

EXHIBIT D

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8 Attorneys for Defendants
9 WILL ADAMS, et al.

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 GEORGE CLINTON, an individual,
13 Plaintiff,

14 v.

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

**RESPONSE TO REQUEST FOR
PRODUCTION OF DOCUMENTS
PROPOUNDED ON DEFENDANT
WILL ADAMS (SET ONE)**

Complaint Filed: 12/10/10

Trial Date: 5/1/12

1 PROPOUNDING PARTY: Plaintiff GEORGE CLINTON
2 RESPONDING PARTY: Defendant WILL ADAMS
3 SET NO.: ONE

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant
5 WILLIAM ADAMS ("Responding Party"), by and through his attorneys of record,
6 responds to Plaintiff GEORGE CLINTON ("Requesting Party") Requests for
7 Production, Set One, as follows:
8

9 **PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

10 1. Responding Party has not yet completed its investigation of the facts
11 relating to this action, its preparation for trial, or associated discovery. As discovery
12 proceeds, Responding Party may identify individuals who have knowledge concerning
13 the subject matter of this action, or who participated in some capacity in the events
14 underlying (or related to) this action, and/or Responding Party may discover facts,
15 information, evidence, documents, and things which are not set forth in these
16 responses but which may be responsive. The following responses are based on
17 Responding Party's present knowledge, information and belief and are complete as to
18 Responding Party's best knowledge at this time. Responding Party also reserves the
19 right to conduct discovery with reference to or to offer into evidence at the time of
20 trial, any and all facts, evidence, documents, and things developed during the course
21 of discovery and trial preparation, notwithstanding the reference to certain facts,
22 evidence, documents and things in these responses.

23 2. Responding Party has prepared these responses based on its good faith
24 interpretation and understanding of the individual requests, and it expressly reserves
25 its right to correct any inadvertent errors or omissions. In addition, Responding Party
26 reserves the right to revise and supplement these responses based upon any
27 information, evidence and documentation that may be discovered subsequent to the
28 service of these responses as appropriate. Additionally, except for those facts that are

1 admitted expressly herein, no admission of any nature whatsoever is to be implied or
2 inferred from these responses.

3 3. Responding Party generally objects to these requests to the extent that
4 they: (a) are overly broad; (b) call for information that is not relevant to any element
5 of proof that Plaintiff is required to establish in prosecuting his claim for copyright
6 infringement; (c) call for the production of documents or information that is not
7 reasonably calculated to lead to the discovery of admissible evidence; and (d) seek
8 documents or information protected by the attorney-client privilege, the work product
9 doctrine, or any other privilege or protection from discovery or disclosure. Nothing
10 contained in these responses is intended as, or should in any way be deemed, a waiver
11 of any attorney-client privilege, work product doctrine or any other privilege or
12 protection from discovery or disclosure.

13 OBJECTIONS TO DEFINITIONS

14 1. Responding Party objects to Paragraph 1 of the Definitions as vague,
15 ambiguous, overly broad, burdensome, oppressive, and violative of the attorney-client
16 privilege, the attorney work product doctrine, and the constitutional right to privacy.

17 2. Responding Party objects to Paragraph 2 of the Definitions as vague,
18 ambiguous, overly broad, burdensome, and oppressive because, among other things,
19 Responding Party has no way of knowing the identity of Plaintiff's predecessors,
20 successors, assigns, agents employees, investigators, accountants, attorneys, affiliated
21 entities, or other persons acting on his behalf. Responding Party will interpret the
22 term "PLAINTIFF" to mean Plaintiff George Clinton and nobody else.

23 3. Responding Party objects to Paragraph 3 of the Definitions as vague and
24 ambiguous.

25 4. Responding Party objects to Paragraph 4 of the Definitions as vague and
26 ambiguous.

27 5. Responding Party objects to Paragraph 5 of the Definitions as vague and
28 ambiguous.

1 6. Responding Party objects to Paragraph 6 of the Definitions as vague and
2 ambiguous.

3 7. Responding Party objects to Paragraph 7 of the Definitions as vague and
4 ambiguous.

5 8. Responding Party objects to Paragraph 9 of the Definitions as vague and
6 ambiguous.

