

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

COPY

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BRYAN PRINGLE, an individual,
Plaintiff,

vs.

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

Defendants.

Case No. SACV 10-1656 JST (RZx)

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* * * HIGHLY CONFIDENTIAL * * *

140 East 45th Street
New York, New York

June 23, 2011
10:16 a.m.

Highly Confidential Videotaped
Deposition of FREDERIC RIESTERER, held
at the offices of Storch, Amini & Munves,
PC, pursuant to notice, before Jennifer
Ocampo-Guzman, a Notary Public of the State
of New York.

1 RIESTERER - HIGHLY CONFIDENTIAL

2 Q. What's the name?

3 A. "Do You Want Love, You Get

4 Melancholy."

5 Q. That's the name of the song or are

6 you --

7 A. Yes.

8 Q. Okay.

9 A. I build myself with this.

10 THE VIDEOGRAPHER: Counsel, you're

11 covering the microphone.

12 MR. VERNON: Sorry.

13 Q. On your website you mention names

14 like Laurent Garnier, Joachim Garraud, who

15 are these two individuals?

16 MR. DICKSTEIN: Objection, form,

17 foundation.

18 MR. PINK: Join.

19 A. These two people? They are other

20 ones.

21 Q. They are other composers?

22 A. Could you repeat your question,

23 excuse me?

24 Q. Who is Laurent Garnier?

25 A. Laurent Garnier is a French DJ.

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2 Q. And who is Joachim Garraud?

3 A. Joachim. Joachim, a French DJ.

4 (In English) in English a French

5 DJ.

6 Q. Do you know these two people?

7 A. Yes, I know Joachim Garraud better.

8 Q. When did you first meet Joachim

9 Garraud?

10 A. In 1989.

11 Q. And you said Joachim is a French

12 DJ?

13 MR. DICKSTEIN: Objection, asked

14 and answered.

15 A. Yes.

16 Q. How did you meet him?

17 A. We were working together in Paris.

18 Q. You were working together where?

19 A. In a radio station.

20 Q. What was your job at the radio

21 station?

22 A. I was a DJ.

23 Q. When you say DJ, what do you mean?

24 What did you do at the radio station?

25 MR. DICKSTEIN: Objection, form.

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2 the guitar, each note of the guitar was
3 sampled note by note, which allows me,
4 because when I'm not very good at, I don't
5 have much facility with guitar to play like
6 this and not like that.

7 THE WITNESS: Like that.

8 A. Like this and not like that.

9 MS. CENAR: Let the record reflect
10 the witness was indicating.

11 MR. PINK: Just to complete that
12 thought the witness was indicating that
13 he was playing on a piano and not on an
14 acoustic guitar. Or electric.

15 MR. VERNON: I knew air guitar
16 would come out at some point today.

17 THE WITNESS: But I say that in my
18 statement.

19 Q. And if I understand you correctly,
20 you're saying that in the Plugsound box each
21 of the separate notes that you used in the
22 guitar twang sequence came from that
23 Plugsound box?

24 MR. DICKSTEIN: Objection,
25 foundation as to what you mean by each

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2 note.

3 MR. PINK: I'll join.

4 A. Once again, once again, I'm going
5 to repeat because I know it's a little
6 complicated and I will repeat.

7 This guitar that one plays on a
8 keyboard, these are the real, the true sounds
9 of a guitar. I could have sampled myself
10 each note of my guitar, but Plugsound does it
11 for me.

12 Q. And then did you take the sounds
13 from Plugsound and did you play each note,
14 each cord?

15 A. Yes.

16 Q. So I understand, are you saying
17 that you composed the sequence of notes using
18 the individual sounds from the plug box?

19 MR. PINK: I'll just put in an
20 objection as to form.

21 A. Yes.

22 Q. I'm going to show you a copy of
23 your declaration that we've marked as
24 Exhibit 5.

25 (Exhibit Riesterer Dep 5,

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2 MR. DICKSTEIN: Did you translate
3 everything he said?

4 THE INTERPRETER: No, sorry.

5 MR. DICKSTEIN: Please.

6 A. Well, it's a sound, as I said
7 earlier, it's a sound that came from
8 Plugsound that I used as a gimmick on the
9 guitar for "I Got a Feeling."

10 Q. And when you say it's a sound that
11 you used from Plugsound, you're referring to
12 the individual notes that you got from
13 Plugsound, correct?

14 MR. DICKSTEIN: Objection, form,
15 confusing.

16 MR. PINK: Join.

17 A. You use a sound from the software
18 Plugsound whose volume is indicated here,
19 volume 2, fretted instruments and you use the
20 preset, which is a Strat with a SM57 Crunchy.
21 When you select that preset, you obtain the
22 sound of that guitar on your keyboard.

