

**EXHIBIT J**

**From:** [Cenar, Kara](#)  
**To:** [George Hampton](#)  
**Cc:** [Pink, Jonathan Stuart](#); [Righettini, Justin](#); [Seale, Merrill](#); "Ed McPherson"; "Linda Burrow"; "Barry Slotnick"; ["gould@gouldlaw.com"](#); [Dickle@MillerCanfield.com](#); [rgreely@gouldlaw.com](#); [Colin Holley](#)  
**Subject:** RE: Scheduling Issues and meet and confer on order of discovery.  
**Date:** Tuesday, April 05, 2011 12:11:18 PM  
**Attachments:** [Image001.png](#)

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George,

Per my email below, I am trying to secure those dates. I ask again, please respond to my questions (below) so that I may set firm dates in the calendar. Your refusal to engage in necessary dialog is the sole thing preventing firm dates from being proposed. Thank you for your prompt attention to this matter.

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**From:** George Hampton [<mailto:ghampton@hamptonholley.com>]  
**Sent:** Tuesday, April 05, 2011 2:06 PM  
**To:** Cenar, Kara  
**Cc:** Pink, Jonathan Stuart; Righettini, Justin; Seale, Merrill; 'Ed McPherson'; 'Linda Burrow'; 'Barry Slotnick'; 'gould@gouldlaw.com'; [Dickle@MillerCanfield.com](#); [rgreely@gouldlaw.com](#); Colin Holley  
**Subject:** RE: Scheduling Issues and meet and confer on order of discovery.

Kara,

I have repeatedly requested that you provide me with dates for your clients' depositions so that they could be noticed on mutually convenient dates. In this regard, please see my correspondence dated January 28, 2011, March 21, 2011, March 22, 2011 and March 25, 2011. To date you have refused to provide *any* dates for *any* of the depositions. Your failure to cooperate is not in good faith and demonstrates defendants' continued effort to delay the depositions. We intend to take the depositions pursuant to the *Federal Rules of Civil Procedure* and we will not agree to your proposed time limitation.

As stated in my March 22, 2011 e-mail: the depositions will remain as noticed unless and until the parties agree to mutually agreeable alternative dates. Accordingly and for the *fifth* time, I would appreciate it if you would provide me with proposed alternative dates for the depositions.


George

George L. Hampton IV  
HAMPTONHOLLEY LLP  
2101 East Coast Highway  
Suite 260  
Corona del Mar, CA 92625

DID 949.718.4551  
Fax 949.718.4580  
[www.hamptonholley.com](http://www.hamptonholley.com)



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**From:** Cenar, Kara [mailto:Kara.Cenar@bryancave.com]  
**Sent:** Tuesday, April 05, 2011 11:07 AM  
**To:** Cenar, Kara; George Hampton; 'gould@igouldlaw.com'; 'Dickle, Dean A.'; 'rgreely@igouldlaw.com'  
**Cc:** Pink, Jonathan Stuart; Righettini, Justin; Seale, Merrill; 'Ed McPherson'; 'Linda Burrow'; 'Barry Slotnick'  
**Subject:** RE: Scheduling issues and meet and confer on order of discovery.

George, Dean and Ira,

I have not yet received a response to the email below. Please let me know as soon as possible as I need to try to coordinate many schedules to get deposition dates on calendar.

Thank you for your prompt attention to this matter.

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**From:** Cenar, Kara  
**Sent:** Thursday, March 31, 2011 6:40 PM  
**To:** 'George Hampton'; gould@igouldlaw.com; Dickle, Dean A.; (rgreely@igouldlaw.com)  
**Cc:** Pink, Jonathan Stuart; Righettini, Justin; Seale, Merrill; Ed McPherson; 'Linda Burrow'; 'Barry Slotnick'  
**Subject:** Scheduling issues and meet and confer on order of discovery.

George, Ira and Dean,

I write in response to your letters of March 21, sent in both the Batts and Pringle matters, seeking to schedule depositions for individual members of The Black Eyed Peas, and representing a willingness to accommodate both counsels' and my clients' schedules.

The dates you have noticed for my clients' depositions, as well as depositions of others, will not work for my schedule as they conflict with a Jury trial I have scheduled.

The dates proposed also do not work for my clients' work and travel schedules.

Thus the dates you have selected will have to be rescheduled to a different time and different location. At least for my clients, please do not expect an appearance on the dates you have Noticed for their deposition in either case.

In an attempt to find available dates for deposition for everyone, I could not help but notice that you have scheduled each individual member of The Black Eyed Peas for two separate full days of deposition, one full day for each case. In some instances, for example Stacy Ferguson, you have her requested for one day and then are requesting that she return back two days later for another deposition. This is burdensome, oppressive and unnecessary in view of the limited issues involved in each case, and the limited knowledge each of these witnesses would have to those issues. Your proposed scheduling is making it very difficult to try to find time slots that work for everyone's schedule.

Given the very limited issues upon which the requested deponents would have knowledge with respect to your clients' copyright claims, I can't imagine each deposition taking more than one hour, two at the most, for the copyright issues in both cases combined.

That said, it would greatly help my attempts at rescheduling these depositions on dates and times convenient to all individuals and counsel (of which you know we have many in each case) if we could reach agreement on:

a) a realistic estimate of time for each deponent (i.e. can we expect 2 hours per person)

and/or

b) whether we can select a single day for a single deposition of a deponent on both cases,

and/or

c) whether we can schedule one day to take everyone's deposition (assuming 1-2 hr or so deposition per individual)

Please let me know the answers to the above requests. Once I have your answers, I will be in a better position to try to schedule the deponents for deposition.

Also, we anticipate filing a summary judgment on Batts on both access and inability to meet the extrinsic test, and a Motion for Summary Judgment possibly also in the Pringle case on issues such as your client's sample claim. This is particularly likely given both Courts' rulings on the Preliminary Injunction Motion and your clients' admissions in their discovery responses.

We would like to try to limit attorneys fees and discovery expenses as much as possible with respect to each of the cases and are seeking your agreement to limit and to prioritize discovery at the forefront to only that which you believe is necessary for those limited liability issues.

The intent of my request is to try to meet and confer on this point and to try to limit unnecessary use of either of our clients' time, and to try to keep attorneys fees down as much as possible for all parties. As you know the Copyright Act permits my clients to an award of attorney fees should it prevail on these matters. I am mindful of the modest resources of your clients and am attempting to limit their potential exposure by reaching agreement with you on simple priority of discovery.

In that light, please let me know what individual depositions of any requested deponent you believe are necessary in the Batts case on the liability issues of access and the extrinsic test. I will focus my efforts to schedule those folks as early as possible. Please let me know what individual deponents you believe are necessary on the sampling claim

of Mr. Pringle (which I don't believe could require the deposition of any of my clients but look to you for guidance) and I will endeavor to also try to prioritize my scheduling efforts on those individuals so that discovery on these Issue can proceed promptly.

Of course if you are willing to stipulate to judgment on either of these cases based upon the issues determined in the preliminary injunction proceeding, thereby eliminating all further attorneys fees and costs, we would be willing to discuss that route as well.

I look forward to working with you on the aforementioned scheduling efforts and the meet and confer issues raised above. Thank you in advance for your cooperation.

Kara

**Kara E. F. Cenar | BRYAN CAVE LLP**

**Partner - Chicago**

161 North Clark Street, Suite 4300 | Chicago, IL 60601-3315

312.602.5019 direct | 312.698.7419 direct fax

773.818.5272 cell

[kara.cenar@bryancave.com](mailto:kara.cenar@bryancave.com)

[www.bryancave.com](http://www.bryancave.com)

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