7 9. Responding Party objects to Paragraph 10 of the Definitions as vague and
8 ambiguous.

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10 **OBJECTIONS TO INSTRUCTIONS**

11 1. Responding Party objects to Paragraph 1 of the Instructions as vague,
12 ambiguous, overly broad, burdensome, oppressive, and imposing obligations beyond
13 those required by the Federal Rules of Civil Procedure. Responding Party will comply
14 with the provisions of the Federal Rules of Civil Procedure and no others.

15 2. Responding Party objects to Paragraph 2 of the Instructions as vague,
16 ambiguous, overly broad, burdensome, oppressive, and imposing obligations beyond
17 those required by the Federal Rules of Civil Procedure. Responding Party will comply
18 with the provisions of the Federal Rules of Civil Procedure and no others.

19 3. Responding Party objects to Paragraph 3 of the Instructions as vague,
20 ambiguous, overly broad, burdensome, oppressive, violative of the attorney-client
21 privilege and the attorney work product doctrine, and imposing obligations beyond
22 those required by the Federal Rules of Civil Procedure. Responding Party will comply
23 with the provisions of the Federal Rules of Civil Procedure and no others.

24 4. Responding Party objects to Paragraph 4 of the Instructions as vague,
25 ambiguous, overly broad, burdensome, oppressive, and imposing obligations beyond
26 those required by the Federal Rules of Civil Procedure. Responding Party will comply
27 with the provisions of the Federal Rules of Civil Procedure and no others.

28 5. Responding Party objects to Paragraph 5 of the Instructions as vague,
 ambiguous, overly broad, burdensome, oppressive, and imposing obligations beyond

1 those required by the Federal Rules of Civil Procedure. Responding Party will comply
2 with the provisions of the Federal Rules of Civil Procedure and no others.

3 6. Responding Party objects to Paragraph 6 of the Instructions as vague,
4 ambiguous, overly broad, burdensome, oppressive, and imposing obligations beyond
5 those required by the Federal Rules of Civil Procedure. Responding Party will comply
6 with the provisions of the Federal Rules of Civil Procedure and no others.

7 7. Responding Party objects to Paragraph 7 of the Instructions as vague,
8 ambiguous, overbroad, and imposing obligations beyond those required by the Federal
9 Rules of Civil Procedure. Responding Party will comply with the provisions of the
10 Federal Rules of Civil Procedure and no others.

11 8. Responding Party objects to Paragraph 8 of the Instructions as vague,
12 ambiguous, overbroad, burdensome, oppressive, and imposing obligations beyond
13 those required by the Federal Rules of Civil Procedure. Responding Party will comply
14 with the provisions of the Federal Rules of Civil Procedure and no others.

15 9. Responding Party objects to Paragraph 9 of the Instructions as vague,
16 ambiguous, overbroad, burdensome, oppressive, and imposing obligations beyond
17 those required by the Federal Rules of Civil Procedure. Responding Party will comply
18 with the provisions of the Federal Rules of Civil Procedure and no others.

19 10. Responding Party objects to Paragraph 10 of the Instructions as vague,
20 ambiguous, overbroad, burdensome, oppressive, and imposing obligations beyond
21 those required by the Federal Rules of Civil Procedure. Responding Party will comply
22 with the provisions of the Federal Rules of Civil Procedure and no others.

23 11. Responding Party objects to Paragraph 11 of the Instructions as vague,
24 ambiguous, overbroad, burdensome, oppressive, and imposing obligations beyond
25 those required by the Federal Rules of Civil Procedure. Responding Party will comply
26 with the provisions of the Federal Rules of Civil Procedure and no others.
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28

1 **RESPONSE TO REQUESTS FOR PRODUCTION**

2
3 **REQUEST NO. 1:**

4 Each and every DOCUMENT which REFERS, RELATES, or REFLECTS any
5 and all of YOUR efforts, including the efforts made by BEP and YOUR authorized
6 representatives and/or BEP, to obtain a license for the use of any version or track of
7 the sound recording "(Not Just) Knee Deep."

8 **RESPONSE TO REQUEST NO. 1:**

9 Responding Party objects to Request No. 1 as vague, ambiguous, overly broad
10 as to time and scope, and violative of the attorney-client privilege and/or work product
11 doctrine.

