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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION

BRYAN PRINGLE, an individual,
 Plaintiff,
 v.
 WILLIAM ADAMS, JR.; STACY
 FERGUSON; ALLAN PINEDA; and
 JAIME GOMEZ, all individually and
 collectively as the music group The
 Black Eyed Peas, et al.,
 Defendants.

Case No. SACV 10-1656 JST(RZx)
 Hon. Josephine Staton Tucker
 Courtroom 10A

**DECLARATION OF BARRY I.
 SLOTNICK IN SUPPORT OF
 MOTION FOR SUMMARY
 JUDGMENT BY DEFENDANTS
 SHAPIRO, BERNSTEIN & CO,
 INC., FREDERIC RIESTERER AND
 DAVID GUETTA**

Complaint Filed: October 28, 2010
 Trial Date: March 27, 2012

Hearing Date: January 30, 2012
 10:00 A.M.

1 I, BARRY I. SLOTNICK, declare as follows:

2 1. I am a partner of the law firm Loeb & Loeb LLP, attorneys for
3 Defendants Shapiro, Bernstein & Co, Inc. (“Shapiro Bernstein”), Frederic Riesterer
4 and David Guetta (collectively “Defendants”) in this action. I am a member in good
5 standing of the Bar of the State of New York and was admitted to practice in this
6 Court *pro hac vice* by Order dated December 21, 2010 (Doc. 70). I have personal
7 knowledge of the facts set forth hereinafter, and I submit this declaration in support
8 of Defendants’ Motion for Summary Judgment.

9 2. I am a copyright and entertainment law litigator, with nearly forty years
10 of experience representing music publishers, performing rights organizations,
11 recording artists, and others. I am a former President of the Copyright Society of
12 the U.S.A. (2004-2006), a co-author of the treatise Entertainment Law: Forms and
13 Analysis, published by the Law Journal Press (2011), and a frequent lecturer and
14 writer on intellectual property and entertainment law.

15 3. On November 17, 2011, my colleague, Tal Dickstein, submitted a
16 Declaration in support of Defendants’ pending Motion for Summary Judgment, in
17 which he recounted a telephonic meet and confer conference with counsel for
18 Plaintiff that took place on November 1, 2011. (Doc. 161 at ¶¶ 16-17).

19 4. On December 19, 2011, Kathleen Koppenhoefer, counsel for Plaintiff,
20 submitted a Declaration in Opposition to Defendants’ Motion for Summary
21 Judgment (Doc. 191), in which she stated that Mr. Dickstein’s recounting of the
22 meet and confer call was “untrue and does not accurately reflect the discussion”,
23 although Ms. Koppenhoefer does not specify what an accurate reflection of this
24 would be.

25 5. As confirmed by my own personal knowledge of the November 1, 2011
26 telephonic conference, which is set forth below, Mr. Dickstein’s Declaration is
27 accurate in every respect.
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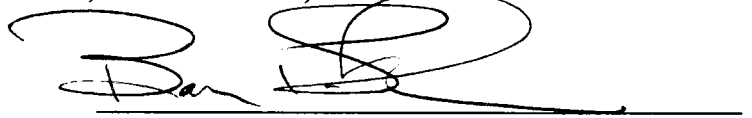
1 6. On November 1, 2011, I participated in a telephonic conference,
2 pursuant to Local Rule 7-3, with Plaintiff's counsel, including Ira Gould of Gould
3 Law Group and Kathleen Koppenhoefer of Miller Canfield LLP, and counsel for co-
4 defendants, regarding Defendants' intention to file the instant motion. During that
5 call, Plaintiff's counsel initially stated that they would "no longer pursue" their
6 claim that Defendants had physically appropriated (i.e., "sampled") portions of the
7 Plaintiff's work. I did not believe that Mr. Gould's comment was sufficiently
8 specific and I asked Mr. Gould for a clearer statement of his position. I asked Mr.
9 Gould what he meant by "no longer pursuing" the sampling claim, and he expressly
10 and unequivocally stated that they were "withdrawing" their sound recording
11 infringement claim.

12 7. I note that shortly thereafter Mr. Gould withdrew as counsel for
13 Plaintiff.

14 8. Although this issue is not material to our clients' motion, I thought it
15 necessary and appropriate to confirm the conversation as it took place and attest to
16 Mr. Dickstein's integrity.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed this 9th day of January, 2012, in New York, New York.

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21 BARRY I. SLOTNICK

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