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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 SOUTHERN DIVISION

BRYAN PRINGLE, an individual,  
 Plaintiff,  
 v.  
 WILLIAM ADAMS, JR.; STACY  
 FERGUSON; ALLAN PINEDA; and  
 JAIME GOMEZ, all individually and  
 collectively as the music group The  
 Black Eyed Peas, et al.,  
 Defendants.

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

**ANSWER OF DEFENDANT  
 FREDERIC RIESTERER TO  
 PLAINTIFF'S FIRST AMENDED  
 COMPLAINT FOR COPYRIGHT  
 INFRINGEMENT**

1 Defendant Frederic Riesterer (“Riesterer”), by and through his undersigned  
2 counsel, Loeb & Loeb LLP, hereby answers the First Amended Complaint for  
3 Copyright Infringement (“FAC”) filed by Plaintiff Bryan Pringle (“Plaintiff”).

4 1. Riesterer denies the allegations in Paragraph 1, except he admits that  
5 Plaintiff’s FAC purports to assert a claim of copyright infringement against a  
6 number of parties. Riesterer specifically denies that the song “I Gotta Feeling”  
7 contains any material copied from “Take a Dive” and specifically denies any  
8 wrongdoing or liability.

9 2. Riesterer denies the allegations contained in Paragraph 2, except he  
10 admits that Plaintiff’s FAC contains requests for purported actual damages,  
11 disgorgement of profits, injunctive relief, and a constructive trust, and that The  
12 Black Eyed Peas are currently exploiting the song “I Gotta Feeling.”

13 3. Riesterer lacks knowledge or information sufficient to form a belief  
14 about the truth of the allegations in Paragraph 3, and on that basis denies them.  
15 Riesterer specifically denies any allegation that he received any recording by, or had  
16 any communications with, Plaintiff.

17 4. Riesterer denies the allegations in Paragraph 4.

18 5. Riesterer denies the allegations in Paragraph 5 to the extent they relate  
19 to Riesterer. Riesterer lacks knowledge or information sufficient to form a belief  
20 about the truth of the allegations in Paragraph 5 to the extent they relate to the other  
21 defendants, and on that basis denies them.

22 6. Riesterer denies the allegations in Paragraph 6, except he states that the  
23 allegations contained in the first sentence of Paragraph 6 require no response. To  
24 the extent a response is required, said allegations are denied.

25 7. Riesterer admits that Plaintiff’s FAC purports to assert a claim of  
26 copyright infringement pursuant to 17 U.S.C. § 101 *et seq.* Riesterer lacks  
27 knowledge or information sufficient to form a belief about the truth of the remaining  
28 allegations in Paragraph 7, and on that basis denies them.

1           8.       Riesterer lacks knowledge and information sufficient to form a belief  
2 about the truth of the allegations of Paragraph 8, and on that basis denies them.

3           9.       Riesterer lacks knowledge or information sufficient to form a belief  
4 about the truth of the allegations in Paragraph 9, and on that basis denies them.

5           10.      Riesterer lacks knowledge or information sufficient to form a belief  
6 about the truth of the allegations in Paragraph 10, and on that basis denies them,  
7 except Riesterer admits that William Adams Jr. is a member of The Black Eyed  
8 Peas.

9           11.      Riesterer lacks knowledge or information sufficient to form a belief  
10 about the truth of the allegations in Paragraph 11, and on that basis denies them,  
11 except Riesterer admits that Stacy Ferguson is a member of The Black Eyed Peas.

12          12.      Riesterer lacks knowledge or information sufficient to form a belief  
13 about the truth of the allegations in Paragraph 12, and on that basis denies them,  
14 except Riesterer admits that Allan Pineda is a member of The Black Eyed Peas.

15          13.      Riesterer lacks knowledge or information sufficient to form a belief  
16 about the truth of the allegations in Paragraph 13, and on that basis denies them,  
17 except Riesterer admits that Jaime Gomez is a member of The Black Eyed Peas.

18          14.      Riesterer denies the allegations in Paragraph 14, except he admits that  
19 David Guetta is an individual who writes and produces music, including certain  
20 songs performed by The Black Eyed Peas.

