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De Soles reach settlement with Ann Freedman—but Knoedler case could still go on

Mid-trial deal comes just a day before the former gallery director was
scheduled to take the stand

by [LAURA GILBERT](#) | 8 February 2016



Domenico and Eleanore DeSole. Photo: Elizabeth Williams

In the middle of a closely watched trial, Ann Freedman, the former director of the Knoedler Gallery, has reached a settlement with Domenico and Eleanore De Sole, the collectors' lawyer Gregory Clarick confirmed Sunday night. The settlement, to be announced in court on Monday morning, comes after two weeks of witness testimony for the plaintiffs, who allege that Freedman and Knoedler knowingly sold the De Soles a fake painting purportedly by Mark Rothko for \$8.4m in 2004.

The case against the remaining defendants—the gallery and its owner, 8-31 Holdings—will continue on Monday, when Freedman is scheduled to take the stand, says Clarick. He declined to comment further until the settlement is announced in open court. Knoedler's lawyers were unavailable to comment at the time of publishing.

The De Soles' painting is one of 40 forged Abstract Expressionist works brought to Knoedler by the Long Island art dealer Glafira Rosales from 1994 to 2008. When she pled guilty to federal charges of tax evasion and money laundering in 2013, Rosales admitted that the works were counterfeits painted in Queens by the Chinese artist Pei Shen Qian. Rosales has not yet been sentenced. Qian has been indicted and is believed to be in China.

In all, ten lawsuits were brought against Freedman, Knoedler, and 8-31. Five were settled before the De Soles' trial began. The defendants maintain that they were also deceived by Rosales, and that Freedman believed the works were authentic.

Evidence has been presented that undermines claim, and although Freedman will no longer be a defendant, legally all the evidence against her applies to Knoedler as well.

The jury has heard testimony that Knoedler heard doubts over the authenticity of the Rosales works early on. For example, MoMA's curator emeritus John Elderfield and Richard Diebenkorn's daughter both testified that in 1994 they told Freedman they had doubts about the supposed Diebenkorn works she was selling. Sharon Flescher, the head of the International Foundation for Art Research, testified that in 2003 the organisation concluded that it could not confirm the authenticity of a purported Jackson Pollock that came from Rosales and that the provenance Knoedler provided for the work was "inconceivable".

According to the forensic conservator James Martin of Orion Analytical, evidence that some works weren't authentic was visible to the naked eye, and he said Knoedler wanted him to change the conclusions in his report on two works meant to be by Robert Motherwell. The accountant Roger Siefert testified that Knoedler was wholly dependent on selling the fakes to keep afloat, and Freedman received more than \$10m as her share of the profits in selling them. And seven prominent art world figures the Soles

were told had viewed the Rothko have denied authenticating or otherwise approving it.



Forensic accountant Roger Siefert gave testimony on the profits Knoedler received from the sales of the Rosales Collection. Photo: Elizabeth Williams

The jury has also heard from the conservator Dana Cranmer, who testified that the De Soles' painting did not look like a forgery when she examined it. Other witnesses included some of the Rosales works in gallery and museum exhibitions. Freedman is still due to take the stand, and the defense is expected to present its witnesses this week.

News of the settlement was [first reported by the New York Times](#) Sunday night. Freedman's lawyer Luke Nikas told the Times that "from the very beginning of these cases, Ann never wanted to keep a penny of the profits she made" from selling the fakes.