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10 Attorneys for Defendants WILL ADAMS (sued as WILL ADAMS,
 11 p/k/a will.i.am, individually and d/b/a WILL.I AM MUSIC PUBLISHING);
 ALLAN PINEDA (sued as ALLAN PINEDA, p/k/a apl.de.ap, individually
 12 and d/b/a JEEPNEY MUSIC PUBLISHING, an individual); JAIME GOMEZ
 (sued as JAIME GOMEZ, p/k/a Taboo, individually and d/b/a NAWASHA
 13 NETWORKS PUBLISHING, an individual); STACY FERGUSON (sued as
 STACY FERGUSON, p/k/a Fergie); WILL.IAM MUSIC, INC.; CHERRY
 14 LANE MUSIC PUBLISHING COMPANY, INC.; TAB MAGNETIC, INC.;
 GEORGE PAJON, JR.; EMI BLACKWOOD MUSIC, INC.

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 16 **UNITED STATES DISTRICT COURT**
 17 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**
 18

19 GEORGE CLINTON, an individual,
 20
 Plaintiff,
 21
 v.

Case No. CV10-9476 ODW (PLAx)
 Hon. Otis D. Wright, II
 Courtroom 11

22 WILL ADAMS, p/k/a will.i.am,
 23 individually and d/b/a WILL.I AM
 MUSIC PUBLISHING; ALLAN
 24 PINEDA, p/k/a apl.de.ap, individually
 and d/b/a JEEPNEY MUSIC
 25 PUBLISHING, an individual; JAIME
 GOMEZ, p/k/a Taboo, individually and
 26 d/b/a NAWASHA NETWORKS
 PUBLISHING, an individual; STACY
 27 FERGUSON, p/k/a Fergie, an individual;
 GEORGE PAJON, JR., an individual;
 28 JOHN CURTIS, an individual;

**ANSWER OF DEFENDANT STACY
 FERGUSON, P/K/A FERGIE; JURY
 DEMAND**

Complaint Filed: December 10, 2010
 Trial Date: Not Assigned

BRYAN CAVE LLP
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1 UNIVERSAL MUSIC GROUP, INC., a
2 Delaware corporation; UMG
3 RECORDINGS, INC., a Delaware
4 corporation; and WILL I AM MUSIC,
5 INC., a California corporation; CHERRY
6 LANE MUSIC PUBLISHING
7 COMPANY, INC., a New York
8 corporation; EL CUBANO MUSIC,
9 INC., a California corporation; EMI
10 BLACKWOOD MUSIC, INC., a
11 Connecticut corporation; TAB
12 MAGNETIC, INC., a California
13 corporation; and DOES 1 through 10,

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Defendants.

BRYAN CAVE LLP
3161 MICHELSON DRIVE, SUITE 1500
IRVINE, CALIFORNIA 92612-4414

1 Defendants Stacy Ferguson, p/k/a Fergie (hereinafter referred to as
2 “Defendant Ferguson”) presents the following Answer to Plaintiff’s Complaint
3 (“Complaint”):

4 **NATURE OF THE ACTION**

5 1. Answering Paragraph 1 of the Complaint, Defendant Ferguson admits
6 that Plaintiff is asking for certain relief, but denies that Plaintiff is entitled to such
7 relief. Further, Defendant Ferguson admits “Shut Up” was first released in 2003
8 and two remixes were released in 2003 and 2009, respectively. Defendant Ferguson
9 denies the remaining allegations.

10 2. Answering Paragraph 2 of the Complaint, Defendant Ferguson lacks
11 sufficient information to admit or deny the allegations contained in Paragraph 2, and
12 on that basis denies each and every such allegation.

13 3. Answering Paragraph 3 of the Complaint, Defendant Ferguson admits
14 that Plaintiff is asking for certain relief, but denies that Plaintiff is entitled to such
15 relief, and further denies the remaining allegations of the paragraph.

