

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

In Re SLEP-TONE
ENTERTAINMENT CORP.
consolidated cases.

**CASE NO.
5:11cv32-RS/CJK**

DECLARATION OF JAMES M. HARRINGTON

I, James M. Harrington, do hereby declare and say as follows:

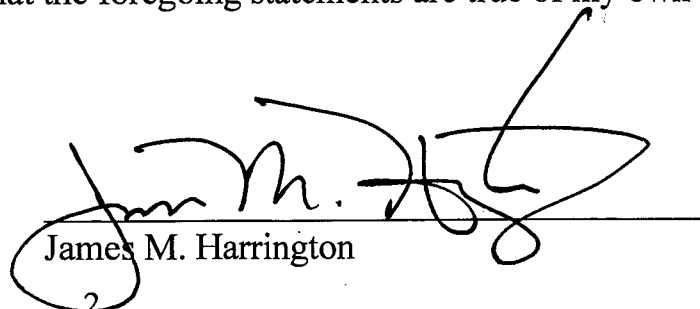
1. I am counsel for the Plaintiff, Slep-Tone Entertainment Corporation, in the above-captioned litigation.
2. In connection with my role as counsel for Slep-Tone, I have had occasion at times to communicate with Defendant Robert L. Paynter, Sr., in connection with the litigation.
3. On April 15, 2010, after Mr. Paynter had spoken with my law partner, Glen A. Cipriani, two days before, I emailed Mr. Paynter a detailed settlement proposal at his published email address, *callbigbob@comcast.net*. I did not receive an email response to that settlement proposal.
4. On April 21, 2010, I telephoned Mr. Paynter, returning a message he had left for me earlier that day. We spoke for 48 minutes and 15 seconds. Much of the discussion centered upon Mr. Paynter's inability to make payments to

settle the litigation based upon a lack of income and several debts of significance that Mr. Paynter had incurred due to a series of financial reverses. During the conversation, Mr. Paynter again confirmed that his parents lived with him.

5. I recorded my telephone call to Mr. Paynter using the same telephone emulator software that I used to place the telephone call. That software was provided to my firm by Vocalocity, Inc., our telephone services provider, in the ordinary course of its business, as a mechanism for placing and receiving telephone calls using Vocalocity's IP phone network. At that time, I routinely recorded my calls in the ordinary course of my business using that emulator software.
6. In connection with a firm policy to record contacts with defendants in Slep-Tone lawsuits, I routinely log telephone calls made to and received from those defendants using a computerized system established for that purpose. My records do not reflect any other telephone calls between me and Mr. Paynter.

I declare under penalty of perjury that the foregoing statements are true of my own personal knowledge.

12/7/2011
Date


James M. Harrington