21          15.      Riesterer denies the allegations in Paragraph 15, except he admits that  
22 he is an individual who writes and produces music, including certain songs  
23 performed by The Black Eyed Peas.

24          16.      Riesterer lacks knowledge or information sufficient to form a belief  
25 about the truth of the allegations in Paragraph 16, and on that basis denies them.

26          17.      Riesterer lacks knowledge or information sufficient to form a belief  
27 about the truth of the allegations in Paragraph 17, and on that basis denies them.

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1           18.    Riesterer lacks knowledge or information sufficient to form a belief  
2 about the truth of the allegations in Paragraph 18, and on that basis denies them,  
3 except Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

4           19.    Riesterer lacks knowledge or information sufficient to form a belief  
5 about the truth of the allegations in Paragraph 19, and on that basis denies them,  
6 except Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

7           20.    Riesterer lacks knowledge or information sufficient to form a belief  
8 about the truth of the allegations in Paragraph 20, and on that basis denies them,  
9 except Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

10          21.    Riesterer lacks knowledge or information sufficient to form a belief  
11 about the truth of the allegations in Paragraph 21, and on that basis denies them,  
12 except Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

13          22.    Riesterer lacks knowledge or information sufficient to form a belief  
14 about the truth of the allegations in Paragraph 22, and on that basis denies them,  
15 except Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

16          23.    Riesterer lacks knowledge or information sufficient to form a belief  
17 about the truth of the allegations in Paragraph 23, and on that basis denies them,  
18 except Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

19          24.    Riesterer lacks knowledge or information sufficient to form a belief as  
20 to the truth of the allegations in Paragraph 24, except Riesterer admits that Shapiro  
21 Bernstein administers in the United States certain songs published by Square Rivoli  
22 Publishing, and Riesterer specifically denies that the song “I Gotta Feeling” is  
23 infringing.

24          25.    Riesterer denies the allegations in Paragraph 25, except he admits that  
25 Rister Editions is a foreign corporation and that Shapiro Bernstein administers in the  
26 United States certain songs published by Riser Editions, including “I Gotta Feeling.”  
27 Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

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1           26.    Riesterer lacks knowledge or information sufficient to form a belief  
2 about the truth of the allegations in Paragraph 26, and on that basis denies them,  
3 except Riesterer admits that Shapiro Bernstein is a music publishing company.  
4 Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

5           27.    Riesterer lacks knowledge or information sufficient to form a belief  
6 about the truth of the allegations in Paragraph 27, and on that basis denies them.

7           28.    Riesterer admits that attached to Plaintiff’s FAC is a purported  
8 Certificate of Copyright Registration dated July 29, 1998, which does not include  
9 “Take a Dive.” Riesterer lacks knowledge or information sufficient to form a belief  
10 about the truth of the remaining allegations in Paragraph 28, and on that basis denies  
11 them.

12          29.    Riesterer lacks knowledge or information sufficient to form a belief  
13 about the truth of the allegations in Paragraph 29, and on that basis denies them.  
14 Riesterer specifically denies that Plaintiff has properly registered a copyright in the  
15 derivative version of “Take a Dive.”

16          30.    Riesterer denies the allegations in Paragraph 30, except he admits that  
17 all further references in the FAC to the song “Take a Dive” refer to the derivative  
18 version, as set forth in Paragraph 29 of the FAC.

19          31.    Riesterer lacks knowledge or information sufficient to form a belief  
20 about the truth of the allegations in Paragraph 31, and on that basis denies them,  
21 except Riesterer specifically denies that he received any recordings by, or had any  
22 communications with, Plaintiff.

23          32.    Riesterer lacks knowledge or information sufficient to form a belief  
24 about the truth of the allegations in Paragraph 32, and on that basis denies them.

25          33.    Riesterer lacks knowledge or information sufficient to form a belief  
26 about the truth of the allegations in Paragraph 33, and on that basis denies them,  
27 except Riesterer specifically denies that he received any recordings by, or had any  
28 communications with, Plaintiff.

