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5 Attorneys for Defendants  
 WILLIAM ADAMS, et al.

8 UNITED STATES DISTRICT COURT  
 9 CENTRAL DISTRICT OF CALIFORNIA

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GEORGE CLINTON, an individual,  
 Plaintiff,  
 v.  
 WILL ADAMS, p/k/a will.i.am,  
 individually and d/b/a WILL.I.AM MUSIC  
 PUBLISHING, an individual; ALLAN  
 PINEDA, p/k/a apl.de.ap, individually and  
 d/b/a JEEPNEY MUSIC PUBLISHING,  
 an individual; JAIME GÓMEZ, p/k/a  
 Taboo, individually and d/b/a NAWASHA  
 NETWORKS PUBLISHING, an  
 individual; STACY FERGUSON, p/k/a  
 Fergie, an individual; GEORGE PAJON,  
 JR., an individual; JOHN CURTIS, an  
 individual; UNIVERSAL MUSIC  
 GROUP, INC., a Delaware corporation;  
 UMG RECORDINGS, INC., a Delaware  
 corporation; WILL I AM MUSIC, INC., a  
 California corporation; CHERRY LANE  
 MUSIC PUBLISHING COMPANY, INC.,  
 a New York corporation; EL CUBANO  
 MUSIC, INC., a California corporation;  
 EMI BLACKWOOD MUSIC INC., a  
 Connecticut corporation; TAB  
 MAGNETIC, INC., a California  
 corporation; and DOES 1 through 10,  
 Defendants.

Case No. CV 10-9476 ODW (PLAx)  
 Honorable Otis D. Wright II, Ctrm 11  
**NOTICE OF MOTION FOR  
 PARTIAL SUMMARY  
 JUDGMENT**  
 Date: April 9, 2012  
 Time: 1:30 p.m.  
 Place: Courtroom 11  
 Pre-Trial Conf.: May 7, 2012  
 Trial Date: June 5, 2012

1 PLEASE TAKE NOTICE that on April 9, 2012 at 1:30 p.m. or as soon  
2 thereafter as the matter may be heard, in Courtroom 11 of the above-entitled court,  
3 located at 312 N. Spring St., Los Angeles, CA 90012, Defendants William Adams,  
4 Jamie Gomez, Allan Pineda, Stacy Ferguson, will.i.am music, inc., and Tab Magnetic,  
5 Inc. (the “Moving Defendants”) will move this Court, pursuant to Rule 56 of the  
6 Federal Rules of Civil Procedure, for partial summary judgment on the First Claim for  
7 Relief for Copyright Infringement in the Complaint filed by Plaintiff George Clinton  
8 as follows:

- 9 (1) Plaintiff cannot, as a matter of law, prove the existence of actual damages  
10 and may not recover actual damages on his copyright infringement claim;
- 11 (2) Plaintiff cannot, as a matter of law, prove profits attributable to the  
12 alleged infringement and may not recover profits on his copyright  
13 infringement claim;
- 14 (3) The Moving Defendants are “innocent infringers” within the meaning of  
15 18 U.S.C. § 504(c)(2).
- 16 (4) Defendants will.i.am music, inc. and Tab Magnetic, Inc. are entitled to  
17 judgment as a matter of law on all claims for relief in the Complaint.

18 This Motion is based on this Notice of Motion, the Memorandum of Points and  
19 Authorities attached hereto, the Declarations of Craig Marshall, Deborah Mannis-  
20 Gardner, Rachel Rosoff, and Allen B. Grodsky, and Exhibits submitted herewith, the  
21 Separate Statement of Uncontroverted Facts, and Proposed Statement of Decision  
22 submitted herewith, and such other and further evidence as may be presented prior to  
23 the hearing on the motion.

1           **Compliance With Local Rule 7-3:** This Motion is made following the  
2 conference of counsel pursuant to Local Rule 7-3 which took place on March 2,  
3 2012.<sup>1/</sup>  
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5 Dated: March 7, 2012

GRODSKY & OLECKI LLP

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8 By           // Allen B. Grodsky //  
          Allen B. Grodsky

9 Attorneys for Defendants William Adams,  
10 Allan Pineda, Jamie Gomez, Stacy  
11 Ferguson, will.i.am music, inc., and Tab  
Magnetic, Inc.  
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24 <sup>1/</sup> Under Local Rule 7-3, the Moving Defendants would arguably have had to  
25 wait 10 days after the conference of counsel before filing this motion. Given the law  
26 and motion cutoff date in this case, had counsel waited the full ten days, it would have  
27 provided only minimum notice to opposing counsel. Paragraph 6.d of the Court’s  
28 Schedule and Case Management Order, however, states that “the Court expects that  
the party moving for summary judgment will provide more than the minimum twenty-  
eight (28) day notice.” Accordingly, Defendants have filed this motion before  
expiration of the ten day period to give additional time to Plaintiff to respond.