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8 *Attorneys for Plaintiff*

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

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14 JAMES KNAPP, individually and on behalf of  
all others similarly situated,

15 Plaintiff,

16 v.

17 ART.COM, Inc., a California corporation; and  
18 DOES 1 through 50, inclusive,

19 Defendants.

CASE NO.: 3:16-cv-00768-WHO

[Honorable William H. Orrick]

**DECLARATION OF DAVID A. ROTMAN  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: August 9, 2017  
Time: 2:00 p.m.  
Courtroom: 2

Complaint filed: February 16, 2016  
Trial Date: January 8, 2018

**DECLARATION OF DAVID A. ROTMAN**

I, David A. Rotman, declare as follows:

1. I served as the mediator during the mediation session that was held between the parties in the above-captioned matter on November 10, 2016.

2. I make this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement.

3. I am an inactive member of the California Bar, and I am currently the principal of David A. Rotman – Mediated Negotiations located in San Francisco, California. From 1990 – 2016, I was a principal mediator with Gregorio, Haldeman, *et al.* Since beginning my mediation practice, I have mediated numerous disputes of all types, including over eight hundred fifty (850) class actions. For nearly twenty (20) years prior to joining Gregorio, Haldeman, *et al.*, I practiced with the firm of Pillsbury, Madison & Sutro in San Francisco, where I initially engaged in general litigation and later focused on labor and employment disputes.

4. I was initially approached by counsel for the parties to serve as a third-party neutral in July of 2016. After agreeing to mediate this case, counsel for the parties submitted detailed Confidential Mediation Statements outlining the facts and history of the case, as well as their respective positions, supported by pleadings and documentary exhibits which the parties had exchanged during the discovery process.

5. During the mediation session held in this case, many difficult legal and factual issues were discussed and resolved between the parties. The settlement reached between the parties was the product of extensive, hard-fought and arms-length adversarial negotiations between the parties.

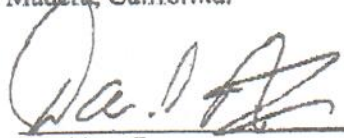
6. After lengthy negotiations, the parties reached a settlement of the class action consisting of an agreement for Defendant to pay a \$10 Voucher to what I understand to be the approximately 2 million eligible, similarly-situated members of the settlement class, to make certain changes to its business practices, and provide compliance training to employees.

7. After reaching that agreement, the parties began a separate negotiation resulting in an agreement for Defendant to also pay: (1) attorneys' fees and costs to Plaintiffs' counsel not to

1 exceed \$745,000; (2) an incentive payment to Plaintiff not to exceed \$5,000; and (3) class  
2 administration fees.

3 I declare under penalty of perjury under the laws of the United States of America and the  
4 State of California that the foregoing is true and correct.

5 Executed on July 31, 2017, at Corte Madera, California.

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8 David A. Rotman

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