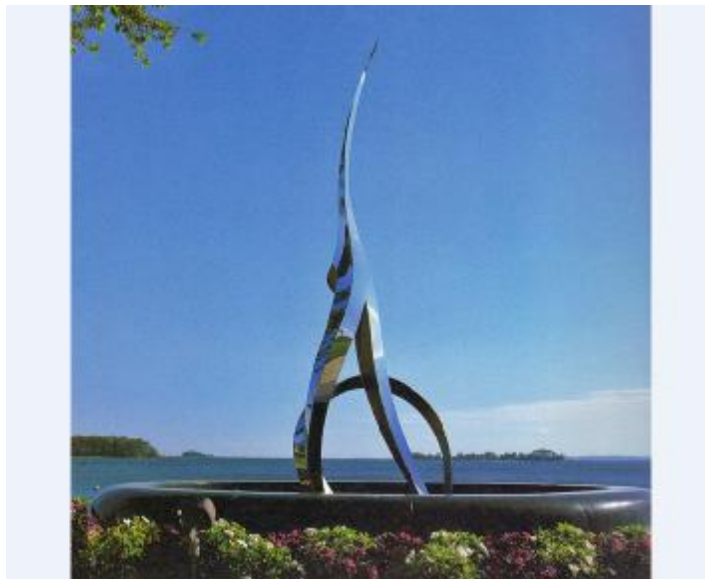
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## Billionaire Olenicoff Admits Copying Sculptor's Work, Jury Awards Damages

A federal jury decided this week that billionaire real estate developer [Igor Olenicoff](#) and his Olen Properties owe sculptor [John Raimondi](#) \$640,000 in damages for making two illegal copies of each of two of his abstract metal works and displaying the four knock offs at Olen buildings in California.

Shortly before the start of the trial, Olenicoff and Olen conceded that the copies infringed on Raimondi's copyright, an allegation they had denied for nearly two years. But his lawyers continued to argue that Raimondi couldn't prove any actual damages. In June, a different federal jury sitting in the same Santa Anna, Cal. Courtroom of U.S. District Court Judge Andrew J. Guilford, ruled Olenicoff and his company had made multiple illegal copies of granite sculptor Donald Wakefield's work and awarded him \$450,000.



*The original Dian by John Raimondi*

The 72-year-old Russian born Olenicoff, who Forbes estimates is worth \$3.4 billion, is no stranger to the courtroom or embarrassing admissions. In 2007, in a deal with federal prosecutors, he pleaded guilty to a single felony count of filing a false tax return and [admitted he had lied on his tax returns](#) from 1998 through 2004 about his ownership of foreign accounts worth hundreds of millions of dollars. After paying \$52 million in back taxes, penalties and interest for those years, he [turned around and sued UBS](#) and former [UBS UBS](#) banker [turned offshore whistleblower](#) Bradley

Birkenfeld, among others, claiming they had induced him to move his money offshore in 2001 with promises of legal tax savings—even though he admitted his tax violations began before then. (In fact, [as Forbes reported in 2006](#), Olenicoff began moving money offshore in the early 1990s shortly before one of his real estate entities filed for bankruptcy.) Guilford, the judge in that case too, dismissed Olenicoff's suit, ruling that his guilty plea—and in particular the reduced sentence of probation he got for “assuming responsibility for his tax fraud”—barred any claim that he was an “innocent dupe” misled by UBS. Both UBS and Birkenfeld are [now suing Olenicoff for malicious prosecution](#).

Olenicoff has filed a motion in the Wakefield case asking Guilford to set aside, as a matter of law, the jury's finding of infringement and its award of damages. Costa Mesa attorney William L Buus, Olenicoff's lead attorney in both infringement cases, told Forbes Thursday that while Guilford has yet to officially rule on that motion, he has given attorneys for both sides a tentative decision in which he sets aside the damages, although not the finding of infringement. The law, said Buus, requires that damages be based on the lost value of a license to copy the infringed work, something he claims Wakefield failed to establish. He added that Olenicoff will seek to have the damages disallowed as a matter of law in the Raimondi case too. As for the last-minute infringement concession, Buus said, Olenicoff and Olen “don't believe they should be liable for copyright infringement, but after the Wakefield decision, the writing was on the wall.”

St. Louis attorney Gene J. Brockland, lead attorney for both artists, confirmed Buus' characterization of Guilford's tentative decision. He said that Wakefield is still seeking to have his damages upheld, but noted that Wakefield, unlike Raimondi, had never sold limited edition copies of his sculptures, making it more difficult for him to establish the damages created by an illegal copy.

The two works at issue in Raimondi's case were *Dian*, which honors the memory of the late primatologist Dian Fossey, and [Ceres Ceres](#), in honor of the Roman goddess. Olenicoff called his copies of the Dian work *Link to Compassion* and his copies of the Ceres work *Intertwined*. Raimondi testified that he was contacted by Olenicoff in 2001 about purchasing one of his sculptures, and met with him and provided slides of his work, including of *Ceres* and *Dian*. Several weeks later, Raimondi said, an Olenicoff assistant informed him that the developer would not be buying a sculpture. Yet according to Raimondi's case, even after that turn down, Olen Properties and Olenicoff repeatedly represented to the City of Brea they would purchase an original *Dian* for at least \$200,000 to place in front of a building there. The jury of eight awarded Raimondi damages after just two hours of deliberation and a day and a half long trial. He had originally sought \$900,000 and continues to seek an order that the four copies be destroyed.

Wakefield too is seeking a permanent injunction requiring that copies of his work *Untitled* be turned over to him for destruction. (Olenicoff still contends the works are the original creations of the Chinese sculptor who fabricated them for him.) In October, Wakefield asked Guilford to reopen evidence supporting that injunction because after the trial he discovered a sculpture at an Olen property in Irvine that is identical to three the jury found infringed on his copyright. His filing asserts “defendants actively concealed” the existence of the fourth copy of *Untitled*, including “several instances of probable perjury by Olenicoff, who when asked directly denied the existence of any additional infringing pieces.” Olenicoff responded in an affidavit that he was so focused on the three copies Wakefield had sued him over that he “merely forgot” about the other one and that “I certainly didn't intend to mislead anyone.”