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BRYAN PRINGLE

16
17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **SOUTHERN DIVISION**

20 BRYAN PRINGLE, an individual,
21 Plaintiff,

22 v.

23 WILLIAM ADAMS, JR.; STACY
24 FERGUSON; ALLAN PINEDA; and
25 JAIME GOMEZ, all individually and
collectively as the music group the Black
26 Eyed Peas; DAVID GUETTA;
27 FREDERICK RIESTERER; UMG
RECORDINGS, INC.; INTERSCOPE
28 RECORDS; EMI APRIL MUSIC, INC.;
HEADPHONE JUNKIE PUBLISHING,
LLC; WILL.I.AM. MUSIC, LLC;
JEEPNEY MUSIC, INC.; TAB

Case No. SACV10-1656 JST(RZ)

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

[DEMAND FOR JURY TRIAL]

FILED
2010 OCT 28 AM 10:22
CLERY U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

1 MAGNETIC PUBLISHING; CHERRY)
2 RIVER MUSIC CO.; SQUARE RIVOLI)
3 PUBLISHING; RISTER EDITIONS; and)
4 SHAPIRO, BERNSTEIN & CO.,)
5 Defendants.)

6 Plaintiff, Bryan Pringle, by his undersigned attorneys, as his Complaint against
7 Defendants William Adams, Jr., Stacy Ferguson, Allan Pineda, and Jaime Gomez,
8 individually and collectively as the music group the Black Eyed Peas, David Guetta,
9 Frederick Riesterer, UMG Recordings, Inc., Interscope Records, EMI April Music,
10 Inc., Headphone Junkie Publishing, LLC, Will.I.Am Music, LLC, Jeepney Music,
11 Inc., Tab Magnetic Publishing, Cherry River Music Co., Square Rivoli Publishing,
12 Rister Editions, and Shapiro, Bernstein & Co., hereby alleges as follows:

13 **INTRODUCTION**

14 1. This is a case of willful copyright infringement against a number of
15 Defendants, among who are the members of the internationally famous music group
16 known as the Black Eyed Peas, their record label and publishers. The Defendant
17 members of the Black Eyed Peas, David Guetta, Frederick Riesterer, and, upon
18 information and belief, UMG Recordings, Inc. and Interscope Records, are direct
19 copyright infringers, as they willfully copied, or encouraged and/or instructed the
20 copying of, Plaintiff's song "Take a Dive," when they wrote their world-wide hit,
21 Grammy-winning song, "I Gotta Feeling." The other Defendants are either
22 contributory or vicarious infringers.

23 2. The suit seeks actual damages incurred by the Plaintiff, plus
24 disgorgement of each of the Defendants' profits that were and will be received from
25 their hit song "I Gotta Feeling," as a result of the infringement. Plaintiff also requests
26 that both a preliminary and permanent injunction be entered to enjoin the public
27 performance and distribution of "I Gotta Feeling," along with the imposition of a
28 constructive trust over the wrongfully made profits earned worldwide from the

1 infringement and an accounting as to those profits. The Black Eyed Peas are
2 currently on their world tour, unlawfully and unfairly reaping profits from the
3 singing of the song "I Gotta Feeling," and each day there are substantial sales of this
4 song worldwide.

5 3. "Take a Dive" and numerous derivative versions of "Take a Dive," were
6 submitted by Plaintiff multiple times to Defendants Interscope, EMI and UMG
7 Recordings over a ten-year period, in trust and confidence. Plaintiff had a good faith
8 expectation that the song would only be listened to for legitimate business purposes
9 and that his ownership and financial rights in the song would be protected. Since no
10 advice was given by Interscope, EMI or UMG Recordings to the contrary, there was
11 the implicit assurance given to Plaintiff that his song would not be wrongfully copied
12 after it was received, and that it would not be plagiarized and then released to the
13 public as a song by another artist like the Black Eyed Peas, or another artist signed to
14 Interscope or UMG Recordings.

15 4. The song "I Gotta Feeling" is substantially similar to Plaintiff's song
16 "Take a Dive." Actually it is strikingly similar, and the main instrumental "hook
17 line" sequences in both songs -- the distinct, memorable parts of both songs to the ear
18 -- are identical. Simply put, the key melody portions of "Take a Dive" were reused
19 or incorporated into "I Gotta Feeling," secretly and with knowledge and willfulness,
20 without Plaintiff's authorization, with the result being the iconic, hit song that "I
21 Gotta Feeling" became. There can be no reasonable, alternative explanation for
22 these similarities other than the fact that the Black Eyed Peas, David Guetta and/or
23 Frederick Riesterer directly copied Plaintiff's song.

24 5. On information and belief, Defendants' infringement of Plaintiff's song
25 "Take a Dive" is what appears to be a general pattern and practice by UMG,
26 Interscope and members of the Black Eyed Peas, of deliberate and intentional
27 copyright infringement as to songs written by other artists/songwriters and submitted
28 in good faith to one or more of these Defendants. There also is a disturbing pattern

1 and practice of taking bits and pieces of other artist's songs and copying them as part
2 of songs performed by the Black Eyed Peas, even if the copied portions do not rise to
3 the level of copyright infringement.

4 6. There is an important need and public benefit for the legal rights and
5 music of copyright owners to be protected. This can be especially true for unknown
6 artists and songwriters, such as the Plaintiff, who are financially vulnerable to
7 instances where there is a callous disregard of their rights by famous and wealthy
8 artists and major record labels. Granting the relief and remedies sought herein, in
9 response to the facts and circumstances alleged, will serve to help maintain and
10 further the integrity of the music industry and the interests of music consumers at
11 large.

