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 BERNSTEIN & CO., INC. (incorrectly
 8 sued as Shapiro, Bernstein & Co.); and
 DAVID GUETTA
 9

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA
 12 SOUTHERN DIVISION
 13

14 BRYAN PRINGLE, an individual,
 15 Plaintiff,
 16 v.
 17 WILLIAM ADAMS, JR.; STACY
 FERGUSON; ALLAN PINEDA; and
 18 JAIME GOMEZ, all individually and
 collectively as the music group The
 19 Black Eyed Peas, et al.,
 20 Defendants.
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 22
 23

) Case No. SACV 10-1656 JST(RZx)
)
) Hon. Josephine Staton Tucker
) Courtroom 10A

) **ANSWER OF DEFENDANTS**
) **SHAPIRO, BERNSTEIN & CO.,**
) **INC. AND DAVID GUETTA TO**
) **PLAINTIFF'S FIRST AMENDED**
) **COMPLAINT FOR COPYRIGHT**
) **INFRINGEMENT**

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 ANSWER OF DEFENDANTS SHAPIRO
 BERNSTEIN AND DAVID GUETTA

1 Defendants Shapiro, Bernstein & Co., Inc. (“Shapiro Bernstein”) and David
2 Guetta (“Guetta”), by and through their undersigned counsel, Loeb & Loeb LLP,
3 hereby answer the First Amended Complaint for Copyright Infringement (“FAC”)
4 filed by Plaintiff Bryan Pringle (“Plaintiff”).

5 1. Shapiro Bernstein and Guetta deny the allegations in Paragraph 1,
6 except they admit that Plaintiff’s FAC purports to assert a claim of copyright
7 infringement against a number of parties. Shapiro Bernstein and Guetta specifically
8 deny that the song “I Gotta Feeling” contains any material copied from “Take a
9 Dive” and specifically deny any wrongdoing or liability.

10 2. Shapiro Bernstein and Guetta deny the allegations contained in
11 Paragraph 2, except they admit that Plaintiff’s FAC contains requests for purported
12 actual damages, disgorgement of profits, injunctive relief, and a constructive trust,
13 and that The Black Eyed Peas are currently exploiting the song “I Gotta Feeling.”

14 3. Shapiro Bernstein and Guetta lack knowledge or information sufficient
15 to form a belief about the truth of the allegations in Paragraph 3, and on that basis
16 deny them. Shapiro Bernstein and Guetta specifically deny any allegation that they
17 received any recording by, or had any communications with, Plaintiff.

18 4. Shapiro Bernstein and Guetta deny the allegations in Paragraph 4.

19 5. Shapiro Bernstein and Guetta deny the allegations in Paragraph 5 to the
20 extent they relate to Shapiro Bernstein or Guetta. Shapiro Bernstein and Guetta lack
21 knowledge or information sufficient to form a belief about the truth of the
22 allegations in Paragraph 5 to the extent they relate to the other defendants, and on
23 that basis deny them.

24 6. Shapiro Bernstein and Guetta deny the allegations in Paragraph 6,
25 except they state that the allegations contained in the first sentence of Paragraph 6
26 require no response. To the extent a response is required, said allegations are
27 denied.

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1 7. Shapiro Bernstein and Guetta admit that Plaintiff's FAC purports to
2 assert a claim of copyright infringement pursuant to 17 U.S.C. § 101 *et seq.* Shapiro
3 Bernstein and Guetta lack knowledge or information sufficient to form a belief
4 about the truth of the remaining allegations in Paragraph 7, and on that basis deny
5 them.

6 8. Shapiro Bernstein and Guetta lack knowledge and information
7 sufficient to form a belief about the truth of the allegations of Paragraph 8, and on
8 that basis deny them.

9 9. Shapiro Bernstein and Guetta lack knowledge or information sufficient
10 to form a belief about the truth of the allegations in Paragraph 9, and on that basis
11 deny them.

