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AGHCHAY and The Certified Class

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF LOS ANGELES**  
14 **CENTRAL CIVIL WEST**

16 CURT SCHLESINGER, PETER LO RE,  
17 JAMES ROTH, ADAM RUSSELL, MARYAM  
AGHCHAY, on behalf of themselves and The  
18 Certified Class,

19 Plaintiffs,

20 v.

21 TICKETMASTER, a Delaware Corporation,

22 Defendants.

**CASE NO.:** BC 304565

Assigned to: Judge Kenneth R. Freeman

**DECLARATION OF JAMES ROTH IN  
SUPPORT OF PLAINTIFFS' AND THE  
CLASS' MOTION FOR AN INCENTIVE  
AWARD TO THE CLASS  
REPRESENTATIVES**

**[Filed concurrently with Notice of Motion  
and Motion, Memorandum of Points and  
Authorities, Declarations of Robert J. Stein,  
III, Curt Schlesinger, Peter Lo Re and  
Adam Russell in support thereof]**

**DATE:** January 13, 2015

**TIME:** 10:00 a.m.

**PLACE:** Dept. 310

**TRIAL DATE:** Vacated

**ACTION FILED:** October 21, 2003

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A PROFESSIONAL CORPORATION  
SANTA ANA

1 I, JAMES ROTH, declare and state:

2 1. I am over 18 years of age. If called as a witness, I could competently testify as to all  
3 of the facts set forth in this declaration, and would do so. All of the facts set forth in this declaration  
4 are based on my own personal knowledge, unless otherwise stated. All estimates of my time are  
5 based on my personal knowledge, memory and review of any pertinent material, as I did not keep  
6 time records for my involvement in the case.

7 2. I currently reside in Albany, New York.

8 3. I make this declaration in support of the Plaintiffs' and the Class' Motion for an  
9 Incentive Award to the Class Representatives ("Motion").

10 4. My involvement, other than as an absent class member, in this case began in late  
11 2012 or early 2013, and I officially became a party-plaintiff, and class representative with the filing  
12 of the Fourth Amended Complaint ("FAC") filed on May 30, 2014.

13 5. Prior to joining the case as a plaintiff, I was aware of, and considered at length, the  
14 substantial time commitments and financial sacrifices that may be required of me especially if the  
15 case went to trial. I was aware of the substantial discovery, time and financial burdens imposed on  
16 the two Plaintiffs who brought the case, Mr. Schlesinger and Mr. Lo Re, which included being  
17 deposed, answering extensive and intrusive written discovery and having to arrange for time off  
18 from work for the trial, and the fact that Ticketmaster served those two Plaintiffs with a settlement  
19 demand, which it would try to use to recover significant costs against them if Ticketmaster prevailed  
20 at trial. I also accepted the liability that my name and some personal information regarding my  
21 location and purchases would be disseminated to some 50 million class members in connection with  
22 any class notice, which did in fact occur.

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1           6.       I currently work as a nurse, with twelve hour shifts at least five days a week. Thus, if  
2 I were required to take days off for a deposition, trial preparation and trial, I would lose significant  
3 income. In addition, as I reside in Albany, New York, trial preparation and trial would require me to  
4 take off even more time to travel to Los Angeles, California, where the case is pending (as I  
5 understand, due to Ticketmaster's forum selection clause).

6           7.       Nevertheless, I joined the case as an additional class representative because I felt  
7 strongly that Ticketmaster committed wrongful acts which should be vindicated.

8           I declare under penalty of perjury under the laws of the State of California that the foregoing  
9 is true and correct.

10         Executed this 13<sup>th</sup> day of November, 2014 at Albany, New York.

11  
12 James M Roth II  
13 James Roth

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