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5 Attorneys for Defendants  
 WILLIAM ADAMS, et al.

8 UNITED STATES DISTRICT COURT  
 9 CENTRAL DISTRICT OF CALIFORNIA

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

Case No. CV 10-9476 ODW (PLAx)  
 Honorable Otis D. Wright II, Ctrm 11

**OBJECTIONS TO EVIDENCE  
 OFFERED BY PLAINTIFF IN  
 OPPOSITION TO  
 DEFENDANTS' MOTION FOR  
 PARTIAL SUMMARY  
 JUDGMENT**

*[Filed concurrently with Defendants'  
 Reply in support of their motion for  
 partial summary judgment]*

Date: April 16, 2012  
 Time: 1:30 p.m.  
 Place: Courtroom 11

Pre-Trial Conf.: May 7, 2012  
 Trial Date: June 5, 2012

1 Defendants William Adams, Jamie Gomez, Allan Pineda, Stacy Ferguson,  
2 will.i.am music, inc., and Tab Magnetic, Inc. (the “Moving Defendants”) submit the  
3 following objections to evidence offered by Plaintiff in opposition to Moving  
4 Defendants’ motion for partial summary judgment:

5 Plaintiff’s Statement of Genuine Disputes of Material Fact, Paragraphs 32 & 33.

6 Objection to Exhibit E to the Declaration of Jeffrey P. Thennisch (Dkt. 88-5).<sup>1/</sup>  
7 Exhibit E consist of (1) settlement communications between Plaintiff’s counsel and  
8 Moving Defendants’ counsel (pages 2-4); a financial analysis that Moving  
9 Defendants’ counsel received from counsel for Defendant Universal and provided to  
10 Plaintiff’s counsel for settlement purposes only (pages 5-7, the “Financial Analysis”);  
11 and a SoundScan report, which Moving Defendants’ counsel also received from  
12 counsel for Defendant Universal and provided to Plaintiff’s counsel for settlement  
13 purposes only (pages 8-9, the “SoundScan Report”). (Grotsky Reply Decl. ¶¶ 3-5.)  
14 Page 10 is a duplicate of page 8.

15 Moving Defendants object to Exhibit E on the following grounds:

16 1. *Lacks authentication (FRE 901)*. Thennisch does not authenticate Exhibit E,  
17 and the most to which he could testify based on his personal knowledge is that these  
18 documents are true and correct copies of documents he received from counsel for  
19 Moving Defendants, Mr. Grotsky.

20 2. *Lacks foundation (FRE 602)*. Thennisch has no personal knowledge  
21 regarding the origins of the Financial Analysis or the SoundScan Report, including  
22 when they were generated and for what purpose. Nor does Thennisch have personal  
23 knowledge sufficient to explain the dollar amounts stated in the Financial Analysis.

24 3. *Relevance (FRE 401)*. The dollar amounts listed in the Financial Analysis  
25 are not self-explanatory, and Thennisch has no personal knowledge sufficient to  
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27 <sup>1/</sup> In response to UFs 32 and 33, Plaintiff refers to “sales data” that “counsel for  
28 Will Adams” provided to Plaintiff’s counsel. Plaintiff appears to be referring to  
Exhibit E of the Thennisch Declaration, although he does not expressly cite it.

1 explain them. The Financial Analysis is irrelevant because there is no testimony that  
2 the dollar amounts represent revenues received by any of the Moving Defendants.  
3 Indeed, they do not. (Grotsky Reply Decl. ¶ 8.) Separately, the SoundScan Report is  
4 irrelevant toward establishing any of the Moving Defendants’ revenues because it only  
5 lists unit sales and does not contain dollar amounts.

6 4. *Hearsay (FRE 801)*. To the extent the Financial Analysis or SoundScan  
7 Report say anything about any of the Moving Defendants’ revenues, it is hearsay for  
8 which there is no exception. Thennisch does not and cannot establish any portion of  
9 Exhibit E as a “business record” under FRE 803(6).

10 5. *Settlement communications (FRE 408)*. All portions of Exhibit E are  
11 evidence of “conduct or a statement made during compromise negotiations,” and are  
12 thus inadmissible to prove the “amount of a disputed claim.” All portions of Exhibit E  
13 were provided to Plaintiff’s counsel solely for use in settlement discussions. (Grotsky  
14 Reply Decl. ¶ 6.)

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Dated: March 26, 2012

GRODSKY & OLECKI LLP

By           / Allen B. Grotsky /            
Allen B. Grotsky

Attorneys for Defendants William Adams,  
Allan Pineda, Jamie Gomez, Stacy  
Ferguson, will.i.am music, inc., and Tab  
Magnetic, Inc.