12 10. Shapiro Bernstein and Guetta lack knowledge or information sufficient
13 to form a belief about the truth of the allegations in Paragraph 10, and on that basis
14 deny them, except Shapiro Bernstein and Guetta admit that William Adams Jr. is a
15 member of The Black Eyed Peas.

16 11. Shapiro Bernstein and Guetta lack knowledge or information sufficient
17 to form a belief about the truth of the allegations in Paragraph 11, and on that basis
18 deny them, except Shapiro Bernstein and Guetta admit that Stacy Ferguson is a
19 member of The Black Eyed Peas.

20 12. Shapiro Bernstein and Guetta lack knowledge or information sufficient
21 to form a belief about the truth of the allegations in Paragraph 12, and on that basis
22 deny them, except Shapiro Bernstein and Guetta admit that Allan Pineda is a
23 member of The Black Eyed Peas.

24 13. Shapiro Bernstein and Guetta lack knowledge or information sufficient
25 to form a belief about the truth of the allegations in Paragraph 13, and on that basis
26 deny them, except Shapiro Bernstein and Guetta admit that Jaime Gomez is a
27 member of The Black Eyed Peas.

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1 14. Shapiro Bernstein and Guetta deny the allegations in Paragraph 14,
2 except they admit that Guetta is an individual who writes and produces music,
3 including certain songs performed by The Black Eyed Peas.

4 15. Shapiro Bernstein and Guetta deny the allegations in Paragraph 15,
5 except they admit that Riesterer is an individual who writes and produces music,
6 including certain songs performed by The Black Eyed Peas.

7 16. Shapiro Bernstein and Guetta lack knowledge or information sufficient
8 to form a belief about the truth of the allegations in Paragraph 16, and on that basis
9 deny them.

10 17. Shapiro Bernstein and Guetta lack knowledge or information sufficient
11 to form a belief about the truth of the allegations in Paragraph 17, and on that basis
12 deny them.

13 18. Shapiro Bernstein and Guetta lack knowledge or information sufficient
14 to form a belief about the truth of the allegations in Paragraph 18, and on that basis
15 deny them, except Shapiro Bernstein and Guetta specifically deny that the song “I
16 Gotta Feeling” is infringing.

17 19. Shapiro Bernstein and Guetta lack knowledge or information sufficient
18 to form a belief about the truth of the allegations in Paragraph 19, and on that basis
19 deny them, except Shapiro Bernstein and Guetta specifically deny that the song “I
20 Gotta Feeling” is infringing.

21 20. Shapiro Bernstein and Guetta lack knowledge or information sufficient
22 to form a belief about the truth of the allegations in Paragraph 20, and on that basis
23 deny them, except Shapiro Bernstein and Guetta specifically deny that the song “I
24 Gotta Feeling” is infringing.

25 21. Shapiro Bernstein and Guetta lack knowledge or information sufficient
26 to form a belief about the truth of the allegations in Paragraph 21, and on that basis
27 deny them, except Shapiro Bernstein and Guetta specifically deny that the song “I
28 Gotta Feeling” is infringing.

1 22. Shapiro Bernstein and Guetta lack knowledge or information sufficient
2 to form a belief about the truth of the allegations in Paragraph 22, and on that basis
3 deny them, except Shapiro Bernstein and Guetta specifically deny that the song “I
4 Gotta Feeling” is infringing.

5 23. Shapiro Bernstein and Guetta lack knowledge or information sufficient
6 to form a belief about the truth of the allegations in Paragraph 23, and on that basis
7 deny them, except Shapiro Bernstein and Guetta specifically deny that the song “I
8 Gotta Feeling” is infringing.

9 24. Shapiro Bernstein and Guetta lack knowledge or information sufficient
10 to form a belief as to the truth of the allegations in Paragraph 24, except they admit
11 that Shapiro Bernstein administers in the United States certain songs published by
12 Square Rivoli Publishing. Shapiro Bernstein and Guetta specifically deny that the
13 song “I Gotta Feeling” is infringing.