12 JURISDICTION AND VENUE

13 7. This Court has subject matter jurisdiction over the claims and causes of
14 action asserted herein under 28 U.S.C. § 1338(a) as it is an action arising under Acts
15 of Congress relating to copyrights, named by the Copyright Act of 1976, 17 U.S.C. §
16 101 *et seq.*

17 8. Venue is proper in the U.S. District Court for the Central District of
18 California, pursuant to 28 U.S.C. §§ 1391(b)(3), as UMG Recordings, Inc.,
19 Interscope Records, Headphone Junkie Publishing, LLC, Will.I.Am Music, LLC,
20 Jeepney Music, Inc., and Tab Magnetic Publishing all have their principal places of
21 business in this District and, upon information and belief, the individual Defendants
22 William Adams, Jr., Stacy Ferguson, Allan Pineda, and Jaime Gomez reside in this
23 District.

24 GENERAL ALLEGATIONS

25 A. Parties

26 9. Plaintiff Bryan Pringle, a/k/a DJ Spanky, a/k/a Altared State, a/k/a Dead
27 Beat Club ("Pringle"), is an individual residing in San Antonio, Texas. Pringle is a
28 songwriter that has been submitting music to Interscope Records, EMI, UMG

1 Recordings and other major record labels on a regular basis, under various aliases
2 since around the mid-1990s.

3 10. Defendant William Adams Jr., a/k/a Will.I.Am (“Will.I.Am”), is an
4 individual and well-known songwriter, music producer and recording artist who,
5 upon information and belief, resides in Los Angeles, California. Will.I.Am is one of
6 the four members of the Black Eyed Peas.

7 11. Defendant Stacy Ferguson, a/k/a Fergie (“Fergie”), is an individual and
8 internationally famous recording artist and songwriter who, upon information and
9 belief, resides in Los Angeles, California. Fergie is one of the four members of the
10 Black Eyed Peas.

11 12. Defendant Allan Pineda, a/k/a apl.de.ap (“apl.de.ap”), is an individual
12 recording artist and songwriter who, upon information and belief, resides in Los
13 Angeles, California. apl.de.ap is one of the four members of the Black Eyed Peas.

14 13. Defendant Jaime Gomez, a/k/a Taboo (“Taboo”), is an individual
15 recording artist and songwriter who, upon information and belief, resides in Los
16 Angeles, California. Taboo is one of the four members of the Black Eyed Peas.

17 14. Defendant David Guetta (“Guetta”) is an individual songwriter and
18 music producer who, upon information and belief, resides in Los Angeles, California.
19 Guetta has co-written and co-produced several of the Black Eyed Peas’ songs.

20 15. Defendant Frederick Riesterer (“Riesterer”) is an individual songwriter
21 and music producer who, upon information and belief, resides in Los Angeles,
22 California. Riesterer has co-written and co-produced several of the Black Eyed Peas’
23 songs.

24 16. Defendant UMG Recordings, Inc. (“UMG”) is a Delaware corporation
25 with its principal place of business in Los Angeles, California. UMG is a major
26 record label conglomerate.

27 17. Defendant Interscope Records (“Interscope”) is a California general
28 partnership with its principal place of business in Los Angeles, California.

1 Interscope is the record label that the Black Eyed Peas are signed to, and is one of the
2 record labels owned by UMG.

3 18. Defendant EMI April Music, Inc. (“EMI”) is a Connecticut corporation
4 with its principal place of business in New York, New York. EMI is a music
5 publishing company that is one of the publishers of the infringing song “I Gotta
6 Feeling.”

7 19. Defendant Headphone Junkie Publishing, LLC (“Headphone Junkie”) is
8 a California limited liability company with its principal place of business in Los
9 Angeles, California. Headphone Junkie is a music publishing company that is one of
10 the publishers of the infringing song “I Gotta Feeling.”

11 20. Defendant Will.I.Am Music, LLC (“Will.I.Am Music”) is a California
12 limited liability company with its principal place of business in Los Angeles,
13 California. Will.I.Am Music is a music publishing company that is one of the
14 publishers of the infringing song “I Gotta Feeling.”

15 21. Defendant Jeepney Music, Inc. (“Jeepney Music”) is a California
16 corporation with its principal place of business in Los Angeles, California. Jeepney
17 Music is a music publishing company that is one of the publishers of the infringing
18 song “I Gotta Feeling.”

19 22. Defendant Tab Magnetic Publishing (“Tab Magnetic”) is a California
20 corporation with its principal place of business in Los Angeles, California. Tab
21 Magnetic is a music publishing company that is one of the publishers of the
22 infringing song “I Gotta Feeling.”

23 23. Defendant Cherry River Music Co. (“Cherry River Music”) is a
24 Delaware corporation with its principal place of business in New York, New York.
25 Cherry River Music is a music publishing company that is one of the publishers of
26 the infringing song “I Gotta Feeling.”

27 24. Defendant Square Rivoli Publishing (“Square Rivoli”) is a foreign
28 corporation that is administered in the United States by Shapiro, Bernstein & Co.

1 Square Rivoli is a music publishing company that is one of the publishers of the
2 infringing song, “I Gotta Feeling.”

3 25. Defendant Rister Editions (“Rister”) is a foreign corporation that is
4 administered in the United States by Shapiro, Bernstein & Co. Rister is a music
5 publishing company that is one of the publishers of the infringing song, “I Gotta
6 Feeling.”

7 26. Defendant Shapiro, Bernstein & Co., Inc. (“SB&Co.”) is a New York
8 corporation with its principal place of business in New York, New York. SB&Co. is
9 a music publishing company that is one of the publishers of the infringing song, “I
10 Gotta Feeling.”

