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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.

15
16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**
18

19 GEORGE CLINTON, an individual,

20 Plaintiff,

21 v.

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;

Case No. CV10-9476 ODW (PLAx)

Hon. Otis D. Wright, II
Courtroom 11

**ANSWER OF DEFENDANT ALLAN
PINEDA P/K/A APL.DE.AP,
INDIVIDUALLY AND D/B/A
JEEPNEY MUSIC PUBLISHING;
JURY DEMAND**

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

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,

Defendants.

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1 Defendant Allan Pineda, p/k/a apl.de.ap, individually and d/b/a/ Jeepney
2 Music Publishing (hereinafter collectively referred to as “Defendant Pineda”)
3 present the following Answer to Plaintiff’s Complaint (“Complaint”):

4 **NATURE OF THE ACTION**

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

10 2. Answering Paragraph 2 of the Complaint, Defendant Pineda 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 Pineda admits that
14 Plaintiff is asking for certain relief, but denies that Plaintiff is entitled to such relief,
15 and further denies the remaining allegations of the paragraph.

16 **JURISDICTION AND VENUE**

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

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

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

1 various songs released by that group. Except as otherwise admitted in this Answer,
2 Defendant Pineda is without sufficient information to admit or deny the allegations
3 of Paragraph 12, and on that basis denies such allegations.

4 13. Answering Paragraph 13 of the Complaint, Defendant Pineda admits
5 that Defendant Stacy Ferguson first collaborated with The Black Eyed Peas on the
6 album “Elephunk” and performs vocally on certain remixes of the song “Shut Up.”
7 Except as otherwise admitted in this Answer, Defendant Pineda is without sufficient
8 information to admit or deny the allegations of Paragraph 13, and on that basis
9 denies such allegations.

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

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

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

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

28 18. Answering Paragraph 18 of the Complaint, Defendant Pineda lacks

1 sufficient information to admit or deny the allegations contained in Paragraph 18,
2 and on that basis denies each and every such allegation.

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

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

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

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

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

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

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

26 27. Answering Paragraph 27 of the Complaint, Defendant Pineda denies
27 the allegations in this paragraph.

28

SAMPLING “(NOT JUST) KNEE DEEP”

1
2 28. Answering Paragraph 28 of the Complaint, Defendant Pineda 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 Pineda denies
5 the allegations in this paragraph.

6 29. Answering Paragraph 29 of the Complaint, Defendant Pineda 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 Pineda denies
9 the allegations in this paragraph.

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

16 31. Answering Paragraph 31 of the Complaint, Defendant Pineda 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 artistes. Defendant Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda denies
10 the allegations in this paragraph.

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

13 **RELEASE OF SHUT UP REMIX**

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

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

18 41. Answering Paragraph 41 of the Complaint, Defendant Pineda 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 Pineda, upon
22 information and belief, admits the allegations in this paragraph.

23 43. Answering Paragraph 43 of the Complaint, Defendant Pineda 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 Pineda admits
27 certain remixes have been exploited in singles. Defendant Pineda lacks information
28 as to which remixes Plaintiff is referring to, and on that basis denies the remaining

1 allegations of the paragraph

2 45. Answering Paragraph 45 of the Complaint, Defendant Pineda admits
3 that certain remixes contain authorized samples. Defendant Pineda 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 Pineda 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 Pineda 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 Pineda denies
13 the allegations in this paragraph.

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

15 49. Answering Paragraph 49 of the Complaint, Defendant Pineda 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 Pineda 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 Pineda 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 Pineda denies the remaining allegations of this
25 paragraph.

26 52. Answering Paragraph 52 of the Complaint, Defendant Pineda 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 Pineda denies the remaining allegations in this paragraph.

2 53. Answering Paragraph 53 of the Complaint, Defendant Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda 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 Pineda
7 incorporates his answers and responses to Paragraphs 1-72 above, as if fully restated
8 herein.

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

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

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

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

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

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

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

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

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

27 83. Answering Paragraph 83 of the Complaint, Defendant Pineda 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 Pineda incorporates his answers and responses to Paragraphs 1-83 above, as if fully restated herein.

85. Answering Paragraph 85 of the Complaint, Defendant Pineda 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 Pineda 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 Pineda 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 Pineda incorporates his answers and responses to Paragraphs 1-87 above, as if fully restated herein.

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

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

91. Answering Paragraph 91 of the Complaint, Defendant Pineda 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 Pineda denies
10 the allegations of this paragraph.

11 **PRAYER FOR RELIEF**

12 Defendant Pineda denies that Plaintiff is entitled to any of the relief requested
13 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 WHEREFORE, having fully answered Plaintiff's Complaint, Defendant
2 Pineda prays for judgment against Plaintiff and awarding Defendant Pineda his
3 costs, interest, reasonable attorneys' fees, together with such other and further relief
4 as the Court may deem proper.
5

6 Respectfully submitted,

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8 Dated: March 4, 2011

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

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10
11 By: /s/ Jonathan S. Pink

12 Jonathan S. Pink
13 Attorneys for Defendants
14 WILL ADAMS; ALLAN PINEDA; JAIME
15 GOMEZ; STACY FERGUSON;
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17 LANE MUSIC PUBLISHING COMPANY,
18 INC.; TAB MAGNETIC, INC.; GEORGE
19 PAJÓN, JR.; EMI BLACKWOOD MUSIC,
20 INC.
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1 **JURY TRIAL DEMAND**

2 Defendant Pineda hereby demands a jury trial.

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4 Respectfully submitted,

5
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
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10 GOMEZ; STACY FERGUSON;
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