14 25. Shapiro Bernstein and Guetta lack knowledge or information sufficient
15 to form a belief as to the truth of the allegations in Paragraph 25, except they admit
16 that Shapiro Bernstein administers in the United States certain songs published by
17 Riser Editions, including “I Gotta Feeling.” Shapiro Bernstein and Guetta
18 specifically deny that the song “I Gotta Feeling” is infringing.

19 26. Shapiro Bernstein admits that it is a New York corporation with its
20 principal place of business in New York, New York, and that it is one of the
21 publishers of the musical composition titled “I Gotta Feeling.” Guetta lacks
22 knowledge or information sufficient to form a belief about the truth of the
23 allegations in Paragraph 26, and on that basis denies them, except Guetta admits that
24 Shapiro Bernstein is a music publishing company. Shapiro Bernstein and Guetta
25 specifically deny that the song “I Gotta Feeling” is infringing.

26 27. Shapiro Bernstein and Guetta lack knowledge or information sufficient
27 to form a belief about the truth of the allegations in Paragraph 27, and on that basis
28 deny them.

1 28. Shapiro Bernstein and Guetta admit that attached to Plaintiff’s FAC is a
2 purported Certificate of Copyright Registration dated July 29, 1998, which does not
3 include “Take a Dive.” Shapiro Bernstein and Guetta lack knowledge or
4 information sufficient to form a belief about the truth of the remaining allegations in
5 Paragraph 28, and on that basis deny them.

6 29. Shapiro Bernstein and Guetta lack knowledge or information sufficient
7 to form a belief about the truth of the allegations in Paragraph 29, and on that basis
8 deny them. Shapiro Bernstein and Guetta specifically deny that Plaintiff has
9 properly registered a copyright in the derivative version of “Take a Dive.”

10 30. Shapiro Bernstein and Guetta deny the allegations in Paragraph 30,
11 except they admit that all further references in the FAC to the song “Take a Dive”
12 refer to the derivative version, as set forth in Paragraph 29 of the FAC.

13 31. Shapiro Bernstein and Guetta lack knowledge or information sufficient
14 to form a belief about the truth of the allegations in Paragraph 31, and on that basis
15 deny them, except Shapiro Bernstein and Guetta specifically deny that they received
16 any recordings by, or had any communications with, Plaintiff.

17 32. Shapiro Bernstein and Guetta lack knowledge or information sufficient
18 to form a belief about the truth of the allegations in Paragraph 32, and on that basis
19 deny them.

20 33. Shapiro Bernstein and Guetta lack knowledge or information sufficient
21 to form a belief about the truth of the allegations in Paragraph 33, and on that basis
22 deny them, except Shapiro Bernstein and Guetta specifically deny that they received
23 any recordings by, or had any communications with, Plaintiff.

24 34. Shapiro Bernstein and Guetta lack knowledge or information sufficient
25 to form a belief about the truth of the allegations in Paragraph 34, and on that basis
26 deny them.

27 35. Shapiro Bernstein and Guetta lack knowledge or information sufficient
28 to form a belief about the truth of the allegations in Paragraph 35, and on that basis

1 deny them, except Shapiro Bernstein and Guetta specifically deny that the song “I
2 Gotta Feeling” is infringing.

3 36. Shapiro Bernstein and Guetta lack knowledge or information sufficient
4 to form a belief about the truth of the allegations in Paragraph 36, and on that basis
5 deny them.

6 37. Shapiro Bernstein and Guetta deny the allegations in Paragraph 37 to
7 the extent they relate to Shapiro Bernstein or Guetta. Shapiro Bernstein and Guetta
8 lack knowledge or information sufficient to form a belief about the truth of the
9 allegations in Paragraph 37 to the extent they relate to the other defendants, and on
10 that basis deny them, except Shapiro Bernstein and Guetta specifically deny that the
11 song “I Gotta Feeling” contains any material copied from “Take a Dive.”

