

'Collar and Bow' -- and then a suit
By Mike Boehm, Los Angeles Times Staff Writer
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"Collar and Bow," a 65-foot-tall sculpture of men's formalwear accessories, was supposed to go up in 2004 to provide a jaunty greeting outside Walt Disney Concert Hall. Today it rests in pieces behind a tomblike warehouse in Irvine.

Blackbirds are the main audience for at least \$3.8 million worth of work by Pop Art eminences Claes Oldenburg and Coosje van Bruggen. The birds flit and twitter in eucalyptus trees behind a fence that separates the sculptural fragments from an equipment yard at Irvine's Public Works Department.

Meanwhile, the aborted sculpture's economic debris is being sorted out across the corner from Disney Hall at the Stanley Mosk Courthouse. The Los Angeles Music Center, which hired Oldenburg and Van Bruggen, is suing the married couple, along with fabricators and engineers who tried to assemble their work, in Los Angeles County Superior Court.

The damages, Music Center attorney David Lira said this week, come to more than \$6 million, including payments for the sculpture, additional money for consultants and \$600,000 that the Music Center plowed fruitlessly into reinforcing the sidewalk in front of the Frank Gehry-designed hall at 1st Street and Grand Avenue so the ground could support the heavy steel objects that never arrived.

The suit charges that when the final delivery deadline of Aug. 1, 2006, passed -- two years after the original date -- fabricators still had not solved technical problems that the Music Center said involved the white wing collar accompanying a giant black bow tie. In addition, "portions of the sculpture that were allegedly completed were literally falling apart" as surface skins came loose from underlying bones.

Oldenburg and Van Bruggen have festooned public places around the world with offbeat, brightly colored, gargantuan representations of everyday objects, including the massive binoculars that form the facade of the Gehry-designed Chiat/Day building in Venice; a sculpture owned by L.A.'s Museum of Contemporary Art that is a mammoth hybrid of a Viking ship and a double-bladed pocketknife plus corkscrew; and "Cupid's Span," a bow and arrow planted in a park with a view of the San Francisco-Oakland Bay Bridge.

But Lira says the artists and their technical collaborators struck out on "Collar and Bow."

The sculpture was conceived a decade before Disney Hall's 2003 opening. Oldenburg and Van Bruggen had been toying with the idea of a giant bow tie, and their friend Gehry thought that a swanky collar and tie, looking as if they had been tossed on the sidewalk by some colossus, would sound a playfully artful keynote for concertgoers and passersby.

The architect suggested increasing the sculptors' initial 35-foot-high design to 65 feet. In May 2003, the Music Center contracted with Oldenburg and Van Bruggen's company, Storebridge, to

create "Collar and Bow" for \$2.2 million and deliver it by Aug. 15, 2004. Donations of \$1.85 million from Music Center patrons Richard and Geri Brawerman and \$1 million from the J. Paul Getty Trust were expected to cover the cost.

"This is the most complicated work we have done, in detail, engineering and form," Van Bruggen said in a 2004 interview. In fact, technical difficulties arose, and the Music Center granted a two-year extension and authorized spending an additional \$1.6 million.

As the second deadline neared, Gehry and Stephen D. Rountree, the Music Center president, said problems with connections between sections of the giant white collar had not been solved. Rountree said fixing those would cost millions of dollars that the Music Center could not afford. Gehry vowed to help raise the money, saying, "I am laying my body on the tracks for this piece."

A little more than six months later, in February 2007, the Music Center took the unusual step of suing the high-profile artists it had commissioned.

"It came to a point where the [Music Center] was like, 'Hey, we've done everything we could. They're not going to be able to deliver the sculpture,' " Lira said. With attempts at mediation and a negotiated settlement having failed thus far, he expects several months of depositions to be followed by a jury trial scheduled for Oct. 14.

Although the case will involve evidence on why the sculpture has failed, Lira said he doesn't expect the project's artistic and technical characteristics to be deciding factors: "My case will be a lot simpler: 'Look, we paid over \$6 million for a sculpture, and they never delivered it.' "

The suit accuses Oldenburg and Van Bruggen of negligence, breach of contract and unjust enrichment and adds an allegation of fraud against Carlson & Co., the San Fernando art fabrication company that has teamed up with the New York-based sculptors on other works and also built the Jeff Koons "Balloon Dog" on display at the new Broad Contemporary Art Museum.

Other defendants are Englekirk & Sabol, Los Angeles consulting structural engineers, and Santa Ana-based Westerly Marine, a custom boat builder that, according to its website, was hired to help produce the collar.

Englekirk & Sabol says in a cross-complaint that it was working for the artists, who are responsible for any damages. The firm says in court papers that Westerly Marine also has a cross-complaint.

The suit alleges that Carlson & Co. hid "the true extent of the problems," prompting the Music Center to unknowingly waste money on a flawed project. It also says the company improperly used funds for purposes other than creating "Collar and Bow."

Carlson's lawyer, Laurence Lubka, said Friday that the fabricators' contract was with the artists and not the Music Center, and "it's silly to think anything was being hidden from them."

The sculpture was "within spitting distance" of being successfully completed when Carlson's involvement ended in 2005, Lubka said. "This thing as designed, as fabricated, is fundamentally a workable sculpture."

It's unclear when the pieces migrated from Carlson's quarters to the Irvine warehouse complex of DisplayWorks, which designs and builds trade show exhibits.

Lubka said additional pieces have been built since Carlson's work ended.

Oldenburg and Van Bruggen are not conceding failure, said one of their attorneys, Bruce Wessel. He said they recently asked Buro Happold, an international engineering firm, to submit a proposal. Subsequently, the firm said that for \$350,000, it would evaluate the sculpture, suggest fixes and estimate what those repairs would cost. The artists wanted all parties to the suit to split the \$350,000 and pledged \$70,000 themselves.

"There was no money forthcoming from anyone else," Wessel said. He would not comment on whether the artists' defense will include an argument that "Collar and Bow" is salvageable.

The suit is proceeding at a difficult time for Oldenburg, 79, and Van Bruggen, 65. The Times of London reported in September that cancer that Van Bruggen had battled for six years had spread to her bones. She told the newspaper that "a lot of superficial things have dropped away from my life, but my creativity and my work with Claes remain central."

Carey Ascenzo, manager of Oldenburg and Van Bruggen's New York studio, said by e-mail Thursday that the artists would not be able to comment on the "Collar and Bow" suit because Van Bruggen recently had major surgery.

"They're an incredible team," said Peter Carlson, the art fabricator whose company is a defendant in the Music Center's suit. "To have to go through this [court] process at this stage of their career is too bad."