16 **JURISDICTION AND VENUE**

17 4. Answering Paragraph 4 of the Complaint, Defendant Ferguson admits,
18 on information and belief, that this action appears to rise under the Copyright Act
19 and that this Court would appear to have subject matter jurisdiction. Defendant
20 Ferguson denies that the Complaint states any claim upon which relief can be
21 granted.

22 5. Answering Paragraph 5 of the Complaint, Defendant Ferguson admits
23 that she may be found in this district. As to the remaining allegations, Defendant
24 Ferguson lacks sufficient information to admit or deny them, and on that basis,
25 denies such allegations.

26 6. Answering Paragraph 6 of the Complaint, Defendant Ferguson admits
27 that she resides in Los Angeles County, California. As to the remaining allegations,
28 Defendant Ferguson lacks sufficient information to admit or deny them, and on that

1 basis denies such allegations.

2 7. Answering Paragraph 7 of the Complaint, Defendant Ferguson lacks
3 sufficient information to admit or deny the allegations of Paragraph 7, and on that
4 basis denies each and every such allegation.

5 8. Answering Paragraph 8 of the Complaint, Defendant Ferguson lacks
6 sufficient information to admit or deny the allegations of Paragraph 8, and on that
7 basis denies each and every such allegation.

8 **PARTIES**

9 9. Answering Paragraph 9 of the Complaint, Defendant Ferguson admits
10 Clinton is a well-known artist and composer. Defendant Ferguson is without
11 sufficient information to admit or deny the remaining allegations of Paragraph 9,
12 and on that basis denies such allegations.

13 10. Answering Paragraph 10 of the Complaint, Defendant Ferguson admits
14 that Defendant William Adams lives in California and is a founding member of the
15 musical group, The Black Eyed Peas, and has been credited as a producer and
16 songwriter for various songs released by that group. Except as otherwise admitted
17 in this Answer, Defendant Ferguson is without sufficient information to admit or
18 deny the allegations of Paragraph 10, and on that basis denies such allegations.

19 11. Answering Paragraph 11 of the Complaint, Defendant Ferguson admits
20 that Defendant Allan Pineda lives in California and is a founding member of the
21 musical group, The Black Eyed Peas, and has been credited as a songwriter for
22 various songs released by that group. Except as otherwise admitted in this Answer,
23 Defendant Ferguson is without sufficient information to admit or deny the
24 allegations of Paragraph 11, and on that basis denies such allegations.

25 12. Answering Paragraph 12 of the Complaint, Defendant Ferguson admits
26 that Defendant Jaime Gómez lives in California and is a founding member of the
27 musical group, The Black Eyed Peas, and has been credited as a songwriter for
28 various songs released by that group. Except as otherwise admitted in this Answer,

1 Defendant Ferguson is without sufficient information to admit or deny the
2 allegations of Paragraph 12, and on that basis denies such allegations.

3 13. Answering Paragraph 13 of the Complaint, Defendant Ferguson admits
4 that she is a resident of California, and that she first collaborated with The Black
5 Eyed Peas on the album “Elephunk” and performs vocally on certain remixes of the
6 song “Shut Up.” Defendant Ferguson admits that “(Not Just) Knee Deep” was
7 sampled in certain remixes of “Shut Up” pursuant to a license. Except as otherwise
8 admitted in this Answer, Defendant Ferguson lacks information sufficient to form a
9 belief as to what Plaintiff is informed or believes, and on that basis denies the
10 remaining allegations in this paragraph.

11 14. Answering Paragraph 14 of the Complaint, Defendant Ferguson admits
12 that Defendant George Pajon, Jr. is credited as a songwriter on various songs
13 released by the group, The Black Eyed Peas. Except as otherwise admitted in this
14 Answer, Defendant Ferguson is without sufficient information to admit or deny the
15 allegations of Paragraph 14, and on that basis denies such allegations.