12 38. Shapiro Bernstein and Guetta deny the allegations in Paragraph 38 to
13 the extent they relate to Shapiro Bernstein or Guetta, and they specifically deny that
14 they were obligated to seek Plaintiff’s authorization prior to exploiting “I Gotta
15 Feeling.” Shapiro Bernstein and Guetta lack knowledge or information sufficient to
16 form a belief about the truth of the allegations in Paragraph 38 to the extent they
17 relate to the other defendants, and on that basis deny them, except Shapiro Bernstein
18 and Guetta specifically deny that the song “I Gotta Feeling” contains any material
19 copied from “Take a Dive.”

20 39. Shapiro Bernstein and Guetta deny the allegations in Paragraph 39 to
21 the extent they relate to Shapiro Bernstein or Guetta, and they specifically deny any
22 direct, contributory, or vicarious infringement. Shapiro Bernstein and Guetta lack
23 knowledge or information sufficient to form a belief about the truth of the
24 allegations in Paragraph 39 to the extent they relate to the other defendants, and on
25 that basis deny them, except Shapiro Bernstein and Guetta specifically deny that the
26 song “I Gotta Feeling” is infringing.

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1 40. Shapiro Bernstein and Guetta deny the allegations in Paragraph 40,
2 except they admit that a CD attached to Plaintiff’s FAC contains a copy of the song
3 “I Gotta Feeling.”

4 41. Shapiro Bernstein and Guetta deny the allegations in Paragraph 41.

5 42. Shapiro Bernstein and Guetta deny the allegations in Paragraph 42.

6 43. Shapiro Bernstein and Guetta lack knowledge or information sufficient
7 to form a belief about the truth of the allegations in Paragraph 43, and on that basis
8 deny them.

9 44. Shapiro Bernstein and Guetta lack knowledge or information sufficient
10 to form a belief about the truth of the allegations in Paragraph 44, and on that basis
11 deny them.

12 45. Shapiro Bernstein and Guetta lack knowledge or information sufficient
13 to form a belief about the truth of the allegations in Paragraph 45, and on that basis
14 deny them, except Shapiro Bernstein and Guetta admit the allegations in Paragraph
15 45 to the extent they accurately reflect publicly available information regarding the
16 exploitation of “I Gotta Feeling.”

17 46. Shapiro Bernstein and Guetta deny the allegations in Paragraph 46.

18 47. Shapiro Bernstein and Guetta lack knowledge or information sufficient
19 to form a belief about the truth of the allegations in Paragraph 47, and on that basis
20 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
21 Paragraph 47 to the extent they relate to Shapiro Bernstein or Guetta.

22 48. Shapiro Bernstein and Guetta lack knowledge or information sufficient
23 to form a belief about the truth of the allegations in Paragraph 48, and on that basis
24 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
25 Paragraph 48 to the extent they relate to Shapiro Bernstein or Guetta.

26 49. Shapiro Bernstein and Guetta lack knowledge or information sufficient
27 to form a belief about the truth of the allegations in Paragraph 49, and on that basis
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1 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
2 Paragraph 49 to the extent they relate to Shapiro Bernstein or Guetta.

3 50. Shapiro Bernstein and Guetta lack knowledge or information sufficient
4 to form a belief about the truth of the allegations in Paragraph 50, and on that basis
5 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
6 Paragraph 50 to the extent they relate to Shapiro Bernstein or Guetta.

7 51. Shapiro Bernstein and Guetta lack knowledge or information sufficient
8 to form a belief about the truth of the allegations in Paragraph 51, and on that basis
9 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
10 Paragraph 51 to the extent they relate to Shapiro Bernstein or Guetta.

11 52. Shapiro Bernstein and Guetta lack knowledge or information sufficient
12 to form a belief about the truth of the allegations in Paragraph 52, and on that basis
13 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
14 Paragraph 52 to the extent they relate to Shapiro Bernstein or Guetta.

15 53. Shapiro Bernstein and Guetta lack knowledge or information sufficient
16 to form a belief about the truth of the allegations in Paragraph 53, and on that basis
17 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
18 Paragraph 53 to the extent they relate to Shapiro Bernstein or Guetta.