1           34.    Riesterer lacks knowledge or information sufficient to form a belief  
2 about the truth of the allegations in Paragraph 34, and on that basis denies them.

3           35.    Riesterer lacks knowledge or information sufficient to form a belief  
4 about the truth of the allegations in Paragraph 35, and on that basis denies them,  
5 except Riesterer specifically denies that the song “I Gotta Feeling” is infringing.

6           36.    Riesterer lacks knowledge or information sufficient to form a belief  
7 about the truth of the allegations in Paragraph 36, and on that basis denies them.

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

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

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

26          40.    Riesterer denies the allegations in Paragraph 40, except he admits that a  
27 CD attached to Plaintiff’s FAC contains a copy of the song “I Gotta Feeling.”

28          41.    Riesterer denies the allegations in Paragraph 41.

1           42.    Riesterer denies the allegations in Paragraph 42.

2           43.    Riesterer lacks knowledge or information sufficient to form a belief  
3 about the truth of the allegations in Paragraph 43, and on that basis denies them.

4           44.    Riesterer lacks knowledge or information sufficient to form a belief  
5 about the truth of the allegations in Paragraph 44, and on that basis denies them.

6           45.    Riesterer lacks knowledge or information sufficient to form a belief  
7 about the truth of the allegations in Paragraph 45, and on that basis denies them,  
8 except Riesterer admits the allegations in Paragraph 45 to the extent they accurately  
9 reflect publicly available information regarding the exploitation of “I Gotta  
10 Feeling.”

11          46.    Riesterer denies the allegations in Paragraph 46.

12          47.    Riesterer lacks knowledge or information sufficient to form a belief  
13 about the truth of the allegations in Paragraph 47, and on that basis denies them,  
14 except Riesterer specifically denies the allegations in Paragraph 47 to the extent they  
15 relate to Riesterer.

16          48.    Riesterer lacks knowledge or information sufficient to form a belief  
17 about the truth of the allegations in Paragraph 48, and on that basis denies them,  
18 except Riesterer specifically denies the allegations in Paragraph 48 to the extent they  
19 relate to Riesterer.

20          49.    Riesterer lacks knowledge or information sufficient to form a belief  
21 about the truth of the allegations in Paragraph 49, and on that basis denies them,  
22 except Riesterer specifically denies the allegations in Paragraph 49 to the extent they  
23 relate to Riesterer.

24          50.    Riesterer lacks knowledge or information sufficient to form a belief  
25 about the truth of the allegations in Paragraph 50, and on that basis denies them,  
26 except Riesterer specifically denies the allegations in Paragraph 50 to the extent they  
27 relate to Riesterer.

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1           51.    Riesterer lacks knowledge or information sufficient to form a belief  
2 about the truth of the allegations in Paragraph 51, and on that basis denies them,  
3 except Riesterer specifically denies the allegations in Paragraph 51 to the extent they  
4 relate to Riesterer.

5           52.    Riesterer lacks knowledge or information sufficient to form a belief  
6 about the truth of the allegations in Paragraph 52, and on that basis denies them,  
7 except Riesterer specifically denies the allegations in Paragraph 52 to the extent they  
8 relate to Riesterer.

9           53.    Riesterer lacks knowledge or information sufficient to form a belief  
10 about the truth of the allegations in Paragraph 53, and on that basis denies them,  
11 except Riesterer specifically denies the allegations in Paragraph 53 to the extent they  
12 relate to Riesterer.

13          54.    Riesterer lacks knowledge or information sufficient to form a belief  
14 about the truth of the allegations in Paragraph 54, and on that basis denies them,  
15 except Riesterer specifically denies the allegations in Paragraph 54 to the extent they  
16 relate to Riesterer, and Riesterer specifically denies that “I Gotta Feeling” was  
17 copied from Plaintiff.

18          55.    Riesterer lacks knowledge or information sufficient to form a belief  
19 about the truth of the allegations in Paragraph 55, and on that basis denies them,  
20 except Riesterer specifically denies the allegations in Paragraph 55 to the extent they  
21 relate to Riesterer.