16 15. Answering Paragraph 15 of the Complaint, Defendant Ferguson admits
17 that Defendant John Curtis is credited as a songwriter on various songs released by
18 the group, The Black Eyed Peas. Except as otherwise admitted in this Answer,
19 Defendant Ferguson is without sufficient information to admit or deny the
20 allegations of Paragraph 15, and on that basis denies such allegations.

21 16. Answering Paragraph 16 of the Complaint, Defendant Ferguson admits
22 that the remaining defendants are commercial entities within the music industry.
23 Except as otherwise admitted in this Answer, Defendant Ferguson is without
24 sufficient information to admit or deny the allegations of Paragraph 16, and on that
25 basis denies such allegations.

26 17. Answering Paragraph 17 of the Complaint, Defendant Ferguson lacks
27 sufficient information to admit or deny the allegations contained in Paragraph 17,
28 and on that basis denies each and every such allegation.

1 18. Answering Paragraph 18 of the Complaint, Defendant Ferguson lacks
2 sufficient information to admit or deny the allegations contained in Paragraph 18,
3 and on that basis denies each and every such allegation.

4 19. Answering Paragraph 19 of the Complaint, Defendant Ferguson is
5 without sufficient information to admit or deny the allegations of Paragraph 19, and
6 on that basis denies such allegations.

7 20. Answering Paragraph 20 of the Complaint, lacks information sufficient
8 to form a belief as to what Plaintiff is informed or believes, and on that basis denies
9 the allegations in this paragraph.

10 21. Answering Paragraph 21 of the Complaint, Defendant Ferguson lacks
11 information sufficient to form a belief as to what Plaintiff is informed or believes,
12 and on that basis denies the allegations in this paragraph.

13 22. Answering Paragraph 22 of the Complaint, Defendant Ferguson lacks
14 information sufficient to form a belief as to what Plaintiff is informed or believes,
15 and on that basis denies the allegations in this paragraph.

16 23. Answering Paragraph 23 of the Complaint, Defendant Ferguson lacks
17 information sufficient to form a belief as to what Plaintiff is informed or believes,
18 and on that basis denies the allegations in this paragraph.

19 24. Answering Paragraph 24 of the Complaint, Defendant Ferguson lacks
20 information sufficient to form a belief as to what Plaintiff is informed or believes,
21 and on that basis denies the allegations in this paragraph.

22 25. Answering Paragraph 25 of the Complaint, Defendant Ferguson lacks
23 sufficient information to admit or deny the allegations contained in Paragraph 25,
24 and on that basis denies each and every such allegation.

25 26. Answering Paragraph 26 of the Complaint, Defendant Ferguson denies
26 the allegations in this paragraph.

27 27. Answering Paragraph 27 of the Complaint, Defendant Ferguson denies
28 the allegations in this paragraph.

SAMPLING “(NOT JUST) KNEE DEEP”

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2 28. Answering Paragraph 28 of the Complaint, Defendant Ferguson admits
3 that certain remixes of “Shut Up” contain authorized samples of “(Not Just) Knee
4 Deep” pursuant to a license. Except as expressly admitted, Defendant Ferguson
5 denies the allegations in this paragraph.

6 29. Answering Paragraph 29 of the Complaint, Defendant Ferguson admits
7 that certain remixes of “Shut Up” contain authorized samples of “(Not Just) Knee
8 Deep” pursuant to a license. Except as expressly admitted, Defendant Ferguson
9 denies the allegations in this paragraph.

10 30. Answering Paragraph 30 of the Complaint, Defendant Ferguson admits
11 that certain remixes of “Shut Up” contain authorized samples of “(Not Just) Knee
12 Deep” pursuant to a license. Defendant Ferguson further admits that sound
13 recordings of the musical compositions “Shut Up” and “Shut Up Remix” have been
14 exploited since their creation. Except as admitted herein, Defendant Ferguson
15 denies the allegations in this paragraph.