19 54. Shapiro Bernstein and Guetta lack knowledge or information sufficient
20 to form a belief about the truth of the allegations in Paragraph 54, and on that basis
21 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
22 Paragraph 54 to the extent they relate to Shapiro Bernstein or Guetta, and Shapiro
23 Bernstein and Guetta specifically deny that “I Gotta Feeling” was copied from
24 Plaintiff.

25 55. Shapiro Bernstein and Guetta lack knowledge or information sufficient
26 to form a belief about the truth of the allegations in Paragraph 55, and on that basis
27 deny them, except Shapiro Bernstein and Guetta specifically deny the allegations in
28 Paragraph 55 to the extent they relate to Shapiro Bernstein or Guetta.

1 62. Shapiro Bernstein and Guetta deny the allegations in Paragraph 62 to
2 the extent they relate to Shapiro Bernstein or Guetta. Shapiro Bernstein and Guetta
3 lack knowledge or information sufficient to form a belief about the truth of the
4 allegations in Paragraph 62 to the extent they relate to the other defendants, and on
5 that basis deny them, except Shapiro Bernstein and Guetta specifically deny that the
6 song “I Gotta Feeling” copied any material from “Take a Dive.”

7 63. Shapiro Bernstein and Guetta deny the allegations in Paragraph 63.

8 64. Shapiro Bernstein and Guetta deny the allegations in Paragraph 64 to
9 the extent they relate to Shapiro Bernstein or Guetta. Shapiro Bernstein and Guetta
10 lack knowledge or information sufficient to form a belief about the truth of the
11 allegations in Paragraph 64 to the extent they relate to the other defendants, and on
12 that basis deny them, except Shapiro Bernstein and Guetta specifically deny that the
13 song “I Gotta Feeling” is infringing.

14 65. Shapiro Bernstein and Guetta deny the allegations in Paragraph 65 to
15 the extent they relate to Shapiro Bernstein or Guetta. Shapiro Bernstein and Guetta
16 lack knowledge or information sufficient to form a belief about the truth of the
17 allegations in Paragraph 65 to the extent they relate to the other defendants, and on
18 that basis deny them, expect Shapiro Bernstein and Guetta specifically deny that the
19 song “I Gotta Feeling” is infringing.

20 66. Shapiro Bernstein and Guetta deny the allegations in Paragraph 66 to
21 the extent they relate to Shapiro Bernstein or Guetta. Shapiro Bernstein and Guetta
22 lack knowledge or information sufficient to form a belief about the truth about the
23 allegations in Paragraph 66 to the extent they relate to the other defendants, and on
24 that basis deny them, except Shapiro Bernstein and Guetta specifically deny that the
25 song “I Gotta Feeling” is infringing.

26 67. Shapiro Bernstein and Guetta deny the allegations in Paragraph 67.

27 68. Shapiro Bernstein and Guetta deny the allegations in Paragraph 68.

28 69. Shapiro Bernstein and Guetta deny the allegations in Paragraph 69.

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DEFENSES

First Defense

Plaintiff’s FAC, and each purported claim asserted therein, fails to state a claim.

Second Defense

Plaintiff’s claims are barred, in whole or in part, by the doctrine of laches.

Third Defense

Plaintiff’s claims are barred, in whole or in part, by estoppel.

Fourth Defense

Plaintiff’s claims are barred, in whole or in part, by the doctrine of unclean hands.

PRAYER FOR RELIEF

WHEREFORE, Shapiro Bernstein and Guetta pray for relief as follows:

1. That the Court enter judgment against Plaintiff on all claims asserted in the FAC;
2. That the Court award Shapiro Bernstein and Guetta their costs of defending this suit, including their attorneys’ fees under the Copyright Act and/or other applicable law;
3. That the Court grant Shapiro Bernstein and Guetta further relief that is just and equitable.

Dated: February 10, 2011

LOEB & LOEB LLP

By: /s/ Donald A. Miller
Donald A. Miller
Barry I. Slotnick
Tal E. Dickstein

Attorneys for Defendants
SHAPIRO, BERNSTEIN & CO., INC.
(incorrectly sued as Shapiro, Bernstein & Co.) and DAVID GUETTA

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