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17 Attorneys for Plaintiff
BRYAN PRINGLE

18

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**
21 **SOUTHERN DIVISION**

22 BRYAN PRINGLE, an individual,

23 Plaintiff,

24 v.

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

28 Defendants.

) Case No. SACV 10-1656 JST(RZx)
) **PLAINTIFF'S AMENDED**
) **RESPONSE TO DEFENDANT**
) **STACY FERGUSON'S FIRST SET**
) **OF INTERROGATORIES**
) **Complaint Filed: October 28, 2010**
) **Trial Date: January 24, 2012**

1 **ANSWER:** See answer and objections to Interrogatory No. 12.
2 Investigation continues.

3 **INTERROGATORY NO. 15:** State all FACTS that evidence that any of the
4 DEFENDANTS actually copied the MUSICAL COMPOSITION, TAKE A DIVE
5 (DANCE VERSION), when creating the MUSICAL COMPOSITION entitled "I
6 Gotta Feeling."

7 **ANSWER:** See answer and objections to Interrogatory No. 13.
8 Investigation continues.

9 **INTERROGATORY NO. 16:** State all FACTS that YOU contend demonstrate
10 that any of the DEFENDANTS had ACCESS to TAKE A DIVE (DANCE
11 VERSION) SR prior to 2009. The term "ACCESS" as used herein means to have
12 actually heard, or had a reasonable opportunity or possibility to hear, the SOUND
13 RECORDING at issue.

14 **ANSWER:** See answer and objections to Interrogatory No. 8.
15 Investigation continues.

16 **INTERROGATORY NO. 17:** List *in seriatim* and in full and explicit terms, each
17 similarity YOU perceive to exist between TAKE A DIVE (DANCE VERSION) SR
18 and "I Gotta Feeling."

19 **ANSWER:** See answer and objections to Interrogatory No. 13.
20 Investigation continues.

21 **INTERROGATORY NO. 18:** State all FACTS that any of the DEFENDANTS
22 physically appropriated any portion of TAKE A DIVE (DANCE VERSION) SR
23 when creating "I Gotta Feeling."

24 **ANSWER:** Objection. Plaintiff objects to Interrogatory No. 18
25 because it is overly broad, unduly burdensome and requires the
26

1 disclosure of attorney work product and attorney client privileged
2 information. Without waiving said objections, Plaintiff is not seeking to
3 recover for a physical appropriation of Take a Dive (Dance Version) at
4 this time in light of the Defendants ongoing and willful refusal to
5 disclose the evidence required to establish sampling. Plaintiff reserves
6 the right to seek recovery for physical appropriation of Take a Dive
7 should Defendants produce evidence of said appropriation; investigation
8 continues.

9
10 **INTERROGATORY NO. 19:** State with specificity, and according to YOUR
11 personal knowledge, each and every PUBLIC PERFORMANCE, throughout the
12 world, of the MUSICAL COMPOSITION, TAKE A DIVE (DANCE VERSION),
13 including FACTS concerning when, where, by what means, and by whom the work
14 was performed.

15 **ANSWER:** Objection. Plaintiff objects to interrogatory No. 19 because
16 it is unduly burdensome. Without waiving his objection, TAKE A DIVE
17 (DANCE VERSION) was played throughout North America and
18 Western Europe on the internet and the radio. Investigation continues.

19 **INTERROGATORY NO. 20:** State with specificity, and according to YOUR
20 personal knowledge, each and every DISTRIBUTION, throughout the world, of the
21 MUSICAL COMPOSITION, TAKE A DIVE (DANCE VERSION), including
22 FACTS concerning when, where, by what means, by whom, and to whom the work
23 was distributed.

24 **ANSWER:** Objection. Plaintiff objects to Interrogatory No. 20 because
25 it is vague, overly broad and unduly burdensome. Without waiving his
26 objection, from around 1999 through 2006, Plaintiff submitted hundreds
27 of demo cd's and tapes, all of which included "Take a Dive (Dance
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ANSWER: See answer and objections to Interrogatory No. 21 and 22.
Investigation continues.

INTERROGATORY NO. 25: If other adaptations exist beyond TAKE A DIVE (DANCE VERSION) of the MUSICAL COMPOSITION entitled TAKE A DIVE that YOU claim were created prior to 2009 and YOU claim are relevant to this lawsuit, please list all such adaptations.

ANSWER: Objection. Plaintiff objects to Interrogatory No. 25 because it is vague and overly broad. Without waiving his objection, Plaintiff states that there were multiple derivative versions of “Take a Dive” that were included on Plaintiffs’ demo cds and tapes, including several where the guitar twang sequence was soloed out as the introduction of the song. Plaintiff also states that the MUSICAL COMPOSITION is based at least in part, on Plaintiff’s song copyrighted songs “Faith” and “Faith Re-mix.” Investigation continues.

Dated: November 7, 2011

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By: 
Attorneys for Plaintiff Bryan Pringle

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VERIFICATION

I, Bryan Pringle, state that I have knowledge of the foregoing events, and that the answers made to Defendant Ferguson's First Set of Interrogatories are true and correct.

I declare the foregoing to be true under penalty of perjury.

Bryan Pringle 

November 4, 2011.

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3 **PROOF OF SERVICE**
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5 I am employed in the County of Cook, State of Illinois. I am over the age of
6 18 and not a party to the within action. My business address is 225 West
7 Washington Street, Suite 2600, Chicago, Illinois 60606.

8 On this date, I served the foregoing **PLAINTIFF'S AMENDED RESPONSE**
9 **TO DEFENDANT STACY FERGUSON'S FIRST SET OF**
10 **INTERROGATORIES** on all interested parties in this action listed on the attached
11 Service List as follows:

12 (BY MAIL) - I am "readily familiar" with the firm's practice of
13 collection and processing correspondence for mailing. Under that practice it would
14 be deposited with the U.S. Postal Service on the same day with postage thereon fully
15 prepaid at Chicago, Illinois in the ordinary course of business. I am aware that on
16 motion of the party served, service is presumed invalid if postal cancellation date or
17 postage meter date is more than one day after date of deposit for mailing on affidavit.

18 (BY FACSIMILE) - By transmitting a true copy thereof by facsimile
19 from facsimile number 312.460-4201 to the facsimile number(s) shown on the
20 attached Service List, for which electronic confirmation was received from the
21 facsimile machine that said document was successfully transmitted without error.

22 (BY OVERNIGHT DELIVERY) - By depositing the above
23 document(s) in a box or other facility regularly maintained by FedEx in an envelope
24 or package designated by FedEx with delivery fees paid.

25 (BY EMAIL) - By causing a true copy of the document(s) to be served
26 by electronic mail transmission at the time shown on each transmission, to each
27 interested party at the email address shown on the attached Service List. Each
28 transmission was reported as complete and without error.

(State) I declare under penalty of perjury under the laws of the state of
California that the foregoing is true and correct.

(Federal) I declare under penalty of perjury under the laws of the United
States that the foregoing is true and correct.

Executed on November 7, 2011, at Chicago, Illinois.



Irina V. Frye

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Service List
Bryan Pringle v. William Adams, Jr. et al.
Case Number: 8:10-cv-01656-JST –RZ

Counsel for Defendants: William Adams, Jr., Allan Pineda, Jaime Gomez, Will.I.Am Music, LLC, Jeepney Music, Inc., Tab Magnetic Publishing, Cherry River Music Co., EMI April Music, Inc., and Headphone Junkie Publishing, LLC

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