16 31. Answering Paragraph 31 of the Complaint, Defendant Ferguson admits
17 that, upon information and belief, a recording of “(Not Just)” Knee Deep” appears
18 on Funkadelic’s album “Uncle Jam Wants You,” and on information and belief it
19 has been sampled by many musical artists. Defendant Ferguson lacks sufficient
20 information to admit or deny the remaining allegations of Paragraph 31, and on that
21 basis, denies such remaining allegations.

22 32. Answering Paragraph 32 of the Complaint, Defendant Ferguson lacks
23 sufficient information to admit or deny the allegations of Paragraph 32, and on that
24 basis denies each and every such allegation.

25 33. Answering Paragraph 33 of the Complaint, Defendant Ferguson lacks
26 sufficient information to admit or deny the allegations of Paragraph 33, and on that
27 basis denies each and every such allegation.

28 34. Answering Paragraph 34 of the Complaint, Defendant Ferguson lacks

1 sufficient information to admit or deny the allegations of Paragraph 34, and on that
2 basis, denies each and every such allegation.

3 35. Answering Paragraph 35 of the Complaint, Defendant Ferguson lacks
4 sufficient information to admit or deny the allegations of Paragraph 35, and on that
5 basis denies each and every such allegation.

6 36. Answering Paragraph 36 of the Complaint, Defendant Ferguson lacks
7 sufficient information to admit or deny the allegations of Paragraph 36, and on that
8 basis denies each and every such allegation.

9 37. Answering Paragraph 37 of the Complaint, Defendant Ferguson denies
10 the allegations in this paragraph.

11 38. Answering Paragraph 38 of the Complaint, Defendant Ferguson denies
12 the allegations in this paragraph.

13 **RELEASE OF SHUT UP REMIX**

14 39. Answering Paragraph 39 of the Complaint, Defendant Ferguson admits
15 the allegations in this paragraph.

16 40. Answering Paragraph 40 of the Complaint, Defendant Ferguson admits
17 the allegations in this paragraph.

18 41. Answering Paragraph 41 of the Complaint, Defendant Ferguson lacks
19 information sufficient to form a belief as to what Plaintiff is informed or believes,
20 and on that basis denies the allegations in this paragraph.

21 42. Answering Paragraph 42 of the Complaint, Defendant Ferguson, upon
22 information and belief, admits the allegations in this paragraph.

23 43. Answering Paragraph 43 of the Complaint, Defendant Ferguson lacks
24 sufficient information to admit or deny the allegations set forth in this paragraph,
25 and on that basis denies the same.

26 44. Answering Paragraph 44 of the Complaint, Defendant Ferguson admits
27 certain remixes have been exploited in singles. Defendant Ferguson lacks
28 information as to which remixes Plaintiff is referring to, and on that basis denies the

1 remaining allegations of the paragraph

2 45. Answering Paragraph 45 of the Complaint, Defendant Ferguson admits
3 that certain remixes contain authorized samples. Defendant Ferguson lacks
4 information as to which remixes Plaintiff is referring to, and on that basis denies the
5 remaining allegations of the paragraph.

6 46. Answering Paragraph 46 of the Complaint, Defendant Ferguson lacks
7 information as to which remixes Plaintiff is referring to, and on that basis denies the
8 remaining allegations of the paragraph.

9 47. Answering Paragraph 47 of the Complaint, Defendant Ferguson lacks
10 sufficient information to admit or deny the allegations set forth in this paragraph,
11 and on that basis denies the same.

12 48. Answering Paragraph 48 of the Complaint, Defendant Ferguson denies
13 the allegations in this paragraph.

14 **RELEASE OF “SHUT THE PHUNK UP REMIX”**

15 49. Answering Paragraph 49 of the Complaint, Defendant Ferguson lacks
16 sufficient information to admit or deny the allegations contained in Paragraph 49,
17 and on that basis, denies each and every allegation.

18 50. Answering Paragraph 50 of the Complaint, Defendant Ferguson lacks
19 sufficient information to admit or deny the allegations contained in Paragraph 50 of
20 the Complaint, and on that basis denies each and every such allegation.

