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Attorneys for Defendant Peter Jarowey

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

INCENTIVE CAPITAL, LLC, a Utah Limited Liability Company,

Plaintiff,

v.

CAMELOT ENTERTAINMENT GROUP, INC., a Delaware Corporation; CAMELOT FILM GROUP, INC., a Nevada Corporation; CAMELOT DISTRIBUTION GROUP, INC., a Nevada Corporation, ROBERT P. ATWELL, an individual; JAMIE R. THOMPSON, an individual; STEVEN ISTOCK, an individual; TED BAER, an individual; PETER JAROWEY, an individual,

Defendants.

DECLARATION OF DAVID J. SHAPIRO

Civil No. 2:11-CV-00288

Judge Clark Waddoups

I, David J. Shapiro, of Kasowitz, Benson, Torres & Friedman LLP, counsel for Defendant Peter M. Jarowey II (“Jarowey”), respectfully submit this declaration in support of

Jarowey's motion to quash service pursuant to Federal Rule of Civil Procedure 12(b)(5), and declare under penalty of perjury that the following, which is based upon my personal knowledge, is true and correct:

1. Peter M. Jarowey II is a resident of Massachusetts.
2. Peter M. Jarowey III is a resident of California. He is the 24-year old son of Peter M. Jarowey II, and he resides at 360 North Curson Avenue, Apartment No. 1, Los Angeles, California 90036. Peter M. Jarowey III is a former employee of Camelot Distribution Group, one of the defendants in this action. Peter M. Jarowey III is not authorized to accept service of process on behalf of his father.
3. Attached hereto as Exhibit A is a true and correct copy of a Summons issued by D. Mark Jones, Deputy Clerk for the United States District Court for the District of Utah, dated April 15, 2011, to "Peter M. Jarowey, 360 North Curson Avenue, Apartment No. 1, Los Angeles, California 90036" (Docket No. 10).
4. Attached hereto as Exhibit B is a true and correct copy of a Proof of Service, dated April 22, 2011, signed by Alan Markawa of the Los Angeles Attorneys Service, 1610 Beverly Blvd., Suite 3, Los Angeles, California 90026, and stating that a copy of the "summons and complaint in this case" was left with Mr. Neil Spiro, an "Occupant" at 360 North Curson Avenue, Apartment No. 1, Los Angeles, California 90036 (Docket No. 12). Mr. Spiro is not authorized to accept service on behalf of Peter M. Jarowey II.
5. Attached hereto as Exhibit C is a true and correct copy of a note written to Deputy Clerk D. Mark Jones by Peter M. Jarowey III, dated April 19, 2011, and docketed on April 21 (Docket No. 11).

6. Since the docketing of Docket No. 11 on April 21, Peter M. Jarowey II has not been served with a copy of the Summons and Amended Complaint in this action.

Executed on: May 23, 2011

/s/ David J. Shapiro
David J. Shapiro

Certificate of Service

I hereby certify that on this 23rd day of May, 2011, I caused a true and correct copy of the foregoing **DECLARATION OF DAVID J. SHAPIRO** as indicated upon the following:

| | |
|--|---|
| Jonathan M. Levitan, Esq. LAW OFFICES OF JONATHAN MARK LEVITAN 12400 Wilshire Blvd., Suite 1300 Los Angeles, CA 90025 | <input type="checkbox"/> Sent via U.S. Mail <input checked="" type="checkbox"/> Sent via EMail <input type="checkbox"/> Sent via CMECF Filing |
| Joseph G. Pia, Esq. PIA ANDERSON DORIUS REYNARD & MOSS LLC 222 South Main Street, Suite 1800 Salt Lake City, UT 84101 | <input type="checkbox"/> Sent via U.S. Mail <input type="checkbox"/> Sent via EMail <input checked="" type="checkbox"/> Sent via CMECF Filing |
| Michael O'Brien VANCOTT BAGLEY 36 S. State St., Suite 1900 Salt Lake City, UT 84111 | <input type="checkbox"/> Sent via U.S. Mail <input type="checkbox"/> Sent via EMail <input checked="" type="checkbox"/> Sent via CMECF Filing |
| Dennis R James, Esq. MORGAN MINNOCK RICE & JAMES 136 S MAIN STE 800 Salt Lake City, UT 84101 | <input type="checkbox"/> Sent via U.S. Mail <input type="checkbox"/> Sent via EMail <input checked="" type="checkbox"/> Sent via CMECF Filing |

/s/ Wayne G. Petty

Wayne G. Petty
Attorney for Defendant Peter Jarowey