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 BRYAN PRINGLE
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18 **UNITED STATES DISTRICT COURT**
 19 **CENTRAL DISTRICT OF CALIFORNIA**
 20 **SOUTHERN DIVISION**

21 BRYAN PRINGLE, an individual,
 22 Plaintiff,

23 v.

24 WILLIAM ADAMS, JR.; STACY
 FERGUSON; ALLAN PINEDA; and
 25 JAIME GOMEZ, all individually and
 collectively as the music group The Black
 26 Eyed Peas, *et al.*,
 27 Defendants.

) Case No. SACV 10-1656 JST(RZx)
)
) **DECLARATION OF**
) **KATHARINE N. DUNN IN**
) **SUPPORT OF PLAINTIFF'S**
) **OPPOSITION TO DEFENDANT'S**
) **EX PARTE APPLICATION FOR**
) **PROTECTIVE ORDER**
)
) **Complaint Filed: October 28, 2010**
) **Trial Date: January 24, 2012**

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Katharine Dunn, having personal knowledge of the facts contained within this declaration, states that if called as a witness, she could testify regarding the following:

1. I am an associate at the law firm of Miller, Canfield, Paddock and Stone, P.L.C., and am counsel for Plaintiff, Bryan Pringle (“Plaintiff” or “Pringle”) in the above-captioned action. I am a member in good standing of the State Bar of Illinois.

2. At various times since Plaintiffs noticed and confirmed the depositions of the Black Eyed Peas depositions in this matter for July 22, 25, 26 and 27, both during meet and confers with opposing counsel and over e-mail, Defendants have repeatedly demanded that those deposition dates be changed to the depositions in the *Batts* case.

3. We have repeatedly confirmed that the depositions of the Black Eyed Peas members in this matter are proceeding on July 22, 25, 26 and 27 as noticed.

4. We have also repeatedly informed counsel for the Black Eyed Peas defendants in the *Batts* case that none of the previously noticed deposition dates for those individuals are proceeding, given Defendants’ refusal to produce those individuals for a full 7-hours and because a motion to compel the 7-hour depositions of the Black Eyed Peas members is pending in the *Batts* case for hearing on July 25, 2011.

5. On June 22, 2011, I participated in a meet and confer with Kara Cenar and Justin Righettini, counsel for the Black Eyed Peas defendants, and George Hampton, my co-counsel in this matter.

6. Although the meet and confer was focused on various issues in this matter, Ms. Cenar also requested that the parties meet and confer on Plaintiffs’ “conflicting deposition scheduling.”

1 7. During the call, Ms. Cengar stated that the Plaintiffs in this matter had
2 scheduled conflicting depositions for the Black Eyed Peas defendants in different
3 locations on the same dates in both the *Batts* case and this matter, despite the fact
4 that I had told her the opposite a multitude of times, and that she intended to raise it
5 with the court.

6 8. I again reiterated to Ms. Cengar that she was incorrect; that she was
7 simply ignoring Plaintiffs' statements that the Black Eyed Peas depositions were
8 not proceeding in the *Batts* case; that they were proceeding in the *Pringle* matter on
9 July 22, 25, 26 and 27; and that if she represented that we had stated otherwise to
10 the Court, that it would be a misrepresentation and we would alert the Court
11 regarding the falsity of the statement.

12 9. Ms. Cengar's response was that she did not know that she
13 "understood" what I meant by my statements.

14 10. I then directed that statement to Mr. Righettini, who was also on the
15 phone, and asked him if he could clarify whether he understood that I was
16 confirming that the depositions of the Black Eyed Peas members in the *Batts* cases
17 would not be proceeding on any of the previously noticed dates pending Plaintiffs'
18 motion to compel 7-hour depositions in that matter; and that the depositions of the
19 Black Eyed Peas members in the *Pringle* matter were the only depositions
20 proceeding on July 22, 25, 26, and 27. Mr. Righettini reluctantly affirmed that he
21 understood my statement.

22 11. The following day, on June 23, 2011, Ms. Cengar again raised the
23 exact same issue in an email correspondence. I responded to her email, stating
24 "Our position now remains as it was before and during the call yesterday. The
25 depositions are going forward in the *Pringle* case. If the deponents do not appear
26 for deposition in the *Pringle* case on July 22, 25, 26 and 27, we will seek
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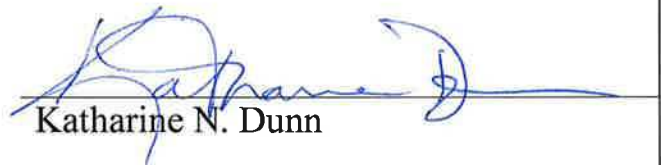
1 appropriate sanctions.” A true and accurate copy of the e-mail exchange between
2 Katharine Dunn and Kara Cenar is attached hereto as Exhibit A.

3 12. Ms. Cenar responded to that June 23, 2011 e-mail by again asking
4 whether the *Batts* depositions would be proceeding on the July dates. Mr. Colin
5 Holley, also co-counsel for Plaintiffs, responded “We believe we will have an
6 opportunity to take full seven-hour depositions in the *Batts* case pursuant to the
7 Court's grant of our pending motion to compel and within the timeline the Court
8 dictates in granting our motion.” A true and accurate copy of the June 23, 2011
9 email exchange between Colin Holley and Kara Cenar is attached hereto as Exhibit
10 B.

11 13. Despite repeated assurances, such as those referenced above, Ms.
12 Cenar continues to demand that the depositions of the Black Eyed Peas members in
13 the *Batts* case proceed on the dates confirmed for those individuals in this matter.

14 I declare under penalty of perjury that the statements contained in this
15 Declaration are true and correct.

16 Executed this 6th day of July, 2011.

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20 Katharine N. Dunn
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