21 51. Answering Paragraph 51 of the Complaint, Defendant Ferguson admits
22 that The Black Eyed Peas album, “The E.N.D.” was released in or about June of
23 2009, and that certain deluxe editions of the album contains a track entitled “Shut
24 the Phunk Up.” Defendant Ferguson denies the remaining allegations of this
25 paragraph.

26 52. Answering Paragraph 52 of the Complaint, Defendant Ferguson admits
27 that “The E.N.D.” was nominated by the Grammy Awards for “Album of the Year”
28 and won a Grammy Award for the “Best Pop Vocal Album” on or about January 31,

1 2010. Defendant Ferguson denies the remaining allegations in this paragraph.

2 53. Answering Paragraph 53 of the Complaint, Defendant Ferguson lacks
3 sufficient to form a belief as to what Plaintiff is informed or believes, and on that
4 basis denies the allegations in this paragraph.

5 54. Answering Paragraph 54 of the Complaint, Defendant Ferguson lacks
6 sufficient to form a belief as to what Plaintiff is informed or believes, and on that
7 basis denies the allegations in this paragraph.

8 55. Answering Paragraph 55 of the Complaint, Defendant Ferguson lacks
9 sufficient information to admit or deny the allegations contained in Paragraph 55,
10 and on that basis denies each and every such allegation.

11 56. Answering Paragraph 56 of the Complaint, Defendant Ferguson lacks
12 sufficient information to admit or deny the allegations contained in Paragraph 56,
13 and on that basis denies each and every such allegation.

14 57. Answering Paragraph 57 of the Complaint, Defendant Ferguson lacks
15 sufficient information to admit or deny the allegations contained in Paragraph 57,
16 and on that basis denies each and every such allegation.

17 58. Answering Paragraph 58 of the Complaint, Defendant Ferguson lacks
18 sufficient information to admit or deny the allegations contained in Paragraph 58,
19 and on that basis denies each and every such allegation.

20 59. Answering Paragraph 59 of the Complaint, Defendant Ferguson lacks
21 sufficient information to admit or deny the allegations contained in Paragraph 59,
22 and on that basis denies each and every such allegation.

23 60. Answering Paragraph 60 of the Complaint, Defendant Ferguson lacks
24 sufficient information to admit or deny the allegations contained in Paragraph 60,
25 and on that basis, denies each and every such allegation

26 61. Answering Paragraph 61 of the Complaint, Defendant Ferguson lacks
27 sufficient information to admit or deny the allegations contained in Paragraph 61,
28 and on that basis denies each and every such allegation.

1 the allegations in this paragraph.

2 **FIRST CLAIM FOR RELIEF**

3 **(Copyright infringement (sound recording)**

4 **relating to “(Not Just) Knee Deep”;**

5 **against all named defendants and DOES 1 through 10)**

6 73. Answering Paragraph 73 of the Complaint, Defendant Ferguson
7 incorporates her answers and responses to Paragraphs 1-72 above, as if fully restated
8 herein.

9 74. Answering Paragraph 74 of the Complaint, Defendant Ferguson denies
10 the allegations in this paragraph.

11 75. Answering Paragraph 75 of the Complaint, Defendant Ferguson denies
12 the allegations in this paragraph.

13 76. Answering Paragraph 76 of the Complaint, Defendant Ferguson denies
14 the allegations in this paragraph.

15 77. Answering Paragraph 77 of the Complaint, Defendant Ferguson denies
16 the allegations in this paragraph.

17 78. Answering Paragraph 78 of the Complaint, Defendant Ferguson denies
18 the allegations in this paragraph.

19 79. Answering Paragraph 79 of the Complaint, Defendant Ferguson denies
20 the allegations in this paragraph.

21 80. Answering Paragraph 80 of the Complaint, Defendant Ferguson denies
22 the allegations in this paragraph.