11 **B. Plaintiff’s Creation and Protection of His Original Work**

12 27. In or around 1998, Pringle wrote and recorded the song “Take a Dive.”
13 “Take a Dive” was and is comprised of material that is wholly original, and thus
14 entitled to protection as copyrightable material pursuant to the Copyright Act of
15 1976, 17 U.S.C. § 101 et seq.

16 28. Pringle duly registered a claim for “Take a Dive,” along with several
17 other songs, which were part of a CD entitled *Dead Beat Club: 1998*, with the United
18 States Copyright Office, evidenced by a Certificate of Registration issued by the
19 Register of Copyrights, dated and identified as follows: April 29, 1998, SRu 387 –
20 433 (*see* Exhibit A attached hereto).

21 29. In or around 1999, Pringle made a slightly different derivative work of
22 “Take a Dive,” which consisted of simply changing the original bass drum placement
23 from two, to four quarter note drum beats, in a 4/4 time measure (into a more
24 common 4/4 “dance-club” style drum beat) and adding what can best be described as
25 a repeating eight-bar melody, using a “guitar twang” instrument, utilizing a total of
26 four notes (D4, C4, B3 and G3), in the following progression: D4-C4-B3-C4-B3-C4,
27 (in the key of G3) (hereinafter referred to as the “guitar twang sequence”). This
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1 “guitar twang sequence” of notes was modeled after “Take a Dive’s” progression of
2 notes in the chorus vocals, sung by Pringle.

3 30. Since 1999, Pringle has been, and still is, the proprietor of the statutory
4 copyright in the musical composition and sound recording for “Take a Dive,” and
5 duly possessed all rights, title and interests therein. At all relevant times, Pringle has
6 complied with all of the laws pertinent to his music composition and sound recording
7 as a copyrighted work.

8 **C. Defendants’ Access to and Copying of Plaintiff’s Copyrighted Song “Take**
9 **a Dive”**

10 31. Over the time period from around 1994 to 2008, Pringle had regularly
11 submitted his demo CDs to Defendants UMG, Interscope and EMI, as well as other
12 major record labels, internet music websites, TAXI (and independent A&R
13 company), talent scouts, artist managers, production studios (including film,
14 television and music), famous songwriters, radio stations, booking agents, national
15 and international music contests, nightclubs and publishing companies. These
16 submissions were done in the hopes of promoting his music, becoming signed as an
17 artist to a major label, or selling his songs to publishing companies and/or other
18 already established artists.

19 32. In addition to the submission of his demo CDs, Pringle continually
20 advertised his music on the internet via multiple music websites, and had his music
21 played internationally via radio and internet.

22 33. Over the period from around 1994 to 2008, Pringle received numerous
23 response letters, one of which was handwritten, from multiple A&R representatives
24 at Interscope, UMG and EMI, saying that while his music was of good quality, the
25 labels were not currently interested in signing him as an artist or purchasing any of
26 his music. These letters demonstrate that Interscope, UMG and EMI received
27 Pringle’s music, and implicitly acknowledges that the CDs were listened to by these
28 individuals.

1 34. Further, upon information and belief, at all relevant times, Will.I.Am
2 was an Artist and Repertoire (“A&R”) at Interscope, and in this capacity acted as a
3 form of talent scout for the Interscope label. If Will.I.Am was not a formal A&R,
4 then he acted in this capacity, with the full knowledge of Interscope and the other
5 members of the Black Eyed Peas.

6 35. On information and belief, as a result of Will.I.Am’s position as an
7 A&R, or some similar position, he had direct access to all the music that was
8 submitted to Interscope by unsigned artists/songwriters during this time period. This
9 included Plaintiff’s song “Take a Dive,” and the derivative versions of “Take a
10 Dive,” as well as other songs that he and the Defendant Black Eyed Peas unlawfully
11 and willfully plagiarized, as alleged below, as part of a repeated pattern and practice.

12 36. Will.I.Am’s A&R role with Interscope, while at the same time being a
13 major artist signed to the label, posed a conflict of interest and incentivized and
14 encouraged the doing of the kind of wrongful acts alleged herein.

15 37. On information and belief, one of the Black Eyed Peas, Guetta, and/or
16 Riesterer accessed one or more of Pringle’s demo CDs that included one or more of
17 his derivative versions of “Take a Dive,” listened to the song, and decided to directly
18 copy significant portions of the song when they wrote and recorded “I Gotta
19 Feeling.”

20 38. Plaintiff did not authorize any of the Defendants to record, release,
21 perform or license “I Gotta Feeling,” as the case may be, to the extent such actions
22 were based on the unlawful copying of “Take a Dive.” Furthermore, the Defendants
23 knew, or should have known, that Plaintiff was expecting them to act fairly and to
24 honor Plaintiff’s good faith and reasonable belief that “Take a Dive” would not be
25 plagiarized.

26 39. In addition to the individual members of the Black Eyed Peas, Guetta
27 and Riesterer, Defendants UMG and Interscope are, upon information and belief,
28 also direct infringers due their conspiracy with the members of the Black Eyed Peas

1 to conduct an ongoing pattern and practice of intentional copyright infringement, as
2 alleged below. EMI, Headphone Junkie, Will.I.Am Music, Jeepney Music, Tab
3 Magnetic, Cherry River Music, Square Rivoli, Rister and SB&Co., are all
4 contributory or vicarious infringers as all had some degree of supervisory control
5 over the release, performance, sale and distribution of the single “I Gotta Feeling,”
6 and the Black Eyed Peas’ album, *The E.N.D.*, which contains the song “I Gotta
7 Feeling,” and all obtained direct financial benefit from doing so.