12 Without waiving any of the foregoing objections and limited to the allegations
13 of the Complaint, Responding Party responds as follows:

14 Responding Party will produce all non-privileged, responsive documents, if
15 any, in his possession, custody, or control.

16
17 **REQUEST NO. 2:**

18 Each and every authorization or license YOU, including BEP, have obtained for
19 USES OF "(NOT JUST) KNEE DEEP."

20
21 **RESPONSE TO REQUEST NO. 2:**

22 Responding Party objects to Request No. 2 as vague, ambiguous, and overly
23 broad as to time and scope.

24 Without waiving any of the foregoing objections and limited to the allegations
25 of the Complaint, Responding Party responds as follows:

26 Responding Party will produce all responsive documents relating to use of
27 "(NOT JUST) KNEE DEEP," if any, in his possession, custody, or control.

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1 **REQUEST NO. 3:**

2 Each and every agreement YOU and/or the BEPs, have made with PLAINTIFF
3 REGARDING USES OF "(NOT JUST) KNEE DEEP."

4 **RESPONSE TO REQUEST NO. 3:**

5 Responding Party objects to Request No. 3 as vague and ambiguous.

6 Without waiving any of the foregoing objections and limited to the allegations
7 of the Complaint, Responding Party responds as follows:

8 Responding Party will produce all responsive documents, if any, in his
9 possession, custody, or control.
10

11 **REQUEST NO. 4:**

12 Each and every DOCUMENT which constitutes, REFERS, RELATES, or
13 REFLECTS, directly or indirectly to sales figures (whether set forth in terms of
14 volume, revenues, or otherwise), both domestic and international, of the songs "Shut
15 Up Remix", "Shut the Phunk Up" and/or other USES OF "(NOT JUST) KNEE
16 DEEP." This Request includes but is not limited to Soundscan reports within YOUR
17 possession, custody, or control.
18

19 **RESPONSE TO REQUEST NO. 4:**

20 Responding Party objects to Request No. 4 as vague, ambiguous, overly broad
21 as to time and scope, and violative of the attorney-client privilege, the attorney work
22 product doctrine, and the constitutional right to privacy.

23 Without waiving any of the foregoing objections and limited to the allegations
24 of the Complaint, Responding Party responds as follows:

25 Subject to entry of a mutually acceptable protective order, Responding Party
26 will produce non-privileged, responsive documents sufficient to reflect gross sales
27 revenues of "Shut Up Remix" (also referred to as the "Shut Up (Knee Deep) Remix,"
28

1 "Shut the Phunk Up," and/or other USES OF "(NOT JUST) KNEE DEEP" from
2 December 2007 to the present.

3
4 **REQUEST NO. 5:**

5 Each and every DOCUMENT which REFERS, RELATES, or REFLECTS,
6 directly or indirectly, any and all gross revenue figures, both domestic and
7 international, of the songs "Shut Up Remix," "Shut the Phunk Up" and/or other USES
8 OF "(NOT JUST) KNEE DEEP."

9
10 **RESPONSE TO REQUEST NO. 5:**

11 Responding Party objects to Request No. 5 as vague, ambiguous, overly broad
12 as to time and scope, and violative of the attorney-client privilege, the attorney work
13 product doctrine, and the constitutional right to privacy.

14 Without waiving any of the foregoing objections and limited to the allegations
15 of the Complaint, Responding Party responds as follows:

16 Subject to entry of a mutually acceptable protective order, Responding Party
17 will produce non-privileged, responsive documents sufficient to reflect gross revenues
18 from sales of the songs "Shut Up Remix" (also known as "Shut Up (Knee Deep)
19 Remix"), "Shut the Phunk Up," and/or other USES OF "(NOT JUST) KNEE DEEP"
20 from December 2007 to the present.

21 **REQUEST NO. 6:**

22 Each and every DOCUMENT which REFERS, RELATES, or REFLECTS,
23 directly or indirectly, any and all gross revenues YOU received arising from any and
24 all USES OF "(NOT JUST) KNEE DEEP."

