
From: Tal Dickstein
Sent: Thursday, November 03, 2011 5:14 PM
To: dickie@millercanfield.com; koppenhoefer@millercanfield.com; dunn@millercanfield.com; gould@igouldlaw.com; rgreely@igouldlaw.com; ghampton@hamptonholley.com; cholley@hamptonholley.com
Cc: Barry Slotnick; Donald A. Miller; Burrow@Caldwell-Leslie.com; mackenzie@caldwell-leslie.com; 'Cenar, Kara'; Jonathan.Pink@bryancave.com
Subject: RE: Pringle v. Adams - proposed stipulation and order
Attachments: proposed order dismissing sound recording claim - Pringle v Adams.docx; proposed stip withdrawing sound recording claim - Pringle v. Adams.docx

Kate, Ira and George:

Given the approaching deadline by which we will need to file our summary judgment papers, I must ask that you please let us know by the close of business tomorrow whether or not you will agree to this stipulation.

Regards,

Tal

Tal Dickstein

Attorney At Law



345 Park Avenue | New York, NY 10154

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From: Tal Dickstein
Sent: Wednesday, November 02, 2011 2:29 PM
To: 'Dean Dickie (dickie@millercanfield.com)'; 'Koppenhoefer, Kathleen E. (koppenhoefer@millercanfield.com)'; 'Katharine N. Dunn (dunn@millercanfield.com)'; 'Ira Gould Esq. (gould@igouldlaw.com)'; 'rgreely@igouldlaw.com'; 'George Hampton (ghampton@hamptonholley.com)'; 'Colin Holley (cholley@hamptonholley.com)'; 'Linda M. Burrow (Burrow@Caldwell-Leslie.com)'; 'mackenzie@caldwell-leslie.com'; 'Cenar, Kara'; 'Pink, Jonathan Stuart (Jonathan.Pink@bryancave.com)'
Cc: Barry Slotnick; Donald A. Miller
Subject: Pringle v. Adams - proposed stipulation and order

Kate, Ira and George:

Further to our meet and confer call yesterday, please find the attached proposed stipulation and order for your consideration.

Regards,

Tal

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

BRYAN PRINGLE,

Plaintiff,

v.

Case No.: SACV 8:10-01656
Assigned to Hon. Josephine Staton
Tucker

WILLIAM ADAMS, JR.; STACY
FERGUSON; ALLAN PINEDA; and
JAIME GOMEZ, all individually and
collectively as the music group the
Black Eyed Peas; DAVID GUETTA;
FREDERICK RIESTERER; UMG
RECORDINGS; UMG INTERSCOPE
RECORDS; EMI APRIL MUSIC, INC.;
HEADPHONE JUNKIE PUBLISHING
LLC; WILL.I.AM MUSIC LLC;
JEEPNEY MUSIC, INC.; TAB
MAGNETIC PUBLISHING; CHERRY
RIVER MUSIC CO.; SQUARE
RIVOLI PUBLISHING; RISTER
EDITIONS; and SHAPIRO
BERNSTEIN & CO.,

Defendants.

**[PROPOSED] ORDER
PARTIALLY DISMISSING
PLAINTIFF’S CLAIM
PURSUANT TO FED. R. CIV. P.
41(A)(2)**

Upon the Stipulation of the parties to this action, and for good cause shown,
IT IS HEREBY ORDERED THAT, pursuant to Federal Rule of Civil Procedure
41(a)(2), Plaintiff’s claim, to the extent it asserts infringement of the sound
recording “Take a Dive” (Dance Version) (Copyright Office Reg. No. SR 659-360,

1 dated November 15, 2010), is dismissed with prejudice.

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3 Dated: November __, 2011

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HON. JOSEPHINE STATON STUCKER
UNITED STATES DISTRICT JUDGE

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1 DONALD A. MILLER (SBN 228753)
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2 BARRY I. SLOTNICK (*Pro Hac Vice*)
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3 TAL E. DICKSTEIN (*Pro Hac Vice*)
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4 LOEB & LOEB LLP
10100 Santa Monica Blvd., Suite 2200
5 Los Angeles, CA 90067
Telephone: 310.282.2000
6 Facsimile: 310.282.2200

7 Attorneys for Defendants DAVID
GUETTA, FREDERIC RIESTERER,
8 and SHAPIRO BERNSTEIN & CO.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

BRYAN PRINGLE,

Plaintiff,

v.