8 **D. Substantial Similarity Between “Take a Dive” and “I Gotta Feeling”**

9 40. As a result of the Black Eyed Peas, Guetta and/or Riesterer having
10 copied “Take a Dive,” “I Gotta Feeling,” as a whole, is substantially similar to “Take
11 a Dive” and the guitar twang sequence is identical.

12 41. The guitar twang sequence was directly lifted by the Black Eyed Peas
13 and placed into their song. The guitar twang sequence in both songs is identical in
14 instrumentation, melody, harmony and rhythm, so much so that there is no other
15 explanation for the identity of the two songs other than the fact that the Black
16 Eyed Peas, Guetta, and/or Riesterer either directly sampled Pringle’s sound recording
17 of “Take a Dive,” or took the time to find the same instrumentation and duplicate the
18 identical sequence of the notes.

19 42. The fact that the guitar twang sequence of “I Gotta Feeling” is identical
20 to the one in “Take a Dive” establishes that the Black Eyed Peas, Guetta and/or
21 Riesterer had access to “Take a Dive,” that they copied “Take a Dive,” and that their
22 copying of “Take a Dive” was intentional, willful and wanton.

23 43. In addition to the guitar twang sequence, and among other similarities,
24 the following is a list of similarities between the two songs:

- 25 (a) Both songs are substantially similar in total concept and feel;
26 (b) Both songs incorporate a contemporary dance style of music;

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- (c) Both songs have an almost identical tempo — “Take a Dive” is 130 beats per minute (“bpm”), while “I Gotta Feeling” is 128 bpm;
- (d) Both songs use a half step (or goose step) bass line. This type of bass line is achieved by alternating the same bass note from a high and low corresponding octave with the low octave bass note on the 4 down beats, while the high octave corresponding note is on the upbeat or half step;
- (e) Both songs use almost identical “dance” style bass drums; the bass drum as a traditional 4/4 dance beat with the bass hitting on the 4 down beats and a electronic dance style snare, with both an eighth note and a sixteenth note hi hat cymbal, and half step open hi hat;
- (f) Both songs have substantially similar sweeping low bass synthesizers, playing in almost the exact same position (utilizing “sharp type” ascending notes and “flat type” descending notes, or eighth note type steps, between major changes in the bass chords). This technique is also utilized in “Take a Dive’s” chorus synthesizer sequence and re-mixes of “I Gotta Feeling”;
- (g) In “I Gotta Feeling,” the Black Eyed Peas use a violin instrument starting in the middle of their song (where the bass drum drops out) in a sequence of sixteenth notes. This is identical in rhythm, syncopation and substantially similar in melody to the rising and falling (cascading) high delay synthesizer sequence of eighth notes (which are actually sixteenth notes, because of the delay effects), which is the first sequence that comes into “Take a Dive” after the intro and which plays throughout “Take a Dive”;

- 1 (h) Both songs utilize a “rising space-like blasting” sound effect. It
2 slowly rises and then crashes. This particular sound effect is
3 utilized in several of the official “I Gotta Feeling,” re-mixed
4 versions, including a version constructed by Dave Guetta (Dave
5 Guetta FMIF Remix, at 4:07, into his song);
- 6 (i) Both songs utilize the reverse effect to change a break in the
7 music. This can be heard in “I Gotta Feeling” right at the end of
8 the break in the middle where the bass drum drops out and then
9 comes back in (This reverse effect is also utilized in several of the
10 official “I Gotta Feeling” re-mixed versions, including the Dave
11 Guetta FMIF Remix, at 0:58 seconds, into his song). “Take a
12 Dive” utilizes this technique on breaks, at the end of the chorus
13 and at the rise into the chorus;
- 14 (j) Both songs utilize a rotary (spinning) effect. “I Gotta Feeling”
15 uses this rotary effect on the half step (or goose step) bass line,
16 while “Take a Dive” utilizes this effect on a percussive sequence
17 of what sounds like to be, tiny percussive metal bells;
- 18 (k) Both songs have a substantially similar chorus synthesizer
19 sequence. The chorus synthesizer sequence in “Take a Dive” is
20 substantially similar to the chorus synthesizer sequence in “I
21 Gotta Feeling” not only in the actual sequence of notes played,
22 but also in the actual sound of the “organ-esque” type
23 instrumentation; and
- 24 (l) Both songs have a substantially similar structure, as shown by at
25 least 26 unique correlations between key events triggered in the
26 exact same locations in the “I Gotta Feeling” vocal track and the
27 music for “Take a Dive.”
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1 **E. The Aftermath of “I Gotta Feeling’s” Release**

2 44. The Black Eyed Peas released “I Gotta Feeling” on or around June 16,
3 2009, as the second single off of their hit album *The E.N.D.*

4 45. Since its release, “I Gotta Feeling” has achieved tremendous success
5 and worldwide acclaim. Among other things, “I Gotta Feeling” has:

- 6 (a) Become the best selling song for the Black Eyed Peas to date,
7 with over 6 million digital downloads sold in the U.S. alone,
8 helping make it the highest selling digital download of all time,
9 and playing a substantial role in helping *The E.N.D.* album sell
10 over 3 million copies in the U.S. (over 7 million copies
11 worldwide);
- 12 (b) Spent fourteen weeks at the number one spot on the *Billboard* Hot
13 100 Chart, and was named fifth on the *Billboard* Hot 100 Songs
14 of the Decade;
- 15 (c) Been nominated for Record of the Year at the 52nd Grammy
16 Awards and won the Grammy for Best Pop Performance by a
17 Duo or Group with Vocals; and
- 18 (d) Been licensed in several nationwide commercials, television
19 episodes, and was also licensed to the 2009 movie *Alvin and the*
20 *Chipmunks: The Squeakquel*.