25
26 **RESPONSE TO REQUEST NO. 6:**

27 Responding Party objects to Request No. 6 as vague, ambiguous, overly broad
28 as to time and scope, and violative of the attorney-client privilege, the attorney work

1 product doctrine, and the constitutional right to privacy.

2 Without waiving any of the foregoing objections and limited to the allegations
3 of the Complaint, Responding Party responds as follows:

4 Subject to entry of a mutually acceptable protective order, Responding Party
5 will produce non-privileged, responsive documents sufficient to reflect gross revenues
6 received by Adams from use of the songs "Shut Up Remix" (also known as "Shut Up
7 (Knee Deep Remix), "Shut the Phunk Up," and/or other USES OF "(NOT JUST)
8 KNEE DEEP" from December 2007 to the present.

9 **REQUEST NO. 7:**

10 DOCUMENTS sufficient to identify the UPC and ISRC registration numbers
11 for each USE OF "(NOT JUST) KNEE DEEP."

12 **RESPONSE TO REQUEST NO. 7:**

13 Responding Party objects to Request No. 7 as vague, ambiguous, overly broad,
14 burdensome, oppressive, and not calculated to lead to the discovery of relevant and
15 admissible evidence.

16 Without waiving the foregoing objections and limited to the allegations of the
17 Complaint, Responding Party responds as follows:

18 Responding Party will produce responsive documents relating to "Shut Up
19 Remix" (also known as "Shut Up (Knee Deep Remix)"), and "Shut the Phunk Up," to
20 the extent Responsive Party has such documents in his possession, custody, or control.
21

22 **REQUEST NO. 8:**

23 DOCUMENTS sufficient to establish all deductible expenses related to USES
24 OF "(NOT JUST) KNEE DEEP."
25

26 **RESPONSE TO REQUEST NO. 8:**

27 Responding Party objects to Request No. 8 as vague, ambiguous, overly broad,
28

1 burdensome, oppressive, and violative of the constitutional right to privacy and
2 constituting confidential and proprietary documents.

3 Without waiving the foregoing objections and limited to the allegations of the
4 Complaint, Responding Party responds as follows:

5 Subject to entry of a mutually acceptable protective order, Responding Party
6 will produce responsive documents sufficient to reflect deductible expenses relating to
7 uses of "(Not Just) Knee Deep" from December 2007 to the present to the extent
8 Responsive Party has such documents in his possession, custody, or control.

9 **REQUEST NO. 9:**

10 IF YOU contend there are elements of profit from "Shut Up," "Shut Up Remix"
11 and any version or track thereof which are not attributable to YOUR USE OF "(NOT
12 JUST) KNEE DEEP," DOCUMENTS sufficient to establish such elements of profit.
13

14 **RESPONSE TO REQUEST NO. 9:**

15 Responding Party objects to Request No. 9 as vague, ambiguous, overly broad,
16 burdensome, oppressive, and not calculated to lead to the discovery of relevant and
17 admissible evidence.

18 Without waiving the foregoing objections and limited to the allegations of the
19 Complaint, Responding Party responds as follows:

20 Responding Party will produce responsive documents relating to "Shut Up
21 Remix" (also known as "Shut Up (Knee Deep Remix)" and/or "Shut the Phunk Up,"
22 to the extent Responsive Party has such documents in his possession, custody, or
23 control.
24

25 **REQUEST NO. 10:**

26 All DOCUMENTS which REFER, REFLECT, or RELATE to what YOU
27 contend are licenses or assignments to YOU to use the sound recording "(Not Just)
28 Knee Deep."

1 **RESPONSE TO REQUEST NO. 10:**

2 Responding Party objects to Request No. 10 as vague, ambiguous, overly broad,
3 burdensome, oppressive, and violative of the attorney-client privilege, the attorney
4 work product doctrine, and the constitutional right to privacy.

5 Without waiving the foregoing objections and limited to the allegations of the
6 Complaint, Responding Party responds as follows:

7 Responding Party will produce non-privileged, responsive documents, if any, in
8 his possession, custody, or control.

9 Dated: November 7, 2011

GRODSKY & OLECKI LLP

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11 By

Allen B. Grodsky

12 Attorneys for Defendants
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