23 81. Answering Paragraph 81 of the Complaint, Defendant Ferguson denies
24 the allegations in this paragraph.

25 82. Answering Paragraph 82 of the Complaint, Defendant Ferguson denies
26 the allegations in this paragraph.

27 83. Answering Paragraph 83 of the Complaint, Defendant Ferguson denies
28 the allegations in this paragraph.

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SECOND CLAIM FOR RELIEF

(Declaratory Judgment;

against all named defendants and DOES 1 through 10)

84. Answering Paragraph 84 of the Complaint, Defendant Ferguson incorporates her answers and responses to Paragraphs 1-83 above, as if fully restated herein.

85. Answering Paragraph 85 of the Complaint, Defendant Ferguson lacks sufficient information to admit or deny the allegations contained in Paragraph 85, and on that basis denies each and every such allegation.

86. Answering Paragraph 86 of the Complaint, Defendant Ferguson admits that, upon information and belief, Plaintiff seeks declaratory relief, but denies that he is entitled to such relief. As to the remaining allegations of Paragraph 86, Defendant denies each and every such allegation.

87. Answering Paragraph 87 of the Complaint, Defendant Ferguson admits that, upon information and belief, Plaintiff seeks declaratory relief, but denies that he is entitled to such relief. As to the remaining allegations of Paragraph 87, Defendant denies each and every such allegation.

THIRD CLAIM FOR RELIEF

(Permanent injunction;

against all named defendants and DOES 1 through 10)

88. Answering Paragraph 88 of the Complaint, Defendant Ferguson incorporates her answers and responses to Paragraphs 1-87 above, as if fully restated herein.

89. Answering Paragraph 89 of the Complaint, Defendant Ferguson denies the allegations in this paragraph.

90. Answering Paragraph 90 of the Complaint, Defendant Ferguson denies the allegations in this paragraph.

91. Answering Paragraph 91 of the Complaint, Defendant Ferguson admits

1 that, upon information and belief, Plaintiff seeks an injunction, but denies that
2 Plaintiff is entitled to an injunction of any sort, and further, notes that an injunction
3 is a species of relief, not a discrete claim for relief.

4 92. Plaintiff's Complaint does not include a Paragraph 92, and therefore,
5 no response is given for that numbered paragraph.

6 93. Plaintiff's Complaint does not include a Paragraph 93, and therefore,
7 no response is given for that numbered paragraph.

8 **NATURE OF LIABILITY**

9 94. Answering Paragraph 94 of the Complaint, Defendant Ferguson denies
10 the allegations of this paragraph.

11 **PRAYER FOR RELIEF**

12 Defendant Ferguson denies that Plaintiff is entitled to any of the relief
13 requested in his Prayer for Relief.

14 **AFFIRMATIVE DEFENSES**

15 **FIRST DEFENSE**

16 (Failure to State a Claim)

17 1. The Complaint and all claims for relief alleged therein fail to state a
18 claim upon which relief can be granted.

19 **SECOND DEFENSE**

20 (License)

21 2. Plaintiff's claims and the relief requested are barred based on the
22 existence of a valid license that authorized each of the Defendants to engage in the
23 allegedly infringing conduct.

24 **THIRD DEFENSE**

25 (Statute of Limitations)

26 3. The Complaint is barred by the applicable statute of limitations.

27 **FOURTH DEFENSE**

28 (Consent)

1 **JURY TRIAL DEMAND**

2 Defendant Ferguson hereby demands a jury trial.

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4 Respectfully submitted,

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6 Dated: March 4, 2011

7 **BRYAN CAVE LLP**
Jonathan S. Pink
Kara E. F. Cenar
Mariangela M. Seale

8
9 By: /s/ Jonathan S. Pink

Jonathan S. Pink
Attorneys for Defendants
WILL ADAMS; ALLAN PINEDA; JAIME
10 GOMEZ; STACY FERGUSON;
11 WILL.I.AM MUSIC, INC.; CHERRY
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