21 46. All Defendants have reaped substantial profits, coming from multiple
22 worldwide sources and revenue streams, as a result of the willful copyright
23 infringement of “I Gotta Feeling,” and they have therefore been unjustly enriched.

24 **F. Defendants’ Conspiracy to Engage in and Conduct a Pattern and Practice**
25 **of Ongoing Willful Copyright Infringement as to Others**

26 47. The actions alleged herein are not a single isolated incident. Rather,
27 they are part of a general pattern and practice and in fact, on information and belief, a
28 civil conspiracy by and among Defendants UMG, Interscope and the Black Eyed

1 Peas. The conspiracy consists of a bad-faith pattern and practice among these
2 Defendants of cavalierly and intentionally disregarding statutory copyright laws by
3 either copying songs, or portions thereof, from other artists and/or songwriters, and
4 changing them slightly in order to make them appear as original works, or sampling
5 other songs. This is routinely done without gaining the proper authorization from the
6 copyright holders, who otherwise are looking to collaborate on their songs with the
7 Defendants when they send them their music, and who rightfully expect to be given
8 appropriate compensation, credits and legal protections.

9 48. The foregoing course of conduct demonstrates the element of
10 willfulness relative to the infringing acts perpetrated against the Plaintiff, as well as
11 demonstrating the bad faith motives of Defendants UMG, Interscope and the Black
12 Eyed Peas.

13 49. At a minimum, Defendants UMG and Interscope were active enablers of
14 this wrongful conduct by the Black Eyed Peas. They knew, or should have known,
15 that having Will.I.Am as an A&R for Interscope presented the distinct probability, if
16 not the inevitability, that the actions engaged in herein would take place.

17 50. On information and belief, based on the facts and circumstances alleged
18 herein, these parties had an understanding or agreement between themselves that the
19 conduct complained of herein would and could take place. Consequently, Interscope
20 did not put into place any practices or procedures geared to protect against such
21 conduct, or if they did, they were not followed and this was known by Interscope.

22 51. UMG, Interscope and the Black Eyed Peas know that, from a business
23 standpoint, the intentional copyright infringement of songs from an independent or
24 unknown artist and/or songwriter can create a major financial windfall to them, while
25 at the same time injure or damage the financial and professional interests of the artist
26 and/or songwriter. This is because they know or expect that when they engage in
27 intentional copyright infringement either of the following will happen:

28

1 (a) The independent/unknown artist and/or songwriter either does not
2 have the financial means of pursuing a lengthy and costly
3 copyright infringement case against a major recording group and
4 record label, or simply will never find out about the infringement
5 and come forward and claim ownership of his/her song, and thus
6 the infringing parties will have successfully gotten away with
7 copyright infringement, and reaped the profits off of someone
8 else's copyrighted material; or

9 (b) The independent/unknown artist and/or songwriter does in fact
10 come forward and claim ownership of his/her song, in which case
11 the infringing parties can simply pay off the artist/songwriter in a
12 settlement with what amounts to a nominal sum to them, but
13 which may be a large amount of money for the struggling artist
14 and/or songwriter, or just wear him/her down in expensive
15 litigation, to the point where they can no longer afford to pursue
16 fair and equitable compensation, and are thus forced into settling
17 for a nominal sum.

18 52. In either of the scenarios above, the infringing parties reap substantial
19 profits off of the intentional infringement of copyrighted material, making it a good
20 financial investment from their standpoint.

21 53. The Defendants' actions alleged herein, are essentially the engaging in
22 unfair business practices under California law. The Defendants have artists and
23 songwriters voluntarily submitting their music to UMG and Interscope, which they
24 willingly accept, and they simply pick and choose the best music to copy, knowing
25 that the artists/songwriters who submitted the music have no practical or adequate
26 way to protect their intellectual property. This course of conduct ensures that
27 UMG's and Interscope's artists always have access to the "best" music in the
28 marketplace. This practice, along with UMG's and Interscope's superior financial

1 capabilities, also ensures that the submitting artists/songwriters, who may otherwise
2 be talented enough to have their music heard, will never get the proper credit for
3 their music or get a chance to properly promote themselves as musicians.

4 54. The Black Eyed Peas are in the midst of a world tour, during which they
5 publicly perform the song "I Gotta Feeling." People are attending these concerts in
6 record numbers because, in part, of the enormous success and acclaim of this song.
7 No one knows that "I Gotta Feeling" was copied from Plaintiff, and that Plaintiff is a
8 talented songwriter in his own right. He could have been enjoying the fruits of his
9 talent had the Black Eyed Peas and/or Interscope and/or certain of the other
10 Defendants come to him originally and honestly, in a proper business-like manner,
11 and worked out a royalty agreement with him that gave him credit for having written,
12 or co-written, the song. This would clearly have led to major notoriety for Plaintiff
13 and been the trigger for many financially lucrative business opportunities for him in
14 the music world. Instead, this never happened because of the unfair business
15 practices undertaken by the Black Eyed Peas and certain of the other Defendants.

16 55. The conspiracy, pattern and practice among these particular Defendants
17 of knowingly and intentionally engaging in, or allowing there to be, repeated
18 instances of willful copyright infringement is demonstrated by the following
19 examples, among others, in addition to the allegations contained herein:

- 20 (a) Grounded Music Inc. filed a lawsuit in United States District
21 Court for the Central District of California in 2009, Case No. 09-
22 cv-06776, alleging Will.I.Am and Fergie willfully and
23 intentionally copied the group Groundation's song "Waterfall" in
24 writing Fergie's song "Voodoo Doll," which was featured on her
25 debut solo album, *The Dutchess*. A comparison of these two
26 songs demonstrates that they are substantially similar, and that
27 certain portions of the two songs are identical. On April 1, 2010,
28 the Court entered an Order granting the parties' Stipulation to

1 Dismiss Case pursuant to a conditional settlement (the
2 “Stipulation”). The case has not been refiled by Groundation
3 within the 60 days allotted in the terms of the Stipulation and in
4 the event a settlement could not be reached, and therefore, upon
5 information and belief, the Black Eyed Peas have settled this
6 claim.