23 Q. And then once you have that sound
24 of that guitar, you then compose the
25 sequence, correct?

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2 A. Yes, I compose the sequence. I can
3 play any kind of piece with that, with that
4 sound.

5 Q. So the guitar twang sequence then
6 was not in the Plugsound sound box, was it?

7 MR. PINK: Objection as to form.

8 MR. DICKSTEIN: Same objection.

9 A. No, when you go to Plugsound system
10 you have the preset, which is called Strat
11 with a SM57 Crunchy, the guitar twang, it's
12 the gimmick.

13 Q. And then you take that gimmick and
14 prepare the sequence?

15 A. No, no, no, no.

16 MR. DICKSTEIN: Objection to form.

17 A. Not that too. Not that too. I
18 create the gimmick. The gimmick doesn't
19 exist in the Plugsound.

20 Q. So it is not correct then to say
21 that the musical sequence was recorded by
22 Univers Sons in February 2001, is it?

23 THE INTERPRETER: It's a little
24 long for the interpreter.

25 MR. DICKSTEIN: Ask him to go step

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2 by step.

3 A. If you think that a gimmick of "I
4 Got a Feeling" is entirely in the Plugsound,
5 no, it's not that. But the guitar sound,
6 yes, the guitar sound that I used to play is
7 in the Plugsound, and it's referred under the
8 application Strat.

9 MS. CENAR: And just for the
10 record, I want to note a rule of
11 completeness, that the entire
12 declaration should be read in context
13 with this line of questioning. And I
14 would like to preserve that objection so
15 that I don't interrupt on every question
16 with respect to every question.

17 Q. So it says here in your
18 declaration, Mr. Riesterer, that that musical
19 sequence was recorded by Univers Sons in
20 February 2001. That is not a correct
21 statement, is it?

22 MR. PINK: Objection as to form.

23 MR. DICKSTEIN: Same objection.

24 A. No, that I'm lost there. I don't
25 get it any more. I don't understand what

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, Jennifer Ocampo-Guzman, CSR, CLR,
and a Notary Public within and for the State of
New York, do hereby certify:

That FREDERIC RIESTERER, the witness
whose deposition is hereinbefore set forth, was
duly sworn, through the interpreter, and that
such deposition is a true record of the testimony
given by the witness.

I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of June 2011.



JENNIFER OCAMPO-GUZMAN

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Hon. Josephine Staton Tucker
Courtroom 10A

**ERRATA SHEET FOR
DEPOSITION OF FREDERIC
RIESTERER, JUNE 23, 2011**

Complaint Filed: October 28, 2010
Trial Date: February 28, 2012

Page No.	Line No.	Currently Reads	Should Read	Reason for Correction
19	6	and Mr. CarrT	and Mr. Carre	error in transcription
19	20	I'm not a specialist in flow	I'm not a specialist in the law	error in transcription
43	7	The prices?	The prizes?	error in transcription
67	5	Vary things.	Various things.	error in transcription
68	12	Champs-Elys Tes	Champs-Elysees	error in transcription
70	24	music, to edit my songs	music, to publish my songs	error in translation
109	13	the person was not interested	the person was interested	clarification
113	7	You mean hit music	You mean his music	error in transcription
114	12	Fred Rister	Fred Riesterer	error in transcription
131	19	These are songs that one can play.	These are sounds that one can play.	error in transcription
134	25	It is Elana	It is Alain	error in transcription
135	2	Charles	Etchart	error in transcription
137	9	sessions that are founded	sessions that are found	error in transcription
145	19	Mr. Carr+	Mr. Carre	error in transcription
153	3-6	If Mr. Piot gets some royalties for Rister Editions, his percentage is computing upon the amount that he brings back to Rister Editions.	If Mr. Piot arranges for Rister Editions to receive royalties, his percentage is computed upon the amount of those royalties.	clarification
153	15	Mr. Carr+	Mr. Carre	error in transcription

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			oral questions and is not to test certain musical abilities.	
171	15	things that I haven't done	things that I've been accused of that I haven't done	clarification
180	18	create the gimmick	created the gimmick	error in transcription
181	6	yes, the guitar sound that I used to play is	yes, the guitar sound that I used to play the gimmick is	clarification
193	21-22	Everything became Intel.	Everything later became Intel.	clarification
198	5	we did wow, wow, it's magic.	we said wow, wow, it's magic.	error in translation



Frederic Riesterer

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