WILLIAM ADAMS, JR.; STACY
FERGUSON; ALLAN PINEDA; and
JAIME GOMEZ, all individually and
collectively as the music group the
Black Eyed Peas; DAVID GUETTA;
FREDERICK RIESTERER; UMG
RECORDINGS; UMG INTERSCOPE
RECORDS; EMI APRIL MUSIC, INC.;
HEADPHONE JUNKIE PUBLISHING
LLC; WILL.I.AM MUSIC LLC;
JEEPNEY MUSIC, INC.; TAB
MAGNETIC PUBLISHING; CHERRY
RIVER MUSIC CO.; SQUARE
RIVOLI PUBLISHING; RISTER
EDITIONS; and SHAPIRO
BERNSTEIN & CO.,

Defendants.

)
) Case No.: SACV 8:10-01656 (JST)
) (RZx)
)
) Assigned to Hon. Josephine Staton
) Tucker
)
) Courtroom 10A
)
) **STIPULATED PARTIAL**
) **DISMISSAL PURSUANT TO FED.**
) **R. CIV. P. 41(A)(2)**

26 This Stipulation is made by and among Plaintiff Bryan Pringle (“Plaintiff”)
27 and Defendants, William Adams, Stacy Ferguson, Allan Pineda, Jaime Gomez,
28 individually and collectively p/k/a The Black Eyed Peas, Tab Magnetic Publishing,

1 Headphone Junkie Publishing, LLC, will.i.am. music, llc, Jeepney Music, Inc.,
2 Cherry River Music Co., EMI April Music, Inc., UMG Recordings, Inc., Interscope
3 Records, Shapiro, Bernstein & Co., Inc., Frederic Riesterer, and David Guetta
4 (jointly “Defendants”) (Plaintiffs and Defendants are hereafter collectively referred
5 to as the “parties”), and is made with reference to the following facts:

6 WHEREAS, Plaintiff commenced this action on October 28, 2010 and filed
7 an Amended Complaint on November 19, 2010, asserting a claim that Defendants’
8 creation and exploitation of the song “I Gotta Feeling” infringed Plaintiff’s
9 copyright in (i) a musical work entitled “Take a Dive” (Copyright Office Reg. No.
10 SRu 387-433, dated July 29, 1998), (ii) a sound recording entitled “Take a Dive”
11 (Dance Version) (Copyright Office Reg. No. SR 659-360, dated November 15,
12 2010) and (iii) the musical composition underlying “Take a Dive” (Dance Version);

13 WHEREAS, Plaintiff desires to withdraw the portion of his claim that
14 purports to assert infringement of the sound recording entitled “Take a Dive”
15 (Dance Version) (Copyright Office Reg. No. SR 659-360, dated November 15,
16 2010);

17 WHEREAS, Defendants have served Answers to the Amended Complaint;

18 **BASED UPON THE FOREGOING FACTS, IT IS HEREBY STIPULATED**
19 by and between the parties, through their respective undersigned counsel, subject to
20 the Court’s approval, that, pursuant to Federal Rule of Civil Procedure 41(a)(2),
21 Plaintiff’s claim, to the extent it asserts infringement of the sound recording “Take a
22 Dive” (Dance Version) (Copyright Office Reg. No. SR 659-360, dated November
23 15, 2010), is dismissed with prejudice.

24
25 Dated: November __, 2011

Dean A. Dickie
Kathleen E. Koppenhoefer
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

Ira Gould
Ryan L. Greely

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GOULD LAW GROUP

George L. Hampton IV (SBN 144433)
Colin C. Holley (SBN 191999)
HAMPTONHOLLEY LLP

By: _____

Attorneys for Plaintiff BRYAN PRINGLE

Dated: November __, 2011

Linda M. Burrow
Alison Mackenzie
CALDWELL LESLIE & PROCTOR, PC

By: _____

Attorneys for Defendants UMG
RECORDINGS, INC., and INTERSCOPE
RECORDS

Dated: November __, 2011

Donald Miller
Barry I. Slotnick
Tal E. Dickstein
LOEB & LOEB LLP

By: _____

Attorneys for Defendants DAVID GUETTA,
FREDERIC RIESTERER and SHAPIRO,
BERNSTEIN AND CO., INC.

Dated: November __, 2011

Kara E. F. Cengar
Jonathan Pink
Justin Righettini
Mariangela Seale
BRYAN CAVE LLP

By: _____

Attorneys for Defendants WILLIAM
ADAMS; ALLAN PINEDA; JAIME
GOMEZ, and STACY FERGUSON p/k/a
FERGIE all individually and collectively as
the music group THE BLACK EYED PEAS;
will.i.am music, llc; TAB MAGNETIC
PUBLISHING; HEADPHONE JUNKIE
PUBLISHING, LLC, CHERRY RIVER
MUSIC CO.; JEEPNEY MUSIC, INC., EMI
APRIL MUSIC