7 (b) In or around the fall of 2009, musician Adam Freeland
8 (“Freeland”) accused Will.I.Am and the other individual members
9 of the Black Eyed Peas of intentionally sampling (taking an audio
10 segment from an original recording and inserting it directly into a
11 new recording) his song “Mancry,” without authorization, which
12 ended up as the background music on the Black Eyed Peas’ hit
13 song “Party All the Time.” A comparison of these two songs
14 demonstrates that the Black Eyed Peas did in fact sample
15 Freeland’s song “Mancry,” and simply added a drum pattern and
16 lyrics on top of the sample. This dispute was reported in the
17 media to have been recently settled out of court before a case was
18 filed by Freeland.

19 (c) On information and belief, there have been other potential
20 copyright infringement claims brought to the attention of UMG,
21 Interscope and/or the Black Eyed Peas by other songwriters,
22 which were disposed of out of court, before cases were filed, and
23 kept confidential, so as not to expose the wrongful actions of the
24 Defendants.

25 56. In addition to the allegations contained herein, and the acts of copyright
26 infringement listed in Paragraph 55 above, there are other instances where the Black
27 Eyed Peas copied portions of Pringle’s songs from the demo CDs that he submitted
28 to UMG, EMI and Interscope, from around 1994 to 2008, when writing songs on *The*

1 *E.N.D.* album, as well as several songs from Will.I.Am's *Songs About Girls* album.
2 On information and belief, Guetta also copied the guitar twang sequence when he
3 wrote his hit song "Love is Gone." While the above instances of copying may not
4 rise to the level of copyright infringement of Pringle's musical compositions, they
5 further establish a pattern and practice of copying music from other songwriters, in
6 turn establishing the willfulness of Defendants' infringement with respect to "Take a
7 Dive."

8 57. The foregoing actions in Paragraphs 55 and 56 above occurred in the
9 same relative time period as did the acts alleged herein as to "Take a Dive" and "I
10 Gotta Feeling." The actions also have a remarkable similarity in methodology as
11 between the circumstances alleged herein as to Plaintiff's song, "Take a Dive," and
12 in regards to how these other songs and their songwriters/artists were wronged.

13 58. These actions also demonstrate the bad faith intentions of these
14 Defendants as to their actions and illustrate their practice and pattern of willful
15 copyright infringement of songs from unknown artists and/or songwriters, and their
16 complete disregard for compliance with statutory copyright laws.

17 59. The Black Eyed Peas have, in effect, launched their careers to new
18 heights off of copying copyrighted material of other artists. "I Gotta Feeling" is the
19 group's highest selling song of all time, and is primarily responsible for the success
20 of *The E.N.D.* album and for resurrecting the Black Eyed Peas as an international
21 music phenomenon, garnering worldwide publicity and profitable concert
22 appearances that would not have occurred had it not been for the release and
23 enormous success of this plagiarized song.

24 60. The Defendants' infringement of "Take a Dive" was undertaken in a
25 willful and wanton manner, with the specific intention of taking copyrighted music
26 from Plaintiff and using it for the Defendants' own gain, in knowing violation of
27 U.S. copyright laws. The fact that the actions herein as to the Plaintiff are not an
28 isolated occurrence, but part of a general pattern and practice, as alleged herein,

1 where there were similar occurrences of willful copyright infringement, makes the
2 actions of the Defendants reprehensible, and taken with a callous disregard of the
3 rights of artists and songwriters who, like the Plaintiff, are highly vulnerable to such
4 actions by famous and wealthy artists and major record labels. If these actions go
5 unchecked and are not punished, they will have a damaging effect on the integrity of
6 the music industry and encourage other famous artists and major record labels to
7 engage in similar wrongful and bad faith behavior.

8 **COUNT I**

9 **Copyright Infringement Against All Defendants**

10 61. Plaintiff hereby incorporates Paragraphs 1 through 60 into this
11 Paragraph 61.

12 62. Defendants Will.I.Am, Fergie, apl.de.ap, Taboo, Guetta and Riesterer
13 gained access to Plaintiff's copyrighted song "Take a Dive," and then subsequently
14 copied "Take a Dive," without Plaintiff's permission, when they wrote, recorded,
15 performed and made derivative works of their song "I Gotta Feeling."

16 63. "I Gotta Feeling" is substantially similar to "Take a Dive" and the guitar
17 twang sequence is identical.

18 64. All Defendants named herein infringed the statutory copyright in
19 Plaintiff's musical composition by substantial copying, publicly performing, making
20 and distributing, or authorizing the making and distributing of, phonorecords of "I
21 Gotta Feeling," and by participating in and furthering such infringing acts. The
22 respective infringing acts of Defendants have damaged Plaintiff in an amount yet to
23 be determined, and have unjustly enriched the Defendants in an amount yet to be
24 determined.

25 65. The individual Defendants, and their group the Black Eyed Peas, as well
26 as UMG and Interscope by way of their alleged conspiracy with the individual
27 Defendants and the Black Eyed Peas, have directly infringed on Plaintiff's
28 copyrighted song "Take a Dive."

