

EXHIBIT W

Founded in 1852
by Sidney Davy Miller

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May 17, 2011

Via Email

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**RE: *Batts/Pringle: Depositions of Defendants William Adams,
Stacy Ferguson, Allan Pineda and Jaime Gomez***

Dear Counsel:

Thank you for your letter of May 16, 2011. Apparently you and The Black Eyed Peas believe that they are somehow immune to the Federal Rules of Civil Procedure. We simply remind you that Rule 30 grants each party to a Federal lawsuit the right to conduct a deposition of up to 7 hours for each witness noticed. Accordingly, absent a court order modifying that right, we intend to proceed as the Federal Rules provide, i.e. deposing each Black Eyed Peas witness up to 7 hours in each of the two pending cases. So far as we are aware, nothing in the Federal Rules of Civil Procedure permits the 7-hour limitation to be shortened simply because the attorney for a witness unilaterally decides to do so. If you are aware of any such authority, please provide it so we may revisit our position.

Plaintiffs were provided with only *one* week within which the four Black Eyed Peas are allegedly available to appear for their depositions in both cases. To accommodate their alleged limited schedule, we agreed to take depositions in both the *Batts* and *Pringle* cases during that one week despite the necessity of "duel-tracking" the depositions in order to do so. *Batts* and *Pringle* are two separate lawsuits, pending in two different California federal courts with two entirely different judges, pretrial schedules and trial dates. These cases have not been consolidated for any purpose and have entirely different factual backgrounds

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and circumstances. Consequently, the position you assert is invalid as a matter of law. Plaintiffs in each case have a right to depose each member of The Black Eyed Peas for up to 7 hours. We offered to modify the schedule provided we were given an additional 4 days at another time during the discovery period. You apparently declined that invitation transparently hoping thereby to limit Plaintiffs' rights. If you persist in your efforts to limit these depositions, we shall seek appropriate relief from the Court.

The depositions have been properly noticed in Newport Beach, California, which is both within the relevant district (Pringle) and is only 50 miles south of Los Angeles (Batts). Your position that the notice location for the depositions is "unduly burdensome" is ludicrous and warrants no serious consideration. Indeed, Bryan Cave has an office in Irvine, minutes from the deposition location, we view the position asserted as being nothing more than unnecessary gamesmanship.

Please advise when you are available to meet and confer on these issues.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.



Dean A. Dickie

DAD/mbs

cc: *Counsel of Record*