22          56.    Riesterer denies the allegations in Paragraph 56 to the extent they relate  
23 to Riesterer, and Riesterer specifically denies that he copied any material from  
24 Plaintiff. Riesterer lacks knowledge or information sufficient to form a belief about  
25 the truth of the allegations in Paragraph 56 to the extent they relate to the other  
26 defendants, and on that basis denies them.

27          57.    Riesterer denies the allegations in Paragraph 57 to the extent they relate  
28 to Riesterer. Riesterer lacks knowledge or information sufficient to form a belief



1 about the truth of the allegations in Paragraph 57 to the extent they relate to the  
2 other defendants, and on that basis denies them.

3 58. Riesterer denies the allegations in Paragraph 58 to the extent they relate  
4 to Riesterer. Riesterer lacks knowledge or information sufficient to form a belief  
5 about the truth of the allegations in Paragraph 58 to the extent they relate to the  
6 other defendants, and on that basis denies them.

7 59. Riesterer denies the allegations in Paragraph 59 to the extent they relate  
8 to Riesterer. Riesterer lacks knowledge or information sufficient to form a belief  
9 about the truth of the allegations in Paragraph 59 to the extent they relate to the  
10 other defendants, and on that basis denies them, except Riesterer specifically denies  
11 that the song “I Gotta Feeling” is infringing.

12 60. Riesterer denies the allegations in Paragraph 60.

13 **COUNT I**

14 **Copyright Infringement Against All Defendants**

15 61. Riesterer hereby incorporates his responses to Paragraphs 1 through 60  
16 into this Paragraph 61.

17 62. Riesterer denies the allegations in Paragraph 62 to the extent they relate  
18 to Riesterer. Riesterer lacks knowledge or information sufficient to form a belief  
19 about the truth of the allegations in Paragraph 62 to the extent they relate to the  
20 other defendants, and on that basis denies them, except Riesterer specifically denies  
21 that the song “I Gotta Feeling” copied any material from “Take a Dive.”

22 63. Riesterer denies the allegations in Paragraph 63.

23 64. Riesterer denies the allegations in Paragraph 64 to the extent they relate  
24 to Riesterer. Riesterer lacks knowledge or information sufficient to form a belief  
25 about the truth of the allegations in Paragraph 64 to the extent they relate to the  
26 other defendants, and on that basis denies them, except Riesterer specifically denies  
27 that the song “I Gotta Feeling” is infringing.

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1 65. Riesterer denies the allegations in Paragraph 65 to the extent they relate  
2 to Riesterer. Riesterer lacks knowledge or information sufficient to form a belief  
3 about the truth of the allegations in Paragraph 65 to the extent they relate to the  
4 other defendants, and on that basis denies them, except Riesterer specifically denies  
5 that the song “I Gotta Feeling” is infringing.

6 66. Riesterer denies the allegations in Paragraph 66 to the extent they relate  
7 to Riesterer. Riesterer lacks knowledge or information sufficient to form a belief  
8 about the truth about the allegations in Paragraph 66 to the extent they relate to the  
9 other defendants, and on that basis denies them, except Riesterer specifically denies  
10 that the song “I Gotta Feeling” is infringing.

11 67. Riesterer denies the allegations in Paragraph 67.

12 68. Riesterer denies the allegations in Paragraph 68.

13 69. Riesterer denies the allegations in Paragraph 69.

14 **DEFENSES**

15 **First Defense**

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

18 **Second Defense**

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

20 **Third Defense**

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

22 **Fourth Defense**

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

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Riesterer prays for relief as follows:

- 27 1. That the Court enter judgment against Plaintiff on all claims asserted in  
28 the FAC;

1           2.       That the Court award Riesterer his costs of defending this suit,  
2 including his attorneys' fees under the Copyright Act and/or other applicable law;

3           3.       That the Court grant Riesterer further relief that is just and equitable.

4  
5 Dated: April 15, 2011

LOEB & LOEB LLP

6 By: /s/ Donald A. Miller

7 Donald A. Miller

8 Barry I. Slotnick

9 Tal E. Dickstein

10 Attorneys for Defendant FREDERIC  
11 RIESTERER

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