1 66. In addition, Will.I.Am Music, Tab Magnetic, Jeepney Music,
2 Headphone Junkie, Square Rivoli and Rister are all contributory infringers, as they
3 are publishing companies either owned or directly associated with the members of
4 the Black Eyed Peas, Guetta or Riesterer, and thus knew that infringement was
5 taking place, financially benefited from the infringement, and actively participated in
6 the infringement through their publishing of “I Gotta Feeling.” Cherry River Music,
7 EMI, and SB&Co. are vicarious infringers, as, upon information and belief, they had
8 no knowledge of the actual infringement, but actively participated in, and financially
9 benefitted from, the infringement through their publishing of “I Gotta Feeling” and
10 *The E.N.D.* album.

11 67. Each of the Defendants has received ill-gotten financial gain from their
12 infringement of “Take a Dive,” and all are jointly and severally liable for all
13 damages.

14 68. One or more of the Defendants had actual knowledge of the
15 infringement, knew the Plaintiff would not approve of their copying of “Take a
16 Dive,” and thus were deliberate and willful infringers.

17 69. Defendants are continuing to infringe Plaintiff’s copyright, and will do
18 so unless restrained by this Court.

19 WHEREFORE, Plaintiff respectfully requests the following relief:

- 20 (a) That Defendants and their respective agents, servants,
21 representatives and employees be immediately preliminarily and
22 permanently enjoined from infringing Plaintiff’s statutory
23 copyright in any manner, including distributing copies of, and
24 making and distributing phonorecords of, the musical
25 composition “I Gotta Feeling” and from licensing and
26 contributing to or participating in and furthering any infringing
27 acts, including but not limited to any public performances of the
28 song “I Gotta Feeling”;

- 1 (b) That Defendants be required to pay actual damages owed to
2 Plaintiff, which include (1) the lost profits sustained by Plaintiff
3 due to the infringement and by virtue of having been deprived of
4 the benefits of what a songwriter credit for “I Gotta Feeling”
5 would have done to his career, and (2) the disgorgement of all net
6 gains, profits and advantages derived by Defendants from their
7 infringement of Plaintiff’s statutory copyright, which amount is
8 yet to be determined over and above the amount of actual
9 damages;
- 10 (c) That a constructive trust be imposed over the wrongfully made
11 profits, and that an accounting be made as to profits earned by
12 each of the Defendants from the infringement;
- 13 (d) That Defendants be required to deliver upon oath, to be
14 impounded during the pendency of this action and for destruction,
15 all infringing copies, recordings and phonorecords, and all plates,
16 molds, matrices and other means of any kind, for making
17 infringing copies, recordings or phonorecords;
- 18 (e) That Plaintiff is given his proper songwriter and publishing
19 credits to the song “I Gotta Feeling,” thus entitling him to a
20 portion of all future revenue generated from “I Gotta Feeling”;
- 21 (f) Due to the Defendants’ willful nature of the Defendants’
22 infringement, coupled with the practice of their willful copyright
23 infringement as to the works of other artists, that Defendants pay
24 Plaintiff’s costs and reasonable attorney’s fees for his prosecution
25 of this claim; and
26
27
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HAMPTONHOLLEY LLP
2101 East Coast Highway, Suite 280
Corona del Mar, California 92625

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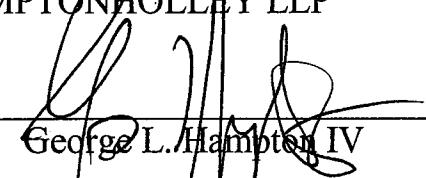
(g) All such other relief as the Court shall determine is fair and equitable.

Dated: October 21, 2010

Dean A. Dickie (*Pro Hac Vice to be filed*)
MILLER, CANFIELD, PADDOCK AND STONE,
P.L.C.

Ira Gould (*Pro Hac Vice to be filed*)
Ryan L. Greely (*Pro Hac Vice to be filed*)
GOULD LAW GROUP

George L. Hampton IV (State Bar No. 144433)
Colin C. Holley (State Bar No. 191999)
HAMPTONHOLLEY LLP

By: 
George L. Hampton IV

Attorneys for Plaintiff
BRYAN PRINGLE

DEMAND FOR JURY TRIAL

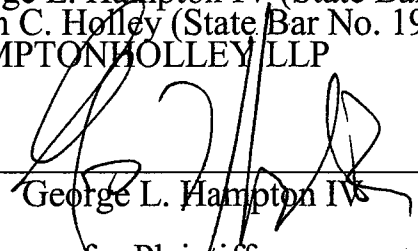
Plaintiff Bryan Pringle hereby demands a jury trial of all claims alleged in his complaint, as provided by Rule 38 of the Federal Rules of Civil Procedure.

Dated: October 26, 2010

Dean A. Dickie (*Pro Hac Vice to be filed*)
MILLER, CANFIELD, PADDOCK AND STONE,
P.L.C.

Ira Gould (*Pro Hac Vice to be filed*)
Ryan L. Greely (*Pro Hac Vice to be filed*)
GOULD LAW GROUP

George L. Hampton IV (State Bar No. 144433)
Colin C. Holley (State Bar No. 191999)
HAMPTONHOLLEY LLP

By: 
George L. Hampton IV

Attorneys for Plaintiff
BRYAN PRINGLE

HAMPTONHOLLEY LLP
2101 East Coast Highway, Suite 260
Corona del Mar, California 92625

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CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

REGISTER OF COPYRIGHTS
United States of America

ORM SR

Office of a Sound Recording
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

SRu 387-433



EFFECTIVE DATE OF REGISTRATION

7 29 98
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

DEAD BEAT CLUB :1998

PREVIOUS OR ALTERNATIVE TITLES ▼

DEAD BEAT CLUB, TECHNIQUE, COUNTER CULTURE, TECHNIK

NATURE OF THIS WORK ▼ See instructions

18 SONGS WITH MUSIC + WORDS

NAME OF AUTHOR ▼

BRYAN DANIEL PRINGLE

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼
1973

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of ► UNITED STATES
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

18 SONGS WRITTEN + RECORDED BY BRYAN D PRINGLE

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of ►
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of ►
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1998

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month ► Day ► Year ► Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

BRYAN D PRINGLE
1300 BARRINGTON DRIVE
AUSTIN, TX 78753

APPLICATION RECEIVED

JUL 29 1998

ONE DEPOSIT RECEIVED

JUL 29 1998

TWO DEPOSITS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

REMITTANCE NUMBER AND DATE

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions • Sign the left at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

EXHIBIT A

24

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼
 a. This is the first published edition of a work previously registered in unpublished form.
 b. This is the first application submitted by this author as copyright claimant.
 c. This is a changed version of the work, as shown by space 6 on this application.
 If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼
PENDING _____ 1998

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for derivative work; complete only 6b for a compilation

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

6

See instructions before completing this space

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

TOO YOUNG TO DROWN, HOLLYWOOD BABYLON, RAGDOLL, PLEASURE OF PAIN, REGRET, BREATHE, BROKEN WING, FAITH, TIME, ABSENTIA, CRUELIEST JOKE, SWEET 16, KING FOR A DAY, NEVER SAY GOODBYE, DIVE, 1952, A TEAR ROLS DOWN, 7 SECONDS TO HEARTBREAK

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account Name ▼ Account Number ▼

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt./City/State/ZIP ▼

BRYAN D. PRINGLE
1300 BARRINGTON DRIVE
AUSTIN, TX 78753

Area Code and Telephone Number ▶ 512 491 7146

Be sure to give your daytime phone number

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ▼

author
 other copyright claimant
 owner of exclusive right(s)
 authorized agent of _____
 Name of author or other copyright claimant, or owner of exclusive right(s) ▲

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.
BRYAN DANIEL PRINGLE _____ date ▶ 7/23/98

Handwritten signature (X) ▼

MAIL CERTIFICATE TO
 Name ▼ BRYAN D. PRINGLE
 Number Street Apartment Number ▼
1300 BARRINGTON DRIVE
 City State ZIP ▼
AUSTIN, TX 78753

Certificate will be mailed in window envelope

YOU MUST
 • Complete all necessary spaces
 • Sign your application in space 8

SEND ALL ELEMENTS IN THE SAME PACKAGE

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO
 Register of Copyrights
 Library of Congress
 Washington, D.C. 20559

The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1995. Please contact the Copyright Office after July 1995 to determine the actual fee schedule.

9

17 U.S.C. § 506(e); Any person who knowingly makes a false representation of a material fact in this application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.
 FEBRUARY 1993-100 000 U.S. GOVERNMENT PRINTING OFFICE: 1993-347-561/60,502

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> BRYAN PRINGLE, an individual	DEFENDANTS See Attachment A
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) George L. Hampton IV (SBN 144433) HamptonHolley LLP 949.718.4550 2101 East Coast Highway, Suite 260, Corona del Mar, CA 92625	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center">PTF</td> <td align="center">DEF</td> <td></td> <td align="center">PTF</td> <td align="center">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify):
 6 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No
 MONEY DEMANDED IN COMPLAINT: \$ injunction and monetary relief

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 17 U.S.C. 501; copyright infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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SACV10-1656 JST(RZx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Texas

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
See Attachment B	See Attachment B

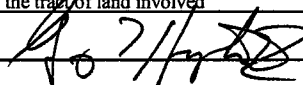
- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

 Date 10/28/10

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

ATTACHMENT A
(Defendants)

WILLIAM ADAMS, JR.; STACY FERGUSON; ALLAN PINEDA; and JAIME GOMEZ, all individually and collectively as the music group the Black Eyed Peas; DAVID GUETTA; FREDERICK RIESTERER; UMG RECORDINGS, INC.; INTERSCOPE RECORDS; EMI APRIL MUSIC, INC.; HEADPHONE JUNKIE PUBLISHING, LLC; WILL.I.AM. MUSIC, LLC; JEEPNEY MUSIC, INC.; TAB MAGNETIC PUBLISHING; CHERRY RIVER MUSIC CO.; SQUARE RIVOLI PUBLISHING; RISTER EDITIONS; and SHAPIRO, BERNSTEIN & CO.

ATTACHMENT B
(IX. VENUE)

(b) County in this District, California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides:

County in this District:	California County outside of this District; State if other than California; or Foreign Country:
William Adams, Jr. — Los Angeles	EMI April Music, Inc. — Connecticut & N.Y.
Stacy Ferguson — Los Angeles	Cherry River Music Co. — Delaware & N.Y.
Allan Pineda — Los Angeles	Square Rivoli Publishing — foreign country (unknown), administered by Shapiro, Bernstein & Co., a N.Y. resident
Jaime Gomez — Los Angeles	
David Guetta — Los Angeles	Rister Editions — foreign country (unknown), administered by Shapiro, Bernstein & Co., a N.Y. resident
Frederick Riesterer — Los Angeles	
UMG Recordings, Inc. — Los Angeles	Shapiro, Bernstein & Co. — N.Y.
Interscope Records — Los Angeles	
Headphone Junkie Publishing, LLC — Los Angeles	
Will.I.Am. Music, LLC — Los Angeles	
Jeepney Music, Inc. — Los Angeles	
Tab Magnetic Publishing — Los Angeles	

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Josephine Tucker and the assigned discovery Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

SACV10- 1656 JST (RZx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.